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सं. 26] नई दिल्ली, जुलाई 6—जुलाई 12, 2025, शनिवार/ आषाढ़ 15—आषाढ़ 21, 1947
No. 26] NEW DELHI, JULY 6— JULY 12, 2025, SATURDAY/ASHADHA 15—ASHADHA 21, 1947

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

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

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

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 24 जून, 2025

का.आ. 1233.—केन्द्रीय सरकार, एतद्वारा, श्री पंकज द्विवेदी को पंजाब एंड सिंध बैंक में महाप्रबंधक के उनके पूर्वधारित पद पर प्रत्यावर्तित करते हुए वित्तीय सेवाएं विभाग की दिनांक 27.3.2024 की अधिसूचना संख्या 4/3/2023-बीओ-1 के माध्यम से यूनियन बैंक आफ इंडिया में कार्यपालक निदेशक के पद पर उनकी नियुक्ति को तत्काल प्रभाव से निरस्त करती है।

[ई फा. सं. 12/4/2024-बीओ-1]

संजय कुमार मिश्र, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 24th June, 2025

S.O. 1233.—The Central Government hereby cancels the appointment of Shri Pankaj Dwivedi as Executive Director, Union Bank of India, made *vide* Department of Financial Services' notification no 4/3/2023-BO.I dated 27.03.2024, with immediate effect, by reverting him to his previous post, *i.e.*, General Manager in Punjab & Sind Bank.

[eF. No. 12/4/2024-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 27 जून, 2025

का.आ. 1234.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की दिनांक 5.8.2024 की अधिसूचना संख्या 6/3/2011-बीओ-I में, जिसमें अन्य बातों के साथ-साथ, बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (ग) के तहत केनरा बैंक के बोर्ड में निदेशक नामित किया गया था, उसमें "रोहित दास" के नाम को "रोहित पी. दास" पढ़ा जाए।

[ई फा.सं. 6/3/2011-बीओ-I]

संजय कुमार मिश्र, अवर सचिव

CORRIGENDUM

New Delhi, the 27th June, 2025

S.O. 1234.—In the notification number 6/3/2011-BO.I, dated 05.08.2024, of the Government of India, Ministry of Finance, Department of Financial Services, nominating Director, *inter alia*, on the Board of the Canara Bank, under clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the name "Rohit Das" may be read as "Rohit P. Das".

[eF. No. 6/3/2011-BO-I]

SANJAY KUMAR MISHRA, Under Secy.

(राजस्व विभाग)

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1235.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड के अधीन निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक अधिकारियों एवं कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:

1. आयुक्त सीमा शुल्क (निर्यात) का कार्यालय, मुंबई, अंचल-I

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

प्रीति सेलारे, उप निदेशक (रा.भा.)

New Delhi, the 4th July, 2025

S.O. 1235.— In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following office under Central Board of Indirect Taxes and Customs, Department of Revenue, where more than 80% staff has acquired the working knowledge of Hindi:

1. Office of the Commissioner of Customs (Export), Mumbai, Zone-I

[F.No. E-11017/3/2017- Hindi-2-Notification]

PREETI SELLARE, Dy Director (OL)

विदेश मन्त्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1236.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारतीय उच्चायोग लिलोंग्वे मलावी में ओम प्रकाश, सहायक अनुभाग अधिकारी को दिनांक 03 जुलाई 2025 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी.4330/01/2025(33)]

नबा कुमार पाल, निदेशक (सीपीवी)

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

New Delhi, the 3rd July, 2025

S.O. 1236.—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 Sh. Om Prakash, Assistant Section Officer as Assistant Consular Officer in the High Commission of India, Lilongwe, Malawi to perform the consular services as Assistant Consular Officer with effect from July 03, 2025.

[F. No. T.4330/01/2025 (33)]

NABA KUMAR PAL, Director (CPV)

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

नई दिल्ली, 27 मई, 2025

का.आ. 1237.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तमिलनाडु राज्य सरकार की अधिसूचना सं. जी.ओ.(2डी) सं. 106, दिनांक 12.04.2025, गृह (पुलिस XV) विभाग के माध्यम से जारी सम्मति से श्री ए.अमीमास विंस्टन सेल्विन, पुत्र स्वर्गीय एम.अरोकियाम, तत्कालीन कार्यालय सहायक, संयुक्त निदेशक कॉलेजिएट शिक्षा (जेडीसीई) का कार्यालय, तिरुनेलवेली, निवासी, संख्या 1240, नारायण भवन, अरुणाचलपुरम, "ए" कॉलोनी, केटीसी नगर, तिरुनेलवेली, वर्तमान पता: प्लॉट संख्या 55, सिंथिया ग्रीन सिटी, मेलाकुलम रोड, तिरुनेलवेली-627351 के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का केन्द्रीय अधिनियम XLV) की धाराएं 420, 467, 468, 471 एवं 511 तथा भारतीय न्याय संहिता 2023 (2023 का केन्द्रीय अधिनियम 45) की धाराएं 318(4), 338, 336(3), 340(2) और 62 तथा सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का केन्द्रीय अधिनियम 21) की धारा 66 के तहत कारित अपराधों तथा इस मामले के अन्वेषण के दौरान उन्हीं तथ्यों से उत्पन्न कृत किन्हीं अन्य अपराधों के लिए मामला पंजीकृत करने हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तमिलनाडु राज्य में करती है।

[फा. सं. 228/33/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

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

New Delhi, the 27th May, 2025

S.O. 1237.—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 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu issued vide Notification No.G.O.(2D)No.106, dated 12.04.2025 Home (Police XV) Department, hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment in the whole of the State of Tamil Nadu for registration of a case against Shri A.Amimas Winston Selvin, S/o Late M.Arockiam, the then Office Assistant, Office of the Joint Director of Collegiate Education (JDCE), Tirunelveli, R/o No. 1240, Narayana Bhavan, Arunachalapuram, “A” Colony, KTC Nagar, Tirunelveli, Present address: Plot No.55, Sinthiya Green City, Melakulam Road, Tirunelveli-627351, under sections 420, 467, 468, 471 and 511 of the Indian Penal Code, 1860 (Central Act XLV of 1860) and sections 318(4), 338, 336(3), 340(2) and 62 of the Bharatiya Nyaya Sanhita 2023 (Central Act of 45 of 2023) and Section 66 of the Information Technology Act, 2000 (Central Act 21 of 2000) and any other offences committed arising out of the same fact during the course of investigation, in regard to this case.

[F. No. 228/33/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 28 मई, 2025

का.आ. 1238.—केन्द्रीय सरकार एतद द्वारा 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 10.03.2025 के पत्र संख्या. 94/सीओ-3/2025 द्वारा किए गए अनुरोध पर, झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-408/2025-1942/रांची, दिनांक 22.03.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारीसम्मति से श्री मनीष सेन, उप-मंडलीय निरीक्षक, पूर्वी दुमका उप-मंडल डाकघर दुमका के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (यथासंशोधित 2018) की धारा 7 के अंतर्गत दंडनीय अपराधों के संबंध में दिनांक 23.03.2025 को पंजीकृत मामला आरसी 03(ए)/2025-डी तथा ऐसे एक या उससे अधिक अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाले किसी अन्य अपराध का पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 23.03.2025 से कार्योत्तर प्रभाव से) समस्त झारखंड राज्य में करती है।

[फा. सं. 228/31/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 28th May, 2025

S.O. 1238.—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.-408/2025-1942/Ranchi, dated 22.03.2025, Home, Prisons and Disaster Management Department upon request made via letter number 94/CO-3/2025 dated 10.03.2025 of Head of Branch, CBI, ACB, Dhanbad, hereby extends the powers and jurisdiction to the members of Delhi Special Police Establishment in the whole state of Jharkhand (ex post facto w.e.f. 23.03.2025) for registration and investigation in RC 03(A)/2025-D registered on 23.03.2025 against Shri Manish Sen, Sub-Divisional Inspector, East Dumka Sub-Division Post Office Dumka for the offences 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, including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and /or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/31/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 28 मई, 2025

का.आ. 1239.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य सरकार की अधिसूचना सं. जी.ओ.(2डी).सं.118, दिनांक 24.04.2025 गृह (नागरिकता) विभाग के माध्यम से जारी सम्मति से निम्नलिखित व्यक्तियों और कंपनी के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का केन्द्रीय अधिनियम XLV) की धारा 120 बी सपठित धारा 420, 468, 477-ए तथा 406 और भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केन्द्रीय अधिनियम 49) (2018 में यथासंशोधित) के अंतर्गत एक मामले का पंजीकरण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तमिल नाडु में करती है:-

- i. श्री वी. रामकृष्णन, तत्कालीन मुख्य अभियंता (सिविल), सीपीडब्ल्यूडी, चेन्नई (दिनांक 30.11.2010 को सेवानिवृत्त);
- ii. श्री पी.पी. श्रीनिवासन, तत्कालीन अधीक्षण अभियंता, चेन्नई सर्कल-II, सीपीडब्ल्यूडी, चेन्नई (दिनांक 31.08.2016 को अपर महानिदेशक के तौर पर सेवानिवृत्त);
- iii. श्री कन्नन सुंदरेसन, तत्कालीन कार्यपालक अभियंता, चेन्नई सर्कल-I, सीपीडब्ल्यूडी, चेन्नई (दिनांक 31.05.2015 को अधीक्षण अभियंता के तौर पर सेवानिवृत्त);
- iv. श्री टी. चिदम्बरम, तत्कालीन कार्यकारी अभियंता, चेन्नई सेंट्रल डिवीजन-III, सीपीडब्ल्यूडी, चेन्नई (दिनांक 31.10.2017 से कार्यपालक अभियंता के तौर पर सेवानिवृत्त);
- v. श्री वीराबदरन सुरेसन, तत्कालीन सहायक अभियंता, (सिविल), सीपीडब्ल्यूडी, चेन्नई (दिनांक 31.05.2019 को अधीक्षण अभियंता के तौर पर सेवानिवृत्त);
- vi. श्री डी. सुब्रमण्यम, तत्कालीन कनिष्ठ अभियंता (सिविल), चेन्नई सेंट्रल डिवीजन-I एवं III, सीपीडब्ल्यूडी, चेन्नई (वर्तमान में सहायक अभियंता, क्षेत्रीय कार्यालय, सीपीडब्ल्यूडी, चेन्नई के तौर पर कार्यरत);
- vii. श्री टी.जे. शंकर, कंपनी के प्रबंध निदेशक द्वारा प्रतिनिधित्व वाली मेसर्स क्वालटेक इंजीनीयर्स प्राइवेट लिमिटेड, सं.150, तिलक स्ट्रीट, पन्नीर नगर, मोगप्पाइर वेस्ट, चेन्नई-600037 (गैर-सीपीडब्ल्यूडी ठेकेदार/संविदाकार); और
- viii. सीपीडब्ल्यूडी के अज्ञात लोक सेवक(कों), यदि कोई हो।

[फा. सं. 228/34/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 28th May, 2025

S.O. 1239.—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 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu, issued vide Notification No.G.O.(2D).No.118, dated 24.04.2025 Home (Citizenship) Department, hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment in the whole of the State of Tamil Nadu for registration of a case against the following persons and company under section 120 B read with sections 420, 468, 477-A and 406 of the Indian Penal Code, 1860 (Central Act XLV of 1860) and section 13(2) read with section 13(1)(a) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) (as amended in 2018):-

- (i) Shri V. Ramakrishnan, the then Chief Engineer (Civil), CPWD, Chennai (since retired with effect from 30.11.2010);
- (ii) Shri P.P.Srinivasan, the then Superintending Engineer, Chennai Circle-II, CPWD, Chennai (since retired as Additional DG with effect from 31.08.2016);

- (iii) Shri Kannan Sundaresan, the then Executive Engineer, Chennai Circle-I, CPWD, Chennai, (since retired as Superintending Engineer with effect from 31.05.2015);
- (iv) Shri T.Chidambaram, the then Executive Engineer, Chennai Central Division-III, CPWD, Chennai (since retired as Executive Engineer with effect from 31.10.2017);
- (v) Shri Veerabadran Suresan, the then Assistant Engineer, (Civil), CPWD, Chennai (since retired as Superintending Engineer with effect from 31.05.2019);
- (vi) Shri D.Subramaniam, the then Junior Engineer (Civil), Chennai Central Division-I and III, CPWD, Chennai (now working as Assistant Engineer, Regional office, CPWD, Chennai);
- (vii) M/s. Qualtech Engineers Private Limited, No.150, Tilak Street, Panneer Nagar, Mogappair West, Chennai-600037 (non-CPWD contractor) represented by Shri T.J.Shankar, Managing Director of the company; and
- (viii) unknown public servant(s) of CPWD, if any.

[F. No. 228/34/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 28 मई, 2025

का.आ. 1240.—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, पुलिस उपमहानिरीक्षक/शाखा प्रमुख, सीबीआई, एसीबी, रांची के दिनांक 27.03.2025 के पत्र संख्या 333/सीओ-05/2025-आर द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-414/2025-2469/रांची, दिनांक 23.04.2025, गृह, कारागार और आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से, निम्नलिखित संदिग्ध व्यक्तियों:-

- i. मेसर्स राजेश्वरी आयरन एंड स्टील कंपनी प्राइवेट लिमिटेड जिसका पंजीकृत कार्यालय 71, कैनिंग स्ट्रीट, 5^{वां} तल, कमरा सं.-512ए, कोलकाता, पश्चिम बंगाल, भारत और कार्पोरेट कार्यालय आनंदमणी अपार्टमेंट, 4^{था} तल, फ्लैट नं. 401ए, जे.सी. रोड, लालपुर, रांची-1 है।
- ii. श्री सुमित केजरीवाल, सुपुत्र श्री अशोक कुमार केजरीवाल, निदेशक/गारंटर, मेसर्स राजेश्वरी आयरन एंड स्टील कंपनी प्राइवेट लिमिटेड, निवासी 28, न्यू रोड, गणेश कोर्ट, 5वां तल, अलिपुर, कोलकाता-700027
- iii. श्रीमती आशा केजरीवाल, पत्नी श्री अशोक कुमार केजरीवाल, निदेशक/गारंटर, मेसर्स राजेश्वरी आयरन एंड स्टील कंपनी प्राइवेट लिमिटेड।
- iv. श्री नवीन राजगरिया, सुपुत्र श्री चंपक प्रसाद राजगरिया, निदेशक/गारंटर, मेसर्स राजेश्वरी आयरन एंड स्टील कंपनी प्राइवेट लिमिटेड, निवासी 243, सीआर एवेन्यू, कोलकाता-700006
- v. श्री अमित केजरीवाल, सुपुत्र श्री अशोक कुमार केजरीवाल, गारंटर, मेसर्स राजेश्वरी आयरन एंड स्टील कंपनी प्राइवेट लिमिटेड, निवासी 28, न्यू रोड, गणेश कोर्ट, 5वां तल, अलिपुर, कोलकाता-700027
- vi. अज्ञात लोक सेवक(कों)/गैर-सरकारी व्यक्ति(यों)

के विरुद्ध भारतीय दंड संहिता की धारा 120ख, सपठित धाराएँ 420, 467, 468 और 471 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में संशोधन के पूर्व) की धारा 13(2) सपठित धारा 13(1)(घ) के तहत कारित अपराधों साथ ही इस मामले के अन्वेषण के दौरान प्रकाश में आए किन्हीं अन्य अपराध(धों) एवं ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) के लिए नियमित मामला दर्ज करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार झारखंड राज्य में करती है।

[फा. सं. 228/35/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 28th May, 2025

S.O. 1240.—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.-414/2025-2469/Ranchi, Dated 23.04.2025, Home, Prisons and Disaster Management Department upon request made vide letter No.-333/CO-05/2025-R, dated 27.03.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the powers and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand for registration of regular case against the following suspect persons:-

- (i) M/s Rajeshwari Iron and Steel Co. Private Limited having registered office at 71, Canning Street, 5th Floor, Room No.- 512A, Kolkata, West Bengal, India & Corporate office at Anandmani Apartment, 4th Floor, Flat No.-401A, J. C. Road, Lalpur, Ranchi-1.
- (ii) Shri Sumit Kejriwal, S/o Ashok Kumar Kejriwal, Director/Guarantor of M/s Rajeshwari Iron and Steel Co. Pvt. Limited, R/o 28, New Road, Ganesh Court, 5th Floor, Alipore, Kolkata-700027.
- (iii) Mrs. Aasha Kejriwal W/o Ashok Kumar Kejriwal, Director/Guarantor of M/s Rajeshwari Iron and Steel Co. Pvt. Limited.
- (iv) Shri Navin Rajgaria, S/o Champak Prasad Rajgaria, Director/Guarantor of M/s Rajeshwari Iron and Steel Co. Pvt. Limited, R/o 243, CR Avenue, Kolkata-700006.
- (v) Shri Amit Kejriwal, S/o Ashok Kumar Kejriwal, Guarantor of M/s Rajeshwari Iron and Steel Co. Pvt. Limited, R/o 28, New Road, Ganesh Court, 5th Floor, Alipore, Kolkata-700027.
- (vi) Unknown public servant(s)/ private person (s).

for committing offences u/s 120B r/w 420, 467, 468 and 471 of IPC and sec. 13(2) r/w 13(1)(d) of PC Act, 1988 (before the amendment in 2018) and any other offence(s) that may come into light during investigation of case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/35/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 28 मई, 2025

का.आ. 1241.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ. एमएस.सं.62, दिनांक 08.05.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, हैदराबाद द्वारा प्राप्त स्रोत सूचना पर श्री मांडा अशोक, गैर-सरकारी व्यक्ति, भारतीय स्टेट बैंक के अज्ञात लोक सेवकों, अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध अधिसूचित धाराओं के अंतर्गत सीबीआई द्वारा जाँच/अन्वेषण किए जाने, अन्य संचयी अपराधों व जाँच/अन्वेषण के दौरान प्रकाश में आए किन्हीं अन्य अपराध(धों) के जाँच/अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/36/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 28th May, 2025

S.O. 1241.—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 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No.G.O.Ms.No.62 dated 08.05.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Telangana for conducting Enquiry/Investigation on a source information received by CBI, ACB, Hyderabad against Shri Manda Ashok, Private Person, unknown public servants of State Bank of India and unknown private persons under sections notified for investigation by CBI, other cumulative offences and any other offence(s) that may come to light during Enquiry/Investigation.

[F. No. 228/36/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 30 मई, 2025

का.आ. 1242.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तमिलनाडु राज्य सरकार की अधिसूचना सं. जी.ओ.(2डी). सं. 119, दिनांक 24.04.2025 गृह (नागरिकता) विभागके माध्यम से जारी सम्मति से (1) श्री के. पवलाबालन, साझेदार, मैसर्स मोनिका कॉ प्रॉडक्ट्स, (2) श्रीमती के. राधा, साझेदार, मैसर्स मोनिका कॉ प्रॉडक्ट्स, (3) मैसर्स मोनिका कॉ प्रॉडक्ट्स, (4) श्री आर.मलाईवेल सुगुमारन, बैंक ऑफ बड़ौदा के पैनल मूल्यांकक और (5) श्री सी. रमेश, बैंक ऑफ बड़ौदा के पैनल अधिवक्ता तथा बैंक ऑफ बड़ौदा के अज्ञात अधिकारियों के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का केंद्रीय अधिनियम XLV) की धारा 120बी सपठित धारा 420, 468 और 471 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केंद्रीय अधिनियम 49) (2018 में यथा संशोधित) की धारा 13(2) सपठित धारा 13(1)(क) के अंतर्गत मामले का पंजीकरण करने हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तमिलनाडु राज्य में करती है।

[फा. सं. 228/38/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 30th May, 2025

S.O. 1242.—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 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu issued vide Notification No. G.O.(2D).No.119, dated 24.04.2025 Home (Citizenship) Department, hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment in the whole of the State of Tamil Nadu for registration of a case against (1) Shri K.Pavalabalan, Partner, Messrs Monica Co Products, (2) Mrs. K.Radha, Partner, Messrs Monica Co Products, (3) Messrs Monica Co Products, (4) Shri. R.MalaivelSugumaran, Panel Valuer of Bank of Baroda and (5) Shri C.Ramesh, Panel Advocate of Bank of Baroda and unknown Bank officials of Bank of Baroda under section 120 B read with sections 420, 468 and 471 of the Indian Penal Code, 1860 (Central Act XLV of 1860) and under section 13(2) read with section 13(1)(a) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) (as amended in 2018).

[F. No. 228/38/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जून, 2025

का.आ. 1243.—केंद्रीय 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 पंजाब राज्य सरकार के पत्र ज्ञापन सं.: गृह-एचएम-40विविध/25/2024-4एच4/II/1090133/2025, दिनांक 05.05.2025, गृह विभाग (गृह-4 शाखा) के माध्यम से जारी सम्मति से श्री अशोक कुमार, तकनीकी सहायक, एफसीआई-एनसीडीसी, बटाला, पंजाब के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथा संशोधित) की धारा 7 के तहत दण्डनीय अपराधों के लिए दिनांक 05.05.2025 को पंजीकृत आरसी0052025ए0010 में मामलों का पंजीयन और अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 05.05.2025 से) पंजाब राज्य में करती है।

[फा. सं. 228/39/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 2nd June, 2025

S.O. 1243.—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 No. XXV of 1946), the Central Government with the consent of the State Government of Punjab issued by letter Memo No.: HOME-HM-40MISC/25/2024-4H4/II/1090133/2025, dated 05.05.2025, Department of Home Affairs (Home-4 Branch), hereby extends the powers

and jurisdiction of the members of the Delhi Special Police Establishment in the State of Punjab (ex post factow.e.f.05.05.2025) for registration and investigation in RC0052025A0010 registered on 05.05.2025 against Shri Ashok Kumar, Technical Assistant, FCI-NCDC, Batala, Punjab for the offences punishable under section 7 of the PC Act, 1988 (as amended in 2018).

[F. No. 228/39/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जून, 2025

का.आ. 1244.—केंद्रीय 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 शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, रांची के दिनांक 17.04.2025 के पत्र संख्या 401/2025-आर, रांची द्वारा किए गए अनुरोध पर अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-415/2025-2848, रांची, दिनांक 09.05.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री राजेंद्र प्रसाद, सुरक्षा अधिकारी, सिरका कोलियरी, सीसीएल, रामगढ़ को भ्रष्टाचार निवारण अधिनियम 1988 (वर्ष 2018 में यथा संशोधित) की धारा 7 के अंतर्गत कारित अपराध और उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न एक या एक से अधिक अपराध(धों) सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाली किसी अन्य अपराध(धों) के संबंध में दिनांक 13.05.2025 को पंजीकृत आरसी 0242025A0005 में मामलों के पंजीकरण और अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से, दिनांक 13.05.2025 से) झारखंड राज्य में करती है।

[फा. सं. 228/42/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 2nd June, 2025

S.O. 1244.—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 Jharkhand, issued vide Notification Memo No.-10/C.B.I.-415/2025-2848, Ranchi, dated 09.05.2025, Home, Prisons and Disaster Management Department upon request made vide letter No.401/2025-R, Ranchi, dated 17.04.2025 of Head of Branch, CBI, ACB, Ranchi, hereby extends the power and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand (ex postfactow.e.f.13.05.2025) for registration and investigation in RC0242025A0005 registered on 13.05.2025 against Shri Rajendra Prasad, Safety Officer, Sirka Colliery, CCL, Ramgarh for committing offence u/s 7 of Prevention of Corruption Act, 1988 (as amended in 2018) and any other offence(s) that may come to light during investigation of this case including any attempt, abetment and conspiracy in relation or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/42/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 जून, 2025

का.आ. 1245.—केंद्रीय 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 पुलिस उपमहानिरीक्षक/शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, रांची के दिनांक 17.03.2025 के पत्र संख्या 284ए/सीबीआई, एसीबी, रांची द्वारा किए गए अनुरोध पर जारी अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-411/2025-2245/रांची, दिनांक 08.04.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री अयोध्या करमाली, सुरक्षा अधिकारी (खनन प्रबंधक), गिद्दी ए कोलियरी परियोजना, श्री मुकेश कुमार, लिपिक ग्रेड-II, गिद्दी ए कोलियरी परियोजना एवं श्री प्रकाश महली, कैट- I रेलीगंडा कोलियरी परियोजना, कोयला मंत्रालय के अधीन केंद्रीय कोलफील्ड लिमिटेड और अन्य अज्ञात लोक सेवकों और गैर-सरकारी व्यक्तियों के विरुद्ध भारतीय न्याय संहिता की धारा 61(2) सपठित भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथा संशोधित) की धारा 7, 7ए, 8, 11 और 12 के तहत कारित

अपराध और मामले के अन्वेषण के दौरान सामने आने वाले अन्य अपराध(धों) सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षडयंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध के लिए नियमित मामले का पंजीकरण करने के दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार झारखंड राज्य में करती है।

[फा. सं. 228/40/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th June, 2025

S.O. 1245.—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.-411/2025-2245/Ranchi, dated 08.04.2025, Home, Prisons and Disaster Management Department upon request made vide letter No.-284A/CBI, ACB, Ranchi, dated 17.03.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the powers and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand for registration of regular case against Sh. Ayodhya Karmali, Security Officer (Mining Manager), Giddi A Colliery Project, Sh. Mukesh Kumar, Clerk Grade-II, Giddi, A Colliery Project and Sh. Prakash Mahli, Cat-I Religara Colliery Project, Central Coalfield Limited under Ministry of Coal and other unknown Public servants and Private individuals for committing offences u/s 61(2) of Bharatiya Nyaya Sanhita r/w section 7, 7A, 8, 11 and 12 of Prevention of Corruption Act, 1988 (as amended in 2018) and other offence(s) that may come into light during investigation of the case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/40/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 जून, 2025

का.आ. 1246.—केंद्रीय 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 पुलिस उपमहानिरीक्षक/शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, रांची के दिनांक 11.03.2025 के पत्र संख्या 255/2025-आर द्वारा किए गए अनुरोध पर अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-409/2025-2053, रांची, दिनांक 26.03.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री रमेश यादव, बिल लिपिक, परियोजना अधिकारी, सयाल-डी कोलियरी, सीसीएल, रामगढ़ को भ्रष्टाचार निवारण अधिनियम 1988 (वर्ष 2018 में यथा संशोधित) की धारा 7 के अंतर्गत कारित अपराध और उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षडयंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न एक या एक से अधिक अपराध(धों) सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाली किसी अन्य अपराध(धों) के संबंध में दिनांक 09.05.2025 को पंजीकृत आरसी 0242025A0004 में मामलों का पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 09.05.2025 से) झारखंड राज्य में करती है।

[फा. सं. 228/44/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th June, 2025

S.O. 1246.—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 Jharkhand, issued vide Notification Memo No.-10/C.B.I.-409/2025-2053, Ranchi, dated 26.03.2025, Home, Prisons and Disaster Management Department upon request made vide letter number 255/2025-R dated 11.03.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the power and jurisdiction to

all the members of Delhi Special Police Establishment in the State of Jharkhand (ex post facto w.e.f. 09.05.2025) for registration and investigation in RC 0242025A0004 registered on 09.05.2025 against Shri Ramesh Yadav, Bill Clerk, O/o Project Officer, Sayal-D Colliery, CCL, Ramgarh for committing offence u/s 7 of Prevention of Corruption Act, 1988 (as amended in 2018) and any other offences that may come to light during investigation of this case including any attempt, abetment and conspiracy in relation or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/44/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 9 जून, 2025

का.आ. 1247.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस.सं.61, दिनांक 08.05.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, हैदराबाद द्वारा शिकायतकर्ता श्री शिवपाल सिंह, भारतीय वन सेवा, मुख्य सतर्कता अधिकारी, भेल, नई दिल्ली द्वारा दायर दिनांक 18.09.2023 की शिकायत में उल्लिखित आरोपों में (i) श्री जी. शिव नागेश्वर राव, पूर्व वरिष्ठ लेखा अधिकारी / उप प्रबंधक, भेल (BHEL); (ii) मेसर्स दुर्गा क्रेन सर्विसेज के मालिक; (iii) मेसर्स आर.के. पावर सिस्टम्स के मालिक; (iv) श्री मरकला सोमरेड्डी, गैर सरकारी व्यक्ति; (v) प्रबंध निदेशक, मेसर्स वासावी इलेक्ट्रो सिस्टम प्राइवेट लिमिटेड एवं अज्ञात लोक सेवकों, अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध अधिसूचित धाराओं के अंतर्गत सीबीआई द्वारा जाँच/अन्वेषण किए जाने, अन्य संचयी अपराधों व जाँच/अन्वेषण के दौरान प्रकाश में आए किन्हीं अन्य अपराध(धों) के जाँच/अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/37/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 9th June, 2025

S.O. 1247.—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 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No.G.O.Ms.No.61 dated 08.05.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the whole of the State of Telanganafor conducting Enquiry/Investigation into allegations mentioned in the complaint dated 18.09.2023 lodged by the complainant Shri Shiv Pal Singh, IFS, Chief Vigilance Officer, BHEL, New Delhi against (i) Shri G. Siva Nageswara Rao, former Sr. Accounts Officer/Dy. Manager of BHEL; (ii) The Proprietor, M/s Durga Crane Services; (iii) The Proprietor M/s R.K. Power Systems; (iv) Shri Markala Somerreddy, Private Person; (v) The Managing Director, M/s Vasavi Electro Systems Pvt. Limited and unknown public servants & unknown private persons under sections notified for investigation by CBI, other cumulative offences and any other offence(s) that may come to light during Enquiry/Investigation.

[F. No. 228/37/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 11 जून, 2025

का.आ. 1248.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ. एमएस.सं.60, दिनांक 08.05.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, हैदराबाद द्वारा प्राप्त स्रोत सूचना पर (i) श्री साहिल इनामदार, अपर आयुक्त, (ii) श्री एम. वी. शेषगिरी राव, अधीक्षक, (iii) श्री बाला ब्रह्मम, अधीक्षक, (iv) श्री बंदेला साईबाबा, निरीक्षक, (v)

श्री रावुला वरुण राज, कर सहायक, सभी जीएसटी आयुक्तालय, रंगा रेड्डी, अन्य अज्ञात लोक सेवकों और अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध अधिसूचित धाराओं के अंतर्गत सीबीआई द्वारा अन्वेषण किए जाने, अन्य संचयी अपराधों एवं प्रारंभिक जाँच/अन्वेषण के दौरान सामने आने वाले किन्हीं अन्य अपराध(धों) की प्रारंभिक जाँच/अन्वेषण संचालित करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/43/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 11th June, 2025

S.O. 1248.—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 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No.G.O.Ms.No.60 dated 08.05.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the whole of the State of Telangana for conducting preliminary Enquiry/Investigation of offence(s) on a source of information received by CBI, ACB, Hyderabad, against (i) Shri Sahil Namdar, Additional Commissioner, (ii) Shri M.V. Seshagiri Rao, Superintendent, (iii) Shri Bala Brahmam, Superintendent, (iv) Shri Bandela Saibaba, Inspector, (v) Shri Ravula Varun Raj, Tax Assistant all of GST Commissionerate, Ranga Reddy, other unknown public servants & unknown private persons under sections notified for investigation by CBI, other cumulative offences and any other offence(s) that may come to light during Preliminary Enquiry/ Investigation.

[F. No. 228/43/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 13 जून, 2025

का.आ. 1249.—केंद्रीय 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 पुलिस उप महानिरीक्षक/शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, रांची के दिनांक 20.03.2025 के पत्र संख्या 295/सीबीआई, एसीबी, रांची द्वारा किए गए अनुरोध पर अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-413/2025-2246/रांची, दिनांक 08.04.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री अनिल कुमार, सुरक्षा अधिकारी (खनन प्रबंधक), श्री दीपक कुमार, लिपिक, ग्रेड-III और श्री नरेश कुमार, सुरक्षा गार्ड, गिद्दी सी कोलियरी परियोजना, कोयला मंत्रालय के अधीन केन्द्रीय कोलफील्ड लिमिटेड तथा गैर-सरकारी व्यक्तियों नामतः अजय कुमार दास, मोहम्मद सद्दाम, इजराइल अंसारी, मोहम्मद तबरक एवं अरुण लाल के विरुद्ध भारतीय न्याय संहिता की धारा 61(2) सपठित भ्रष्टाचार निवारण अधिनियम 1988 (वर्ष 2018 में यथासंशोधित) की धारा 7, 7ए, 8, 11 एवं 12 के अंतर्गत कारित अपराध और उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न एक या एक से अधिक अपराधों सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाली किसी अन्य अपराध(धों) के संबंध में नियमित मामले का पंजीकरण करने के लिए दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार झारखंड राज्य में करती है।

[फा. सं. 228/41/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 13th June, 2025

S.O. 1249.—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.-413/2025-2246/Ranchi, dated 08.04.2025, Home, Prisons and Disaster Management Department upon request made vide letter No.-295/CBI, ACB, Ranchi, dated 20.03.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the powers and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand for registration of a regular case against Sh. Anil Kumar, Security Officer (Mining Manager), Sh. Deepak Kumar, Clerk Grade-III and Sh. Naresh Kumar, Security

Guard, Gididi C Collier Project, Central Coalfield Limited under Ministry of Coal and private individuals namely Ajay Kumar Das, Md. Saddam, Israel Ansari, Md. Tabarak and Arun Lal for committing offences u/s 61(2) of Bharatiya Nyaya Sanhita/w section 7, 7A, 8, 11 and 12 of Prevention of Corruption Act, 1988 (As amended in 2018) and other offence(s) that may come into light during investigation of the case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/41/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 19 जून, 2025

का.आ. 1250.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. 74, दिनांक 06.06.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से जवाहरनगर थाना, रचाकोंडा आयुक्तालय के सी.आर.सं. 418/2023 में पंजीकृत मामले को अन्वेषण के लिए केंद्रीय अन्वेषण ब्यूरो को स्थानांतरित करने हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार करती है।

[फा. सं. 228/45/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 19th June, 2025

S.O. 1250.—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 Telangana, issued vide Notification No.74, dated 06.06.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment for transfer of the case registered in Cr.No. 418/2023 of Jawaharnagar Police Station, Rachakonda Commissionerate to Central Bureau of Investigation for Investigation.

[F. No. 228/45/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1251.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एम.एस. सं. 75, दिनांक 10.06.2025, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से श्री ए.आर. राजा शेखर, सुपुत्र ए.डी. रामाचंद्र, कार्यालय अधीक्षक, वरिष्ठ डीपीओ/ओ/एससी प्रभाग, दक्षिण मध्य रेलवे, सिकंदराबाद का कार्यालय, उनकी पत्नी श्रीमती ए. नवनीता और अज्ञात गैर-सरकारी व्यक्तियों द्वारा 1,54,75,309/- रुपये की आय से अधिक संपत्ति रखने के आरोप में अन्वेषण का संचालन करने तथा श्री ए.आर. राजा शेखर सुपुत्र ए.डी. रामाचंद्र, कार्यालय अधीक्षक, वरिष्ठ डीपीओ/ओ/एससी प्रभाग, दक्षिण मध्य रेलवे, सिकंदराबाद का कार्यालय, उनकी पत्नी श्रीमती ए. नवनीता और अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित 13(1) (ड) और भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथासंशोधित) की धारा 13(2) सपठित 13(1) (ख), भारतीय दंड संहिता, 1860 की धारा 109, भारतीय न्याय संहिता, 2023 की संगत धारा 49 के अंतर्गत दंडनीय अपराधों तथा उक्त मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य कारित अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/47/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 2nd July, 2025

S.O. 1251.—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 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No.G.O.Ms.No.75 dated 10.06.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole state of Telangana for conducting investigation into the allegation of possession of disproportionate assets to the tune Rs.1,54,75,309/- by Sri A.R. Raja Sekhar S/o. A.D. Ramachander, Office Superintendent, O/o. Sr. DPO/O/SC Division, South Central Railway, Secunderabad, his wife Smt. A. Navaneetha and unknown private persons including investigation into any other offence that may come to light during the investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any offence committed in the course of such transaction or arising out of the same facts against Sri A.R. Raja Sekhar S/o. A.D. Ramachander, Office Superintendent, O/o. Sr. DPO/O/SC Division, South Central Railway, Secunderabad, his wife Smt. A. Navaneetha and unknown private persons for the offences punishable under section 13 (2) read with 13 (1) (e) of the Prevention of Corruption Act, 1988 & 13 (2) read with 13 (1) (b) of the Prevention of Corruption Act, 1988 (as amended in 2018), section 109 of Indian Penal Code, 1860, corresponding section 49 of Bharatiya Nyaya Sanhita, 2023 other cumulative offences and any other offence(s) on the basis of reliable information received.

[F. No. 228/47/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1252.—केन्द्रीय सरकार ने पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के उज्जैन जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती हैं।

अनुसूची

जिला: उज्जैन		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.3547(अ)दिनांक.26.08.2021	आलमपुर (उडाना)	उज्जैन
2.	का.आ.3547(अ)दिनांक.26.08.2021	सेवरखेडी	उज्जैन
3.	का.आ.3547(अ)दिनांक.26.08.2021	मतानाखुर्द	उज्जैन
4.	का.आ.3547(अ)दिनांक.26.08.2021	किठोदाराव	उज्जैन

	का.आ.4821(अ)दिनांक.10.10.2022		
5.	का.आ.3547(अ)दिनांक.26.08.2021 का.आ.5395(अ)दिनांक.20.12.2021	खजूरिया रेहवारी	उज्जैन
6.	का.आ.3547(अ)दिनांक.26.08.2021	चंदेसरी	उज्जैन
7.	का.आ.3547(अ)दिनांक.26.08.2021	चंदेसरा	उज्जैन
8.	का.आ. 3547(अ)दिनांक. 26.08.2021 का.आ.5395(अ)दिनांक.20.12.2021	मतानाकलां	उज्जैन
9.	का.आ.3547(अ)दिनांक.26.08.2021	जवासियाकुमार	उज्जैन
10.	का.आ.3547(अ)दिनांक.26.08.2021	केसोनी	उज्जैन
11.	का.आ.3547(अ)दिनांक.26.08.2021	सुरजनवासा	उज्जैन
12.	का.आ.3547(अ)दिनांक.26.08.2021	चकजयरामपुर	उज्जैन
13.	का.आ.3547(अ)दिनांक.26.08.2021	हरसोदन	उज्जैन
14.	का.आ.3547(अ)दिनांक.26.08.2021 का.आ.4821(अ)दिनांक.10.10.2022	मोरुखेडी	उज्जैन
15.	का.आ.3547(अ)दिनांक.26.08.2021 का.आ.5395(अ)दिनांक.20.12.2021	पिंगलेश्वर	उज्जैन
16.	का.आ.3547(अ)दिनांक.26.08.2021 का.आ.5395(अ)दिनांक.20.12.2021	जम्बूरा	उज्जैन
17.	का.आ.3547(अ)दिनांक.26.08.2021	बडोदिया भाण्ड	उज्जैन
18.	का.आ.3547(अ)दिनांक.26.08.2021	देवनखेडी	उज्जैन
19.	का.आ.3547(अ)दिनांक.26.08.2021	बकानिया	उज्जैन
20.	का.आ.2534(अ)दिनांक.18.06.2021	नज़रपुर (स्परलाईन)	घट्टिया
	का.आ.4821(अ)दिनांक.10.10.2022	नज़रपुर	घट्टिया
21.	का.आ.2534(अ)दिनांक.18.06.2021	उज्जैनिया (स्परलाईन)	घट्टिया
22.	का.आ.2534(अ)दिनांक.18.06.2021	भूतिया (स्परलाईन)	घट्टिया

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GASNew Delhi, the 3rd July, 2025

S.O. 1252.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification;

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Ujjain district in the state of Madhya Pradesh.

SCHEDULE

District: UJJAIN		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 3547 (E) Dated.26.08.2021	Aalampur (Udana)	Ujjain
2.	S.O. No. 3547 (E) Dated.26.08.2021	Sewarkhedi	Ujjain
3.	S.O. No. 3547 (E) Dated.26.08.2021	MatanaKhurd	Ujjain
4.	S.O. No. 3547 (E) Dated.26.08.2021 S.O. No.4821 (E) Dated.10.10.2022	Kithodarao	Ujjain
5.	S.O. No. 3547 (E) Dated.26.08.2021 S.O. No.5395 (E) Dated.20.12.2021	Khajuria Rehwari	Ujjain
6.	S.O. No. 3547 (E) Dated.26.08.2021	Chandesari	Ujjain
7.	S.O. No. 3547 (E) Dated.26.08.2021	Chandesara	Ujjain
8.	S.O. No. 3547 (E) Dated.26.08.2021 S.O. No.5395 (E) Dated.20.12.2021	Matanakalan	Ujjain
9.	S.O. No. 3547 (E) Dated.26.08.2021	Jawasiya Kumar	Ujjain
10.	S.O. No. 3547 (E) Dated.26.08.2021	Kesoni	Ujjain
11.	S.O. No. 3547 (E) Dated.26.08.2021	Surjanwasa	Ujjain
12.	S.O. No. 3547 (E) Dated.26.08.2021	Chakjai Rampur	Ujjain
13.	S.O. No. 3547 (E) Dated.26.08.2021	Harsodan	Ujjain
14.	S.O. No. 3547 (E) Dated.26.08.2021 S.O. No.4821 (E) Dated.10.10.2022	Morukhedi	Ujjain
15.	S.O. No. 3547 (E) Dated.26.08.2021 S.O. No.5395 (E) Dated.20.12.2021	Pingleshwar	Ujjain
16.	S.O. No. 3547 (E) Dated.26.08.2021 S.O. No.5395 (E) Dated.20.12.2021	Jambura	Ujjain
17.	S.O. No. 3547 (E) Dated.26.08.2021	Badodiya Bhand	Ujjain
18.	S.O. No. 3547 (E) Dated.26.08.2021	Dewankhedi	Ujjain
19.	S.O. No. 3547 (E) Dated.26.08.2021	Bakaniya	Ujjain
20.	S.O. No.2534 (E) Dated.18.06.2021	Nazarpur (Spurline)	Ghatiya
	S.O. No.4821 (E) Dated.10.10.2022	Nazarpur	Ghatiya
21.	S.O. No.2534 (E) Dated.18.06.2021	Ujjainiya (Spurline)	Ghatiya
22.	S.O. No.2534 (E) Dated.18.06.2021	Bhutiya (Spurline)	Ghatiya

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1253.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के विदिशा जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती है।

अनुसूची

जिला: विदिशा		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.1408(अ) दिनांक. 26.03.2021	गडरू	कुरवाई
2.	का.आ.1408(अ) दिनांक. 26.03.2021	विशनपुर	कुरवाई
3.	का.आ.1408(अ) दिनांक. 26.03.2021	छीतापुर	कुरवाई
4.	का.आ.1408(अ) दिनांक. 26.03.2021 का.आ.5767(अ) दिनांक. 07.12.2022	पीकलोन	कुरवाई
5.	का.आ.1408(अ) दिनांक. 26.03.2021	कोलुआ	कुरवाई
6.	का.आ.1408(अ) दिनांक. 26.03.2021	सडेरा	कुरवाई
7.	का.आ.1408(अ) दिनांक. 26.03.2021	गलफरा खेडी	कुरवाई
8.	का.आ.1408(अ) दिनांक. 26.03.2021	ईशाखेडी	कुरवाई
9.	का.आ.1408(अ) दिनांक. 26.03.2021	रूसिया	कुरवाई
10.	का.आ.1408(अ) दिनांक. 26.03.2021	मढिया	कुरवाई
11.	का.आ.1408(अ) दिनांक. 26.03.2021	भुगावली	कुरवाई
12.	का.आ.1408(अ) दिनांक. 26.03.2021 का.आ.1169(अ) दिनांक. 10.03.2023	वरेठी बरेठी	कुरवाई
13.	का.आ.1408(अ) दिनांक. 26.03.2021	कस्बा कुरवाई	कुरवाई
14.	का.आ.1408(अ) दिनांक. 26.03.2021	बुखारा	कुरवाई
15.	का.आ.1408(अ) दिनांक. 26.03.2021	जरगवां	कुरवाई
16.	का.आ.1408(अ) दिनांक. 26.03.2021	मिठौली	कुरवाई
17.	का.आ.1408(अ) दिनांक. 26.03.2021	लायरा	कुरवाई
18.	का.आ.1408(अ) दिनांक. 26.03.2021	करमोदिया	कुरवाई
19.	का.आ.1408(अ) दिनांक. 26.03.2021	अण्डेली	कुरवाई
20.	का.आ.1408(अ) दिनांक. 26.03.2021 का.आ.1169(अ) दिनांक. 10.03.2023	बासौदा	कुरवाई
21.	का.आ.1170(अ) दिनांक. 10.03.2023	खेमखेडी	कुरवाई
22.	का.आ.590(अ) दिनांक. 08.02.2021	रिनिया	नटेरन
23.	का.आ.590(अ) दिनांक. 08.02.2021 का.आ.1167(अ) दिनांक. 10.03.2023	सिरसी	नटेरन
24.	का.आ.590(अ) दिनांक. 08.02.2021 का.आ.1167(अ) दिनांक. 10.03.2023	सेऊ	नटेरन
25.	का.आ.590(अ) दिनांक. 08.02.2021	नटेरन	नटेरन
26.	का.आ.590(अ) दिनांक. 08.02.2021	मूडरी खिरनी	नटेरन
27.	का.आ.590(अ) दिनांक. 08.02.2021	खैराई	नटेरन
28.	का.आ.590(अ) दिनांक. 08.02.2021	बेलानारा	नटेरन
29.	का.आ.590(अ) दिनांक. 08.02.2021	घटभाही	नटेरन
30.	का.आ.590(अ) दिनांक. 08.02.2021	घिनोची	नटेरन
31.	का.आ.590(अ) दिनांक. 08.02.2021	सिलवाय खिजुरी	नटेरन
32.	का.आ.590(अ) दिनांक. 08.02.2021	दिघोनी	नटेरन
33.	का.आ.590(अ) दिनांक. 08.02.2021	खेजड़ा तिला	नटेरन
34.	का.आ.590(अ) दिनांक. 08.02.2021	जोहद	नटेरन
35.	का.आ.590(अ) दिनांक. 08.02.2021	गुरोद	नटेरन
36.	का.आ.590(अ) दिनांक. 08.02.2021	मरखेड़ा	नटेरन
37.	का.आ.590(अ) दिनांक. 08.02.2021	पायरी	नटेरन

38.	का.आ.590(अ) दिनांक. 08.02.2021	मोहनिया खेड़ी	नटेरन
39.	का.आ.590(अ) दिनांक. 08.02.2021	जोगी किरौदा	नटेरन
40.	का.आ.5396(अ) दिनांक. 20.12.2021	जरोद	बासोदा
41.	का.आ.5396(अ) दिनांक. 20.12.2021	अम्बानगर	बासोदा
	का.आ.1169(अ) दिनांक. 10.03.2023		गंजबासौदा
42.	का.आ.5396(अ) दिनांक. 20.12.2021	वीलाढाना	बासोदा
43.	का.आ.5396(अ) दिनांक. 20.12.2021	बकेना (वीरन)	बासोदा
44.	का.आ.5396(अ) दिनांक. 20.12.2021	मेहरा	बासोदा
45.	का.आ.5396(अ) दिनांक. 20.12.2021	चक मसूदपुर	बासोदा
46.	का.आ.5396(अ) दिनांक. 20.12.2021	मसूदपुर	बासोदा
47.	का.आ.588(अ) दिनांक. 08.02.2021	विछिया	शमशाबाद
48.	का.आ.588(अ) दिनांक. 08.02.2021	धोबी खेड़ा	शमशाबाद
49.	का.आ.588(अ) दिनांक. 08.02.2021	गोरिया खेड़ा	शमशाबाद
50.	का.आ.2947(अ) दिनांक. 30.06.2022	पीपलधार	शमशाबाद

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1253.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification;

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Vidisha district in the state of Madhya Pradesh.

SCHEDULE

District: VIDISHA		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 1408 (E) Dated.26.03.2021	Gadru	Kurwai
2.	S.O. No. 1408 (E) Dated.26.03.2021	Vishanpur	Kurwai
3.	S.O. No. 1408 (E) Dated.26.03.2021	Chhitapur	Kurwai
4.	S.O. No. 1408 (E) Dated.26.03.2021 S.O. No. 5767 (E) Dated.07.12.2022	Piklon	Kurwai
5.	S.O. No. 1408 (E) Dated.26.03.2021	Kolua	Kurwai
6.	S.O. No. 1408 (E) Dated.26.03.2021	Sadera	Kurwai
7.	S.O. No. 1408 (E) Dated.26.03.2021	Galfara Khedi	Kurwai
8.	S.O. No. 1408 (E) Dated.26.03.2021	Isakhedi	Kurwai
9.	S.O. No. 1408 (E) Dated.26.03.2021	Rusiya	Kurwai
10.	S.O. No. 1408 (E) Dated.26.03.2021	Madiya	Kurwai
11.	S.O. No. 1408 (E) Dated.26.03.2021	Bhugawali	Kurwai
12.	S.O. No. 1408 (E) Dated.26.03.2021	Barethi	Kurwai

	S.O. No. 1169 (E) Dated.10.03.2023		
13.	S.O. No. 1408 (E) Dated.26.03.2021	Kasba Kurwai	Kurwai
14.	S.O. No. 1408 (E) Dated.26.03.2021	Bukhara	Kurwai
15.	S.O. No. 1408 (E) Dated.26.03.2021	Jargawan	Kurwai
16.	S.O. No. 1408 (E) Dated.26.03.2021	Mitholi	Kurwai
17.	S.O. No. 1408 (E) Dated.26.03.2021	Layara	Kurwai
18.	S.O. No. 1408 (E) Dated.26.03.2021	Karmodiya	Kurwai
19.	S.O. No. 1408 (E) Dated.26.03.2021	Andeli	Kurwai
20.	S.O. No. 1408 (E) Dated.26.03.2021 S.O. No. 1169 (E) Dated.10.03.2023	Basoda	Kurwai
21.	S.O. No. 1170 (E) Dated.10.03.2023	Khemkhedi	Kurwai
22.	S.O. No. 590 (E) Dated.08.02.2021	Rinia	Nateran
23.	S.O. No. 590 (E) Dated.08.02.2021 S.O. No. 1167 (E) Dated.10.03.2023	Sirsi	Nateran
24.	S.O. No. 590 (E) Dated.08.02.2021 S.O. No. 1167 (E) Dated.10.03.2023	Sau	Nateran
25.	S.O. No. 590 (E) Dated.08.02.2021	Nateran	Nateran
26.	S.O. No. 590 (E) Dated.08.02.2021	Mundri Khirani	Nateran
27.	S.O. No. 590 (E) Dated.08.02.2021	Kherai	Nateran
28.	S.O. No. 590 (E) Dated.08.02.2021	Belanara	Nateran
29.	S.O. No. 590 (E) Dated.08.02.2021	Ghatbhai	Nateran
30.	S.O. No. 590 (E) Dated.08.02.2021	Ghinauchi	Nateran
31.	S.O. No. 590 (E) Dated.08.02.2021	Silvaya Khajuri	Nateran
32.	S.O. No. 590 (E) Dated.08.02.2021	Dighoni	Nateran
33.	S.O. No. 590 (E) Dated.08.02.2021	Khejda Tila	Nateran
34.	S.O. No. 590 (E) Dated.08.02.2021	Johad	Nateran
35.	S.O. No. 590 (E) Dated.08.02.2021	Gurod	Nateran
36.	S.O. No. 590 (E) Dated.08.02.2021	Markheda	Nateran
37.	S.O. No. 590 (E) Dated.08.02.2021	Payri	Nateran
38.	S.O. No. 590 (E) Dated.08.02.2021	Mohaniya Khedi	Nateran
39.	S.O. No. 590 (E) Dated.08.02.2021	Jogikiroda	Nateran
40.	S.O. No. 5396 (E) Dated.20.12.2021	Jarod	Basoda
41.	S.O. No. 5396 (E) Dated.20.12.2021 S.O. No. 1169 (E) Dated.10.03.2023	Ambanagar	Basoda
42.	S.O. No. 5396 (E) Dated.20.12.2021	Viladhana	Basoda
43.	S.O. No. 5396 (E) Dated.20.12.2021	Bakena (Viran)	Basoda
44.	S.O. No. 5396 (E) Dated.20.12.2021	Mehra	Basoda
45.	S.O. No. 5396 (E) Dated.20.12.2021	Chak Masoodpur	Basoda
46.	S.O. No. 5396 (E) Dated.20.12.2021	Masoodpur	Basoda
47.	S.O. No. 588 (E) Dated.08.02.2021	Bichhiya	Shamshabad
48.	S.O. No. 588 (E) Dated.08.02.2021	Dhobi Kheda	Shamshabad
49.	S.O. No. 588 (E) Dated.08.02.2021	Goriya Kheda	Shamshabad
50.	S.O. No. 2947 (E) Dated.30.06.2022	Pipaldhar	Shamshabad

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1254.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश

राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के सीहोर जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषित करती है।

अनुसूची

जिला: सीहोर		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.4808(अ) दिनांक. 30.12.2020	डेन्डी	सीहोर
2.	का.आ.4808(अ) दिनांक. 30.12.2020	हैदरगंज	सीहोर
3.	का.आ.4808(अ) दिनांक. 30.12.2020	मुशकरा	सीहोर
4.	का.आ.4808(अ) दिनांक. 30.12.2020	पचपिपलिया	सीहोर
5.	का.आ.4808(अ) दिनांक. 30.12.2020	चितोडियावन	सीहोर
6.	का.आ.4808(अ) दिनांक. 30.12.2020	संग्रामपुर	सीहोर
7.	का.आ.4808(अ) दिनांक. 30.12.2020 का.आ.1441(अ) दिनांक. 22.03.2022	महोडिया	सीहोर
8.	का.आ.4808(अ) दिनांक. 30.12.2020 का.आ.1441(अ) दिनांक. 22.03.2022	कल्याणपुरा	सीहोर
9.	का.आ.4808(अ) दिनांक. 30.12.2020 का.आ.1441(अ) दिनांक. 22.03.2022	छापरीकलां	सीहोर
10.	का.आ.4808(अ) दिनांक. 30.12.2020 का.आ.1441(अ) दिनांक. 22.03.2022	सेवनिया	सीहोर
11.	का.आ.4808(अ) दिनांक. 30.12.2020	विजोरा	सीहोर
12.	का.आ.4808(अ) दिनांक. 30.12.2020	कोडियाछीतू	सीहोर
13.	का.आ.4808(अ) दिनांक. 30.12.2020	जाखाखेडी	सीहोर
14.	का.आ.4808(अ) दिनांक. 30.12.2020 का.आ.1441(अ) दिनांक. 22.03.2022	सेमलीखुर्द	सीहोर
15.	का.आ.4808(अ) दिनांक. 30.12.2020	जमोनिया (तालाब)	सीहोर
16.	का.आ.4808(अ) दिनांक. 30.12.2020	हसनपुरा	सीहोर

17.	का.आ.4808(अ) दिनांक. 30.12.2020	रायपुरा	सीहोर
18.	का.आ.4808(अ) दिनांक. 30.12.2020	मुंगावली	सीहोर
19.	का.आ.4808(अ) दिनांक. 30.12.2020	डोवरा	सीहोर
20.	का.आ.4808(अ) दिनांक. 30.12.2020	नोनीखेडी गुसाई	सीहोर
	का.आ.1441(अ) दिनांक. 22.03.2022	नोनीखेडी गुसाई	सीहोर
21.	का.आ.4808(अ) दिनांक. 30.12.2020	खामलिया	सीहोर
	का.आ.1441(अ) दिनांक. 22.03.2022		
22.	का.आ.4808(अ) दिनांक. 30.12.2020	अमरोंद	सीहोर
23.	का.आ.4808(अ) दिनांक. 30.12.2020	चौडी	सीहोर
24.	का.आ.4808(अ) दिनांक. 30.12.2020	दुपाडिया भील	सीहोर
25.	का.आ.4812(अ) दिनांक. 30.12.2020	जावर	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
26.	का.आ.4812(अ) दिनांक. 30.12.2020	वमूलिया रायमल	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
27.	का.आ.4812(अ) दिनांक. 30.12.2020	टोलका खेडा	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
28.	का.आ.4812(अ) दिनांक. 30.12.2020	परोलिया चौहान	जावर
29.	का.आ.4812(अ) दिनांक. 30.12.2020	मालीपुरा	जावर
30.	का.आ.4812(अ) दिनांक. 30.12.2020	बाजखेडी	जावर
31.	का.आ.4812(अ) दिनांक. 30.12.2020	टिगरिया	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
32.	का.आ.4812(अ) दिनांक. 30.12.2020	अरनियागाजी	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
33.	का.आ.4812(अ) दिनांक. 30.12.2020	कल्याणपुरा	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
34.	का.आ.4812(अ) दिनांक. 30.12.2020	हरनियागाँव	जावर
35.	का.आ.4812(अ) दिनांक. 30.12.2020	चामसी	जावर
	का.आ.1443(अ) दिनांक. 22.03.2022		
36.	का.आ.4811(अ) दिनांक. 30.12.2020	खडी हाट	आष्टा
	का.आ.1442(अ) दिनांक. 22.03.2022		
37.	का.आ.4811(अ) दिनांक. 30.12.2020	टिटोरिया	आष्टा

38.	का.आ.4811(अ) दिनांक. 30.12.2020	धनाना	आष्टा
39.	का.आ.4811(अ) दिनांक. 30.12.2020	लखमीपुर	आष्टा
40.	का.आ.4811(अ) दिनांक. 30.12.2020	हकीमाबाद	आष्टा
41.	का.आ.4811(अ) दिनांक. 30.12.2020 का.आ.1442(अ) दिनांक. 22.03.2022	बगडावदा	आष्टा
42.	का.आ.4811(अ) दिनांक. 30.12.2020 का.आ.1442(अ) दिनांक. 22.03.2022	लोरासर्कलां लोरासकलां	आष्टा
43.	का.आ.4811(अ) दिनांक. 30.12.2020 का.आ.1442(अ) दिनांक. 22.03.2022	हीरापुर	आष्टा
44.	का.आ.4811(अ) दिनांक. 30.12.2020 का.आ.1442(अ) दिनांक. 22.03.2022	लसूडिया सूखा	आष्टा
45.	का.आ.4811(अ) दिनांक. 30.12.2020 का.आ.1442(अ) दिनांक. 22.03.2022	निपानिया कला निपानिया कला	आष्टा
46.	का.आ.3550(अ) दिनांक. 26.08.2021	दोराहा	श्यामपुर
47.	का.आ.3550(अ) दिनांक. 26.08.2021	सिकंदरगंज	श्यामपुर
48.	का.आ.3550(अ) दिनांक. 26.08.2021	महुआखेडा	श्यामपुर
49.	का.आ.3550(अ) दिनांक. 26.08.2021	विछनी	श्यामपुर
50.	का.आ.3550(अ) दिनांक. 26.08.2021	वहीदगंज	श्यामपुर
51.	का.आ.3550(अ) दिनांक. 26.08.2021	सोठी	श्यामपुर
52.	का.आ.3550(अ) दिनांक. 26.08.2021	पडयाला-2	श्यामपुर
53.	का.आ.3550(अ) दिनांक. 26.08.2021	बमुलिया दोराहा	श्यामपुर
54.	का.आ.829(अ) दिनांक. 22.02.2022	सोनकच्छ	श्यामपुर
55.	का.आ.829(अ) दिनांक. 22.02.2022	झरखेडा	श्यामपुर

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1254.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline

has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification.

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Sehore district in the state of Madhya Pradesh.”

SCHEDULE

District: SEHORE		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 4808 (E) Dated.30.12.2020	Dandi	Sehore
2.	S.O. No. 4808 (E) Dated.30.12.2020	Haidarganj	Sehore
3.	S.O. No. 4808 (E) Dated.30.12.2020	Muskara	Sehore
4.	S.O. No. 4808 (E) Dated.30.12.2020	Pach Piplya	Sehore
5.	S.O. No. 4808 (E) Dated.30.12.2020	Chitodiya Van	Sehore
6.	S.O. No. 4808 (E) Dated.30.12.2020	Sangrampur	Sehore
7.	S.O. No. 4808 (E) Dated.30.12.2020 S.O. No. 1441 (E) Dated.22.03.2022	Mahodiya	Sehore
8.	S.O. No. 4808 (E) Dated.30.12.2020 S.O. No. 1441 (E) Dated.22.03.2022	Kalyanpura	Sehore
9.	S.O. No. 4808 (E) Dated.30.12.2020	Chhapri Kalan	Sehore
	S.O. No. 1441 (E) Dated.22.03.2022	ChhapriKalan	Sehore
10.	S.O. No. 4808 (E) Dated.30.12.2020 S.O. No. 1441 (E) Dated.22.03.2022	Sewaniya	Sehore
11.	S.O. No. 4808 (E) Dated.30.12.2020	Bijaura	Sehore
12.	S.O. No. 4808 (E) Dated.30.12.2020	Kodiya Chhitu	Sehore
13.	S.O. No. 4808 (E) Dated.30.12.2020	Jakhakhedi	Sehore
14.	S.O. No. 4808 (E) Dated.30.12.2020 S.O. No. 1441 (E) Dated.22.03.2022	Semali Khurd	Sehore
15.	S.O. No. 4808 (E) Dated.30.12.2020	Jamoniya (Talab)	Sehore
16.	S.O. No. 4808 (E) Dated.30.12.2020	Hasanpura	Sehore
17.	S.O. No. 4808 (E) Dated.30.12.2020	Raipura	Sehore
18.	S.O. No. 4808 (E) Dated.30.12.2020	Mungaoli	Sehore
19.	S.O. No. 4808 (E) Dated.30.12.2020	Dobra	Sehore
20.	S.O. No. 4808 (E) Dated.30.12.2020 S.O. No. 1441 (E) Dated.22.03.2022	Noni Khedi Gusain	Sehore
21.	S.O. No. 4808 (E) Dated.30.12.2020 S.O. No. 1441 (E) Dated.22.03.2022	Khamaliya	Sehore
22.	S.O. No. 4808 (E) Dated.30.12.2020	Amrod	Sehore
23.	S.O. No. 4808 (E) Dated.30.12.2020	Chaundi	Sehore
24.	S.O. No. 4808 (E) Dated.30.12.2020	Dupadiyabhil	Sehore

25.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Jawar	Jawar
26.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Vamuliya Raimal	Jawar
27.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Tolkakheda	Jawar
28.	S.O. No. 4812 (E) Dated.30.12.2020	Paroliya Chauhan	Jawar
29.	S.O. No. 4812 (E) Dated.30.12.2020	Malipura	Jawar
30.	S.O. No. 4812 (E) Dated.30.12.2020	Baj Khedi	Jawar
31.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Tigariya	Jawar
32.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Arniya Gaji	Jawar
33.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Kalyanpura	Jawar
34.	S.O. No. 4812 (E) Dated.30.12.2020	Harniyagaon	Jawar
35.	S.O. No. 4812 (E) Dated.30.12.2020 S.O. No. 1443 (E) Dated.22.03.2022	Chamsi	Jawar
36.	S.O. No. 4811 (E) Dated.30.12.2020 S.O. No. 1442 (E) Dated.22.03.2022	Khadi Hat	Ashta
37.	S.O. No. 4811 (E) Dated.30.12.2020	Tituriya	Ashta
38.	S.O. No. 4811 (E) Dated.30.12.2020	Dhanana	Ashta
39.	S.O. No. 4811 (E) Dated.30.12.2020	Lakhmipur	Ashta
40.	S.O. No. 4811 (E) Dated.30.12.2020	Hakimabad	Ashta
41.	S.O. No. 4811 (E) Dated.30.12.2020 S.O. No. 1442 (E) Dated.22.03.2022	Bagdawada	Ashta
42.	S.O. No. 4811 (E) Dated.30.12.2020 S.O. No. 1442 (E) Dated.22.03.2022	Lorasarkalan	Ashta
43.	S.O. No. 4811 (E) Dated.30.12.2020 S.O. No. 1442 (E) Dated.22.03.2022	Hirapur	Ashta
44.	S.O. No. 4811 (E) Dated.30.12.2020 S.O. No. 1442 (E) Dated.22.03.2022	Lasudiya Sukha	Ashta
45.	S.O. No. 4811 (E) Dated.30.12.2020	Nipaniya Karla	Ashta
	S.O. No. 1442 (E) Dated.22.03.2022	Nipaniya Kalan	
46.	S.O. No. 3550 (E) Dated.26.08.2021	Doraha	Shyampur
47.	S.O. No. 3550 (E) Dated.26.08.2021	Sikandarganj	Shyampur
48.	S.O. No. 3550 (E) Dated.26.08.2021	Mahuakheda	Shyampur
49.	S.O. No. 3550 (E) Dated.26.08.2021	Bichhni	Shyampur
50.	S.O. No. 3550 (E) Dated.26.08.2021	Waheedganj	Shyampur
51.	S.O. No. 3550 (E) Dated.26.08.2021	Sonthi	Shyampur

52.	S.O. No. 3550 (E) Dated.26.08.2021	Padiyala-2	Shyampur
53.	S.O. No. 3550 (E) Dated.26.08.2021	Bamuliya Doraha	Shyampur
54.	S.O. No. 829 (E) Dated.22.02.2022	Sonkatch	Shyampur
55.	S.O. No. 829 (E) Dated.22.02.2022	Jharkheda	Shyampur

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1255.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती हैं, मध्य-प्रदेश राज्य के निवाड़ी जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषित करती हैं।

अनुसूची

जिला: निवाड़ी		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.589(अ) दिनांक. 08.02.2021	जनौली	औरछा

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1255.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification.

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Niwari district in the state of Madhya Pradesh.”

SCHEDULE

District: NIWARI		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 589 (E) Dated.08.02.2021	Janoli	Orchha

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1256.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के भोपाल जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती है।

अनुसूची

जिला: भोपाल		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.587(अ) दिनांक. 08.02.2021 का.आ.827(अ) दिनांक. 22.02.2022	धामनिया	हुजूर
2.	का.आ.587(अ) दिनांक. 08.02.2021 का.आ.827(अ) दिनांक. 22.02.2022	खौरी	हुजूर
	का.आ.587(अ) दिनांक. 08.02.2021	खौरी (स्परलाईन)	
3.	का.आ.587(अ) दिनांक. 08.02.2021 का.आ.827(अ) दिनांक. 22.02.2022	बकानिया	हुजूर
	का.आ.587(अ) दिनांक. 08.02.2021	बकानिया (स्परलाईन)	
4.	का.आ.587(अ) दिनांक. 08.02.2021 का.आ.827(अ) दिनांक. 22.02.2022	कोलूखेड़ी	हुजूर
5.	का.आ.827(अ) दिनांक. 22.02.2022	राजीवनगर	हुजूर
6.	का.आ.587(अ) दिनांक. 08.02.2021 का.आ.827(अ) दिनांक. 22.02.2022	रतनपुर	हुजूर
7.	का.आ.587(अ) दिनांक. 08.02.2021	कलाखेड़ी	हुजूर
8.	का.आ.587(अ) दिनांक. 08.02.2021 का.आ.827(अ) दिनांक. 22.02.2022	झिरनिया	हुजूर
9.	का.आ.4192(अ) दिनांक. 07.10.2021	जमोनिया छीर	हुजूर
10.	का.आ.4192(अ) दिनांक. 07.10.2021	मीरपुर (वीरान)	हुजूर

11.	का.आ.4192(अ) दिनांक. 07.10.2021	बडखेडा बोंदर	हुजूर
12.	का.आ.4192(अ) दिनांक. 07.10.2021	मुबारकपुर	हुजूर
13.	का.आ.4192(अ) दिनांक. 07.10.2021	कुराना	हुजूर
14.	का.आ.4192(अ) दिनांक. 07.10.2021	चन्दूखेडी	हुजूर
15.	का.आ.4192(अ) दिनांक. 07.10.2021	तारासेवनिया	हुजूर
16.	का.आ.4192(अ) दिनांक. 07.10.2021	पिपलिया छप्परबन्द	हुजूर
17.	का.आ.4192(अ) दिनांक. 07.10.2021	जोगीबरी	हुजूर
18.	का.आ.4192(अ) दिनांक. 07.10.2021	निपानिया सूखा	हुजूर
19.	का.आ.4192(अ) दिनांक. 07.10.2021	करदई	हुजूर
20.	का.आ.4192(अ) दिनांक. 07.10.2021	रोजीवेह	हुजूर
21.	का.आ.4192(अ) दिनांक. 07.10.2021	शाहपुर	हुजूर
22.	का.आ.4192(अ) दिनांक. 07.10.2021	सागोनिया	हुजूर
23.	का.आ.828(अ) दिनांक. 22.02.2022	भौरी	हुजूर
24.	का.आ.2532(अ) दिनांक. 18.06.2021	गुनगा	बैरसिया
25.	का.आ.2532(अ) दिनांक. 18.06.2021	चांदबड कदीम	बैरसिया
26.	का.आ.2532(अ) दिनांक. 18.06.2021	खादमपुर	बैरसिया
27.	का.आ.2532(अ) दिनांक. 18.06.2021	रूसल्ली	बैरसिया
28.	का.आ.2532(अ) दिनांक. 18.06.2021	हराखेडा	बैरसिया
29.	का.आ.2532(अ) दिनांक. 18.06.2021	सेमरी कलां	बैरसिया
30.	का.आ.2532(अ) दिनांक. 18.06.2021 का.आ.2707(अ) दिनांक. 20.06.2023	सोनकच्छ	बैरसिया
31.	का.आ.2532(अ) दिनांक. 18.06.2021	गरेठिया दांगी	बैरसिया
32.	का.आ.2532(अ) दिनांक. 18.06.2021	नरेला वाज्याफत	बैरसिया
33.	का.आ.2532(अ) दिनांक. 18.06.2021	आजमपुर	बैरसिया
34.	का.आ.2532(अ) दिनांक. 18.06.2021	बसई	बैरसिया
35.	का.आ.2532(अ) दिनांक. 18.06.2021	भोरासा	बैरसिया
36.	का.आ.2532(अ) दिनांक. 18.06.2021	बरीछीर खेडा	बैरसिया
37.	का.आ.2532(अ) दिनांक. 18.06.2021	मनख्याई	बैरसिया
38.	का.आ.2532(अ) दिनांक. 18.06.2021	करारिया	बैरसिया
39.	का.आ.2532(अ) दिनांक. 18.06.2021	सेमरी खुर्द	बैरसिया
40.	का.आ.2532(अ) दिनांक. 18.06.2021	मेगरा कलां	बैरसिया
41.	का.आ.2532(अ) दिनांक. 18.06.2021	लालू खेडी	बैरसिया
42.	का.आ.2532(अ) दिनांक. 18.06.2021	पीपलखेडी (वीरान)	बैरसिया
43.	का.आ.2532(अ) दिनांक. 18.06.2021	अरई रायसिंह	बैरसिया
44.	का.आ.2532(अ) दिनांक. 18.06.2021	बराई	बैरसिया
45.	का.आ.2532(अ) दिनांक. 18.06.2021	परसोरिया	बैरसिया
46.	का.आ.2532(अ) दिनांक. 18.06.2021	खेजडा परिहार	बैरसिया
47.	का.आ.2532(अ) दिनांक. 18.06.2021	दोज्याई	बैरसिया
48.	का.आ.2532(अ) दिनांक. 18.06.2021	रानी खजूरी	बैरसिया
49.	का.आ.2532(अ) दिनांक. 18.06.2021	धतूरिया	बैरसिया
50.	का.आ.2532(अ) दिनांक. 18.06.2021	पुराखाना	बैरसिया

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1256.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification.

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Bhopal district in the state of Madhya Pradesh.”

SCHEDULE

District: BHOPAL			State: Madhya Pradesh
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 587 (E) Dated.08.02.2021 S.O. No. 827 (E) Dated.22.02.2022	Dhamaniya	Huzur
2.	S.O. No. 587 (E) Dated.08.02.2021 S.O. No. 827 (E) Dated.22.02.2022	Khori	Huzur
	S.O. No. 587 (E) Dated.08.02.2021	Khori (Spurline)	
3.	S.O. No. 587 (E) Dated.08.02.2021 S.O. No. 827 (E) Dated.22.02.2022	Bakaniya	Huzur
	S.O. No. 587 (E) Dated.08.02.2021	Bakaniya (Spurline)	
4.	S.O. No. 587 (E) Dated.08.02.2021 S.O. No. 827 (E) Dated.22.02.2022	Kolukhedi	Huzur
5.	S.O. No. 827 (E) Dated.22.02.2022	Rajivnagar	Huzur
6.	S.O. No. 587 (E) Dated.08.02.2021 S.O. No. 827 (E) Dated.22.02.2022	Ratanpur	Huzur
7.	S.O. No. 587 (E) Dated.08.02.2021	KalaKhedi	Huzur
8.	S.O. No. 587 (E) Dated.08.02.2021 S.O. No. 827 (E) Dated.22.02.2022	Jhhirniya Jhirniya	Huzur
9.	S.O. No. 4192 (E) Dated.07.10.2021	Jamuniya Chhir	
10.	S.O. No. 4192 (E) Dated.07.10.2021	Meerpur(Veeran)	Huzur
11.	S.O. No. 4192 (E) Dated.07.10.2021	Barkheda Bondar	Huzur
12.	S.O. No. 4192 (E) Dated.07.10.2021	Mubarakpur	Huzur
13.	S.O. No. 4192 (E) Dated.07.10.2021	Kurana	Huzur
14.	S.O. No. 4192 (E) Dated.07.10.2021	Chandukhedi	Huzur
15.	S.O. No. 4192 (E) Dated.07.10.2021	Tara Sevaniya	Huzur
16.	S.O. No. 4192 (E) Dated.07.10.2021	Pipalia Chhaparband	Huzur
17.	S.O. No. 4192 (E) Dated.07.10.2021	Jogibari	Huzur
18.	S.O. No. 4192 (E) Dated.07.10.2021	Napaniya Sukha	Huzur
19.	S.O. No. 4192 (E) Dated.07.10.2021	Kardai	Huzur
20.	S.O. No. 4192 (E) Dated.07.10.2021	Rojiveh	Huzur
21.	S.O. No. 4192 (E) Dated.07.10.2021	Shahpur	Huzur
22.	S.O. No. 4192 (E) Dated.07.10.2021	Sagoniya	Huzur
23.	S.O. No. 828 (E) Dated.22.02.2022	Bhauri	Huzur
24.	S.O. No. 2532 (E) Dated.18.06.2021	Gunga	Berasia
25.	S.O. No. 2532 (E) Dated.18.06.2021	Chandbad Kadim	Berasia
26.	S.O. No. 2532 (E) Dated.18.06.2021	Khadampur	Berasia
27.	S.O. No. 2532 (E) Dated.18.06.2021	Rusalli	Berasia
28.	S.O. No. 2532 (E) Dated.18.06.2021	Harrakheda	Berasia
29.	S.O. No. 2532 (E) Dated.18.06.2021	Semri Kalan	Berasia
30.	S.O. No. 2532 (E) Dated.18.06.2021	Sonkatch	Berasia

	S.O. No. 2707 (E) Dated.20.06.2023	Sonkachh	
31.	S.O. No. 2532 (E) Dated.18.06.2021	Garethiya Dangi	Berasia
32.	S.O. No. 2532 (E) Dated.18.06.2021	Narela Bazyaft	Berasia
33.	S.O. No. 2532 (E) Dated.18.06.2021	Ajampur	Berasia
34.	S.O. No. 2532 (E) Dated.18.06.2021	Basai	Berasia
35.	S.O. No. 2532 (E) Dated.18.06.2021	Bhonrasa	Berasia
36.	S.O. No. 2532 (E) Dated.18.06.2021	Barrichher Kheda	Berasia
37.	S.O. No. 2532 (E) Dated.18.06.2021	Mankhiyai	Berasia
38.	S.O. No. 2532 (E) Dated.18.06.2021	Karariya	Berasia
39.	S.O. No. 2532 (E) Dated.18.06.2021	Semri Khurd	Berasia
40.	S.O. No. 2532 (E) Dated.18.06.2021	Megra Kalan	Berasia
41.	S.O. No. 2532 (E) Dated.18.06.2021	Lalu Khedi	Berasia
42.	S.O. No. 2532 (E) Dated.18.06.2021	Pipal Khedi (Veeran)	Berasia
43.	S.O. No. 2532 (E) Dated.18.06.2021	Arai Raysingh	Berasia
44.	S.O. No. 2532 (E) Dated.18.06.2021	Barrai	Berasia
45.	S.O. No. 2532 (E) Dated.18.06.2021	Parsoriya	Berasia
46.	S.O. No. 2532 (E) Dated.18.06.2021	Khejra Parihar	Berasia
47.	S.O. No. 2532 (E) Dated.18.06.2021	Dojyai	Berasia
48.	S.O. No. 2532 (E) Dated.18.06.2021	Rani Khajurai	Berasia
49.	S.O. No. 2532 (E) Dated.18.06.2021	Dhaturiya	Berasia
50.	S.O. No. 2532 (E) Dated.18.06.2021	Purakhana	Berasia

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1257.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के राजगढ़ जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती हैं।

अनुसूची

जिला: राजगढ़		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.4813(अ) दिनांक. 30.12.2020	तुर्कीपुरा	नरसिंहगढ़
	का.आ.1444(अ) दिनांक. 22.03.2022	तुकीपुरा	नरसिंहगढ़
2.	का.आ.4813(अ) दिनांक. 30.12.2020	सेवास जागी	नरसिंहगढ़
3.	का.आ.4813(अ) दिनांक. 30.12.2020	गीला खेड़ी	नरसिंहगढ़

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1257.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification.

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Rajgarh district in the state of Madhya Pradesh.”

SCHEDULE

District: RAJGARH		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 4813 (E) Dated.30.12.2020 S.O. No. 1444 (E) Dated.22.03.2022	Turkipura	Narsinghgarh
2.	S.O. No. 4813 (E) Dated.30.12.2020	Sivas	Narsinghgarh
3.	S.O. No. 4813 (E) Dated.30.12.2020	Gila khedi	Narsinghgarh

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1258.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के सागर जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती है।

अनुसूची

जिला: सागर		राज्य : मध्य प्रदेश	
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.3999(अ) दिनांक. 09.09.2021 का.आ.1168(अ) दिनांक. 10.03.2023	पार	बीना
2.	का.आ.3999(अ) दिनांक. 09.09.2021	बेरखेड़ी टांडा	बीना
3.	का.आ.3999(अ) दिनांक. 09.09.2021	चक्क आगासौद	बीना

	का.आ.1168(अ) दिनांक. 10.03.2023	चक्क अगासौद	
4.	का.आ.3999(अ) दिनांक. 09.09.2021	आगासौद	बीना
5.	का.आ.3999(अ) दिनांक. 09.09.2021 का.आ.1168(अ) दिनांक. 10.03.2023	कठार्ई	बीना
6.	का.आ.3999(अ) दिनांक. 09.09.2021	देहरी	बीना
7.	का.आ.3999(अ) दिनांक. 09.09.2021	सेमरखेड़ी	बीना
8.	का.आ.3999(अ) दिनांक. 09.09.2021	कचनोदा	बीना
9.	का.आ.3999(अ) दिनांक. 09.09.2021 का.आ.1168(अ) दिनांक. 10.03.2023	चकरघई	बीना
10.	का.आ.3999(अ) दिनांक. 09.09.2021 का.आ.1168(अ) दिनांक. 10.03.2023	बरमाईन	बीना
11.	का.आ.3999(अ) दिनांक. 09.09.2021	रूसल्ला	बीना
12.	का.आ.3999(अ) दिनांक. 09.09.2021	भानगढ़	बीना
13.	का.आ.3999(अ) दिनांक. 09.09.2021 का.आ.1168(अ) दिनांक. 10.03.2023	करोदा करोदा	बीना
14.	का.आ.3999(अ) दिनांक. 09.09.2021 का.आ.5377(अ) दिनांक. 14.11.2022	मुहासा	बीना
15.	का.आ.3999(अ) दिनांक. 09.09.2021	दुधावनी	बीना
16.	का.आ.3999(अ) दिनांक. 09.09.2021	पालीखेड़ा	बीना

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1258.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification.

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Sagar district in the state of Madhya Pradesh.”

SCHEDULE

District: SAGAR		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 3999 (E) Dated.09.09.2021	Paar	Bina
	S.O. No. 1168 (E) Dated.10.03.2023	Par	
2.	S.O. No. 3999 (E) Dated.09.09.2021	Berkhedi Tanda	Bina
3.	S.O. No. 3999 (E) Dated.09.09.2021 S.O. No. 1168 (E) Dated.10.03.2023	Chak Agasod	Bina
4.	S.O. No. 3999 (E) Dated.09.09.2021	Agasod	Bina
5.	S.O. No. 3999 (E) Dated.09.09.2021	Kathai	Bina

	S.O. No. 1168 (E) Dated.10.03.2023		
6.	S.O. No. 3999 (E) Dated.09.09.2021	Dehri	Bina
7.	S.O. No. 3999 (E) Dated.09.09.2021	Samarkhedi	Bina
8.	S.O. No. 3999 (E) Dated.09.09.2021	Kachnoda	Bina
9.	S.O. No. 3999 (E) Dated.09.09.2021	Chakarghai	Bina
	S.O. No. 1168 (E) Dated.10.03.2023	Chakraghai	
10.	S.O. No. 3999 (E) Dated.09.09.2021	Barmayan	Bina
	S.O. No. 1168 (E) Dated.10.03.2023	Barmain	
11.	S.O. No. 3999 (E) Dated.09.09.2021	Rusalla	Bina
12.	S.O. No. 3999 (E) Dated.09.09.2021	Bhangarh	Bina
13.	S.O. No. 3999 (E) Dated.09.09.2021	Karonda	Bina
	S.O. No. 1168 (E) Dated.10.03.2023		
14.	S.O. No. 3999 (E) Dated.09.09.2021	Mohasa	Bina
	S.O. No. 5377 (E) Dated.14.11.2022	Mohansa	
15.	S.O. No. 3999 (E) Dated.09.09.2021	Dudhawani	Bina
16.	S.O. No. 3999 (E) Dated.09.09.2021	Palikhera	Bina

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1259.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार आई एच बी लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए मध्य-प्रदेश राज्य में आई एच बी लिमिटेड की कांडला गोरखपुर एल.पी.जी. पाइपलाइन बिछाई जा चुकी हैं, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, ऐसे प्रचालन को मध्य-प्रदेश राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) 1963 के नियम 4 के स्पष्टीकरण – 1 के अधीन उस तारीख को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, मध्य-प्रदेश राज्य के शाजापुर जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती हैं।

अनुसूची

जिला: शाजापुर			राज्य : मध्य प्रदेश
क्रमांक	का. आ. सं. एवं दिनांक	ग्राम का नाम	तहसील
(1)	(2)	(3)	(4)
1.	का.आ.4815(अ) दिनांक. 30.12.2020	गाडरा खेडी	कालापीपल
2.	का.आ.4815(अ) दिनांक. 30.12.2020	रनायल	कालापीपल
3.	का.आ.4815(अ) दिनांक. 30.12.2020	हुरूखेडी	कालापीपल
4.	का.आ.826(अ) दिनांक. 22.02.2022	खमलाय	कालापीपल
5.	का.आ.826(अ) दिनांक. 22.02.2022	सुकलिया	कालापीपल

[फा. सं. आर-11025(15)/5/2020-ओआर-I-भाग(2)/ई-45913]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1259.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of user in the lands free from all encumbrances in the IHB Limited.

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG in the said lands and hence such operation may be terminated for Kandla Gorakhpur LPG Pipeline Project in the state of Madhya Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to the Notification.

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the date on which this notification is Right Published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in Shajapur district in the state of Madhya Pradesh.”

SCHEDULE

District: SHAJAPUR		State: Madhya Pradesh	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No. 4815 (E) Dated.30.12.2020	Gadra Khedi	Kalapipal
2.	S.O. No. 4815 (E) Dated.30.12.2020	Ranayal	Kalapipal
3.	S.O. No. 4815 (E) Dated.30.12.2020	Haru Khedi	Kalapipal
4.	S.O. No. 826 (E) Dated.22.02.2022	Khamlay	Kalapipal
5.	S.O. No. 826 (E) Dated.22.02.2022	Sukliya	Kalapipal

[F. No. R-11025(15)/5/2020-OR-I-Part(2)/E-45913]

SHASHI SHEKHAR SINGH, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 8 जुलाई, 2025

का.आ. 1260.—केंद्रीय सरकार एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (1987 में यथा संशोधित) के नियम 10 के उप नियम (4) के अनुसरण में, कोयला मंत्रालय के नियंत्रणाधीन साउथ ईस्टर्न कोलफील्ड्स लिमिटेड के कोरबा जिले, छत्तीसगढ़ में स्थित ‘केंद्रीय उत्खनन कर्मशाला गेवरा क्षेत्र’, जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. 13012/1/2017-हिंदी]

आस्था जैन, संयुक्त निदेशक

MINISTRY OF COAL

New Delhi, the 8th July, 2025

S.O. 1260.—In pursuance of sub Rule (4) of Rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976 (as amended in 1987), Central Government hereby notifies the Office ‘Central Excavation Workshop Gevara’ of the South Eastern Coalfields Limited under the control of Ministry of Coal located at district Korba, Chhattisgarh wherein the percentage of the staff having working Knowledge of Hindi has gone above 80% .

[F. No. 13012/1/2017-HINDI]

AASTHA JAIN, Jt. Director

श्रम और रोजगार मंत्रालय

नई दिल्ली, 16 जून, 2025

का.आ. 1261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, II चंडीगढ़ के पंचाट (संदर्भ संख्या 86/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/04/2025 को प्राप्त हुआ था।

[सं. एल-23012/51/2019-आई.आर.सी. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 16th June, 2025

S.O. 1261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 86/2019**) of **the Central Government Industrial Tribunal-cum-Labour Court, II Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and **their workmen** received by the Central Government on **22/04/2025**.

[No. L -23012/51/2019- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Mr. Kamal Kant, Presiding Officer.

ID No. 86/2019

Registered on:- 26.08.2019

Smt. Maya Devi Wd/o Late Shri Prabha and others LR's of the deceased workman Shri Prabha, R/o Village Kasmaluhi, PO Bachhwan, Tehsil Baldwara, Distt. Mandi, Himachal Pradesh-175033.

.....Applicant

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh -160019.
2. The Chief Engineer, Bhakra Beas Management Board, BSL Project Sundernagar, Distt. Mandi, (HP).

.....Respondents/Managements

Present: Mr. S C Gupta, AR for workman.

Mr. Ravinder Rana, Law Officer for the respondents.

AwardPassed on:- 01.04.2025

Central Government vide Notification No.L-23012/51/2019-IR(CM-II), dated 06.08.2019, under clause (d) of sub-section (1) and subsection 2(A) 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 management of BBMB in not accepting the demands of Smt. Maya Devi & Others (legal heirs/legal representatives of late Prabha) for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?”

1. The brief facts related to the case are that the applicant is legal heir of Sh. Prabha (deceased workman), who was engaged on 29.04.1965 for the construction of the Beas Sutluj Link Project {hereinafter called as BSL(P)}. The said project remained initially under the Management of Beas Control Board, which was constituted on 10.02.1961 and after enactment of Punjab Re-Organization Act, 1966 (hereinafter called “Re-Organization Act”) Beas Control Board was renamed as Beas Construction Board (hereinafter called “BCB”) and also Bhakra Management Board, which was established w.e.f. 01.10.1967 and later on it was renamed as Bhakra Beas Management Board (hereinafter called as BBMB), which is working as such w.e.f. 15.05.1976. The workman of this project was considered as the

employees of the Central Government by the Hon'ble Supreme Court in the case titled as **Jaswant Singh and others versus Union of India and Others AIR 1980 SC 115**. The management made illegal retrenchment of the employees in phases and the deceased workman was also retrenched along with them. The deceased workman had completed 240 days in every calendar year and was not interrupted till his retrenchment and the retrenchment is illegal and in violation of Section 25F, 25H, Rule 77 and 78 of the Act. The workman was also retrenched by the employer on 25.10.1978 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, management appointed fresh workmen/employees, violating Section 25-H of the Act. The BSL (P) is an industrial establishment as per Section 25(L) of the Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of **Jaswant Singh (supra)**. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the Act. It is maintained that the deceased workman after his retrenchment remained ill and could not raised the dispute during the period but raised his voice for re-employment through the union and ultimately, he died on 01.03.2012. The deceased workman after his retrenchment did not remain in the gain full employed till his death.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 07.05.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in case titled **Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007** vide of orders dated 08.07.2014. Vide order dated 08.07.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as **Raghubir Singh V/s General Manager, Haryana Roadways, Hissar, JT 2014 (10) SC 168**. It is therefore, prayed that the claim petition of the applicant may kindly be allowed and retrenchment/discharge order dated 25.10.1978 of the deceased workman be held illegal and the workman be considered in continuous service up to July, 1998, when he was to superannuate and the management may be directed to release all consequential benefits till March, 2004 instead of 25.10.1978.

3. Respondents filed written statement, alleging therein that the applicants are legal heir of the deceased workman, and their application is not maintainable under the provisions of the Act and the applicant raised the present dispute at a belated stage after 41 years without furnishing any plausible reason for extraordinary delay. The deceased workman Sh. Prabha was Ex-work charged employee of Beas Construction Board (BCB), which was constituted under Section 80(1) of the Re-organization Act. The deceased workman was retrenched after completion/part completion of the works of BCB in accordance with the provisions of the Act. The deceased workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board (hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a writ petition in the Hon'ble Supreme Court of India, titled as **Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440**, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the applicant is hopelessly time barred and the applicant being legal heirs has no legal right to file claim petition under the Act. It is prayed that claim be dismiss.

Evidence of parties:

4. Parties were given opportunity to lead evidence.

5. Applicant Smt. Maya Devi has examined herself as WW1 and filed her affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. She also tendered document Ex.W-1 Discharge Certificate and Ex.W-2 Legal Heir Certificate. AR for workman closed the evidence on behalf of workman on 07.02.2024.

6. The management has filed affidavit of Er. Dinesh Kumar S/o Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance and Plant Design Division, BBMB Sundernagar, Distt. Mandi, who filed his affidavit in

evidence as Ex.MW1/A and has been cross-examined by the learned AR of workman. He tendered into evidence copy of service record of workman Ex.MW1/B and closed the evidence on behalf of management on 16.10.2024 and the case is fixed for arguments.

Submissions of Applicant:

7. While arguing the case, Id. AR for the applicant contended that in this case, claim has been filed by the LR of deceased, who expired on 01.03.2012 and as per law laid down by Hon'ble Supreme Court and various Hon'ble High Courts, claim can be filed even after the death of the applicant. To support this view, he placed reliance upon the in case law titled as Anjalamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another, 1995(6) SLR 680, Bharathamma and others versus The Labour Court and another (WP No.11342 of 1994) 1995(2) Andh. LD 472 and Rameshwar Manjhi versus Management of Sangaramgarh Colliery (1994 AIR 1176, 1994 SCC (1) 292. He further contended that in this case deceased workman was discharged on 25.10.1978 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the Act which provides re-employment of retrenched deceased workman. He further has drawn the attention of the Court towards the statement of wife of deceased workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. He also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the Act.

Submissions of management:-

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Deceased workman Sh. Prabha was employed as work charged employee on 29.04.1965 and was retrenched on 25.10.1978. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440 has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India. AR for management further argued that as per Rule 4 of the Industrial Dispute (Central) Rules 1957, the application and the statement can be signed by the workman himself or by any officer of the trade union of which he is member or by another workmen in the same establishment duly authorized by him in his behalf and since in this case, application has not been moved by the applicant, the claim is not maintainable and is liable to be dismissed.

9. So far as the claim of the applicant regarding re-employment after retrenchment on 25.10.1978 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

“It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected.”

10. Learned representative for the management further contended that in this case workman was retrenched on 25.10.1978 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section

25-H of the Act and his claim is hopelessly time barred as the legal heirs have filed the present claim petition in the year 2019. To support this view he has placed reliance in the case titled as **Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682**, wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 41 years. He also relied upon the case titled as **Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018**, where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the Act does not prescribe time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in **CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others** and judgment passed by Hon'ble High Court, Madras in **WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Patorloun Corporation Ltd. and others**, wherein it is stated that as per Section 2-A(3) of the Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified in sub-section (1) of Section 2-A. In the present case workman was engaged on 29.04.1965 and was discharged on 25.10.1978 and the legal heir has sought re-employment after 41 years which was held to be highly time barred. Thus, he contended that claim of applicant is time barred. Deceased workman was discharged on 25.10.1978 and thereafter his legal heir filed present claim before the Labour Conciliation Officer.

Findings:

11. I have given due consideration to the arguments advanced by the learned AR for the applicant and also for the respondents.

12. So far as this contention of the AR for the respondents that in this case, application is not maintainable by LRs concerned, the same is devoid of merit as Hon'ble High Court of Andhra Pradesh in case law titled as **Anjalamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)** and **Bharathamma and others versus The Labour Court and another (supra)** has categorically held that in case workman had died, then even LRs of the deceased can move an application in respect of the monetary benefits. The relevant para 14 & 15 of **Anjalamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra)** are produced as under:

14. As already pointed out supra the question whether the legal heirs/representatives of a deceased-workman can raise an industrial dispute directly under **Section 2-A(2)** of the Act did not arise for consideration in any of the decisions of the High Courts or in Rameshwar Manjhi's case (supra). But the Supreme Court in para 13 in the context of an industrial dispute filed under **Section 2-A** of the Act has laid down the law that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the proceedings. If according to the Apex Court if a pending proceedings can be continued by the legal heirs/representatives of the deceased workman after the death of the workman during the pendency of the proceedings, there is no good reason to hold that such legal representatives/heirs are incompetent to institute the dispute before the Industrial Court after the death of a workman have locus standi to continue an industrial dispute instituted by such workman in a Labour Court in law, then they are also competent to institute such workman. The observation of the Supreme Court in paras 11 and 12 in general and in para 13 in particular read with the views expressed by the Calcutta (sic. Kerala) High Court in **Gwalior Rayon's** case (supra) and that of the Gujarat High Court in **Bank of Baroda's** case (supra) which views are affirmed by the Apex Court in Rameshwar Manjhi's case clearly go to show that legal heirs/representatives of a deceased workman can institute industrial dispute before the jurisdictional Labour Court after the death of such workman.

15. This question may be considered from another angle as well. As pointed out supra, the Labour Court in exercise of its discretionary power under **Section 11-A** of the Act can grant reliefs of reinstatement or lumpsum compensation in lieu of reinstatement, back wages, continuity of services or any other appropriate relief, pecuniary or otherwise having regard to the facts and circumstances of each case. In the present case if the workman were to alive he would have instituted the industrial dispute in the Labour Court and there was absolutely no legal impediment for him to do so and if the Industrial Court were to uphold the claim of the workman it would have granted the relief of reinstatement or lumpsum compensation in lieu of reinstatement, back wages and other reliefs. If that is so what the deceased workman himself would have been awarded by the Labour Court except the relief of reinstatement had he be survived, should be considered to be a part of his estate. The learned Authors Clerk & Lindsell on Torts have pointed out that since it is the deceased's own cause of action which survives for the benefit of his estate, the estate should recover such damages as the deceased himself would have been awarded had he survived. Therefore it should be held that with the death of the workman the cause of action to seek reliefs contemplated under the Act from the Labour Court does not die with him in totality and the causes of action to recover lumpsum compensation in lieu of reinstatement and back-wages do survive for the benefit of his estate. Recognizing this position and in order to resolve the conflict of opinions existed earlier among several High Courts, the Legislature inserted sub-section (8) in **Section 10** by **Amending Act 46 of 1982** and after the amendment proceedings before any adjudicatory authority in relation to an industrial dispute shall not lapse merely be reason of the death of any of the parties to the dispute being a workman and the adjudicator is enjoined to complete such proceedings and submit his award to appropriate Government. There cannot be any dispute that the petitioners-legal heirs of the deceased workman are entitled to the

estate left behind the workman. This is so having regard to the provisions of [Section 306](#) of the Indian Succession Act and the observation of the Division Bench of the Gujarat High Court in the case of Bank of Baroda extracted above and approved by the Apex Court. In that view of the matter I am in respectful agreement with the view taken by my learned brother S. Dasaradha Rama Reddy, J. in **Bharathamma & Others v. The Labour Court (supra)** and it does not require any reconsideration.

Thus, application on behalf of LRs is maintainable and arguments advanced by the AR for respondents is not maintainable.

13. The management relied upon mainly in this case on the case titled as **Jaswant Singh and another (supra)**, which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad-hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

“To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes.”

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

“41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to "works". The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work.

42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes.

43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the provisions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits.

44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work- charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946.

45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is

binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.

46. *Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.*

47. *Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."*

16. Thus, from the above observation of Hon'ble Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse inference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as 2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another wherein it has been held "that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party". In this case also as per order dated 24.02.2025 of this Tribunal, respondents were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

"Regulation of Services of the workcharged employees.

It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which

they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not be compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot take upon itself the responsibility of that workman for all time to come. It can be well argued that such workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.

To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be struck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I feel that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear in mind the limits of the economic capacity of the employer and Endeavour must have ever been made to secure work for every citizen in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well as to the workman who had come from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.

In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of. The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is worked out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be

employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the applicant that respondents also appointed fresh workmen, but preference was not given to her late husband during his lifetime, which is in clear violation of section 25-H of the Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents have admitted that they have engaged fresh workmen but preference was not given to the deceased workman during his life time.

22. Admittedly, in this case, no effort was made by the respondents to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

77. Maintenance of seniority list of workmen. -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

78. Re-employment of retrenched workmen. - (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:

Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]

(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employ them. However, certainly in respect of workcharged employees present respondents were directed by the Hon'ble Supreme Court in Judgment of Jaswant Singh (Supra) to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employ them. Thus, it does not lie in the mouth of present respondents that no relief can be granted against present respondents as deceased husband of

applicant was not their employee.

A. So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

“As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades”

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondents Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in Jaswant Singh case (supra) in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondents that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2019. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of Jaswant Singh case (Supra). Moreover, limitation was added in Section 2A of the Act in the year 2010 (15.09.2010) and deceased workman was dismissed from service on 25.10.1978 and AR for respondents has failed to bring this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra) has held as follow:

“42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter.”

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

“31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of

this Court referred to supra on the relevant issue regarding the limitation."

29. Hon'ble Supreme Court has also referred in the said case decision of Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr. (AIR 1999 Supreme Court 1351), wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

"10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay is shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case of the appellant. It is also added here that so far as the case Ram Chand Vs. The BBMB and another (supra), Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra) and Mr. D Poomaran versus The General Manager, Bharat Petroloum Corporation Ltd. and others (supra) referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra), the same is not attracted to the facts and circumstance of the present case in view of the judgment Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra), whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that Smt. Maya Devi, LR of deceased workman in her affidavit nowhere stated that retrenchment compensation was not paid to her husband. In her cross examination, she has stated that she does not know when her husband was retrenched and he was paid compensation etc. Remaining silent in her affidavit that her husband was not paid any retrenchment compensation meaning thereby that her husband was paid retrenchment compensation by the management. Moreover, in written statement, stand of the respondents is that the deceased workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the Act and other relevant laws. Thus, it shall be presumed that deceased workman was given retrenchment compensation. Even a perusal of service record (MW1/B) of deceased workman reveals that he was paid gratuity etc. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of Jaswant Singh Case (Supra), Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employ the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

- i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.
- ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.
- iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. Deceased workman Prabha was employed on 29.04.1965 and was retrenched on 25.10.1978 as mentioned in Discharge Certificate (Ex.W-1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 13 year and about 6 months (more than 5 years), so the applicants are entitled for Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

36. 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

नई दिल्ली, 17 जून, 2025

का.आ. 1262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष, उड़ीसा झींगा बीज उत्पादन आपूर्ति एवं अनुसंधान केंद्र (ओएसएसपीएआरसी), केरल के प्रबंधन के

संबद्ध नियोजकों और श्री निरंजन पंडफा, ओडिशा के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय, भुवनेश्वर पंचाट (संदर्भ संख्या 56/2016) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 16.06.2025 को प्राप्त हुआ था।

[सं. एल-42025-07-2025-140- आईआर-(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 17th June, 2025

S.O. 1262.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 56/2016**) of the **Central Government Industrial Tribunal cum Labour-Bhubaneswar**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The President, Orissa Shrimp Seed Production Supply & Research Centre (OSSPARC) , Kerala and Sri Niranjana Pandfa, Odisha** workmen which was received along with soft copy of the award by the Central Government on 16.06.2025.

[No. L -42025-07-2025-140-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 56/2016

Filed under section 2(A)(2) of the Industrial Disputes Act.

Date of Passing Order – 21st April, 2025

Between :-

Sri Niranjana Pandfa,
S/o. Padmanava Parida, At./Po. Narendrapur,
Via Bhanja Vihar,
Dist. Ganjam, Odisha.

... Applicant-Workman.
(And)

The President, Orissa Shrimp Seed Production
Supply & Research Centre (OSSPARC) MPEDA House,
Panampilly Avenue, Kochi – 682 036, Kerala.

... Management-Opp. Party.

Appearances:

Mr. Amar Shoo, Advocate.... For the 1st Party-Management.
Mr. Kailash Chandra Mishra... For the Applicant-Workman.

ORDER

This order is being passed on an application of applicant-workman filed under section 2-A(2) of the Industrial Disputes Act (herein-after referred as an Act).

2. The case of the applicant-workman as per his statement of claim is as follows:-

That he was working under the 1st Party-Management since 28.06.1990 and he was illegally relieved from service on 31.03.2009 by the 1st Party-Management, whereas he had been assured by the 1st Party-Management for disbursement of his arrear dues as well as his rehabilitation. The 1st Party-Management has formulated Service Rules and as per the said rule on successful completion of probation on first appointment every employee shall be confirmed. As per the rules formulated by the Management the date of retirement from service was 60 years and there was no such provision for voluntary retirement scheme, but calling the workman by the Management to submit option for VR Scheme was unconstitutional. Though, he did not opt for VR Scheme floated by the Management he was

forced to sign the format for VR Scheme and he was assured for rehabilitation for his livelihood. Since, the action of the Management was neither legal nor justified the 2nd party-workman raised a dispute before the R.L.C.(C) Bhubaneswar on dated 28.11.2013 and when the matter was not resolved he had filed this application under section 2-A(2) of the Act with a prayer to pass an order of his reinstatement of his service with full back wages.

3. The case of the 1st Party-Management as per its written statement is as follows:-

That the present proceeding filed by the applicant under section 2-A(2) of the I.D. Act is not maintainable in the eye of law as the same is grossly barred by limitation. The applicant workman has voluntarily opted for Special VR Scheme floated by the Management and the workman has received all the benefits under Special V.R. scheme. After that the applicant-workman in an afterthought and with ill intention had raised industrial dispute under section 2A(2) of the I.D. Act which is grossly barred by limitation. The applicant workman has voluntarily taken retirement on 31.03.2009 from his service by way of opting special V.R. Scheme floated by the Management and also received all the benefits accrued to him, so the allegation of illegal removal from service on 31.03.2009 by the Management is false, frivolous and baseless. In the Industrial Disputes (Amendment) Act, 2010 Section 2(A)(2) & (3) are inserted for the benefits of the workman to raise his dispute with the management connected with or arising out of discharge, dismissal, retrenchment or termination, directly before Labour Court or Tribunal within a specific period of three years of such alleged dispute, but the applicant has filed his application much after three years.

A prayer has been made to reject the application of the applicant-workman on the ground of limitation.

4. After going through the pleadings of both the parties it is quite apparent that the 2nd party-workman/applicant has filed this application under section 2-A(2) of the I.D. Act on 28.06.2016 whereas it is the claim of the applicant that he was relieved from service on 31.03.2009.

5. At this stage the Tribunal thinks it proper to discuss here the provisions of the Section – 2(A)(3) of the I.D. Act:-

Section 2-A(3) of the Act specifically provides that the application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in sub-section(1).

6. In the instant case the applicant-workman has raised the dispute under section 2-A(2) of the Act after expiry of more than seven years of his alleged termination/retrenchment, so the petition filed by the applicant is not within the prescribed period provided under the provisions of the I.D. Act.

7. After considering all the facts and circumstances of the case the Tribunal finds and holds that the application filed under section 2-A(2) of the I.D. Act is not maintainable as it is time barred. Hence, the application filed under section 2-A(2) of the Industrial Disputes Act is rejected and the case is dismissed.

8. Order is passed accordingly.

9. A copy of this order is sent to the appropriate government for notification as required under section 17 of the I.D. Act, 1947. File is consigned to record room.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 17 जून, 2025

का.आ. 1263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.टी.पी.सी.क प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 35/2020-21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28/05/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th June, 2025

S.O. 1263.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 35/2020-21**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. N.T.P.C.**, and received by the Central Government on **28/05/2025**.

[No. L -22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/35/2020-21

Date: 21.03.2025.

Party No.1: The Group General Manager,
National Thermal Power Company Ltd.,
Mouda Post. & Tah. Mouda,
Distt-Nagpur-441104.
2) The Managing Director/General Manager,
M/s Shashi Engineering Company,
Branch Office: Vindhyanagar,
Singrauli (MP)-486885.

V/s.

Party No.2: The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt- Nagpur-441404.

AWARD(Dated: 21st March, 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 N.T.P.C. and their workman Shri Ishwar Shankar Madankar for adjudication, as per letter **No. N-8(21)/2020-ID/IR dated 27.10.2020**, with the following schedule:-

"Whether the action of management The Managing Director/General Manager, M/s Shashi Engineering Company, Bench Office: Vindhyanagar, Singrauli (MP) in terminating the service of Shri Ishwar Shankar Madankar w.e.f. 09/06/2017 is just fair & legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Both the parties are absent. Both parties are not responding and attending the Court since 16/02/2021 i.e. near about four years. Petitioner has not filed his statement of claim till date. Although the respondent has filed his reply on 11/11/2021 but now, both the parties are not attending the Court since long back. It appears that petitioner is not interested to contest the case further more. No evidence has been adduced on behalf of petitioner to prove the contents of the claim. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered:

ORDER

The action of management The Managing Director/General Manager, M/s Shashi Engineering Company, Bench Office: Vindhyanagar, Singrauli (MP) in terminating the service of Shri Ishwar Shankar Madankar w.e.f. 09/06/2017 is just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 19 जून, 2025

का.आ. 1264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया 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 16/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई.आर.सी. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 19th June, 2025

S.O. 1264.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 16/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Air India Ltd.** and their workmen, received by the Central Government on **03/07/2025**

[No. L -22013/01/2025– 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 16th day of April, 2025**INDUSTRIAL DISPUTE LC No.16/2014**

Between:

M. Satyanarayana, S/o Late Shri M. Ramaiah,

Aged 37 years, Helper (Casual),

Air India Limited (Erstwhile Indian Airlines),

Hyderabad, R/o H.No. 1-31-718, Greenfield,

Indiranagar, Tirumalgherry, Secunderabad.

.....Petitioner

AND

1. The Air India Limited

(Erstwhile Indian Airlines),

Rep. by the chairman and Managing Director,

Sasdarjung Airport, New Delhi-110003.

2. The Deputy General manager (Personnel),

Air India Limited (Erstwhile Indian Airlines),

Southern Region, Begumpet, Hyderabad-500016.

...

Respondents

Appearances:

For the Petitioner: A. Nagendra Rao, Advocate

For the Respondent: V. Uma Devi & N. Srinivas, Advocate

AWARD

Sri M. Satyanarayana, who worked as Helper (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Air India Limited for to set aside the action of the Respondent for termination of the services of the petitioner herein from the post of helper. To regularize the services of the petitioner herein the post of helper from the initial date of appointment.

2. On the date fixed for Petitioner's evidence, Petitioner called absent. Despite providing sufficient opportunity Petitioner did not adduce any evidence to substantiate his claim. Therefore, a 'No claim' award is passed for want of evidence.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 16th day of April, 2025.

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, 17 जून, 2025

का.आ. 1265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्लू 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, नागपुर के पंचाट (संदर्भ संख्या 26/2016-17) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/05/2025 को प्राप्त हुआ था।

[सं. एल-22012/90/2016-आई.आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th June, 2025

S.O. 1265.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 26/2016-17**) of the **Central Government Industrial Tribunal-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL and their workmen** received by the Central Government on **27/05/2025**.

[No. L -22012/90/2016- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/26/2016-17

Date: 20.05.2025.

Party No.1: The Sub Area Manager,
WCL, Junad O/c Mines, Post. Ukni,
Tehsil: Wani, Distt. Yavatmal,
Yavatmal (M.S.) – 445304.

V/s.

Party No.2: The Vice President,
Sanyukta Khadan Mazdoor Sangh (AITUC),
Junad O/c Branch, Post Ukni, Tehsil: Wani,
Distt. Yavatmal (M.S.) – 445304.

AWARD(Dated: 20th May, 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, Junad O/c Mines, Post Ukni, Tah: Wani, and their workman Shri. Tatoba Maroti Shende, for adjudication, as per letter No. L-22012/90/2016 (IR(CM-II)) dated 10.11.2016, with the following schedule:-

“Whether the demand of union raised vide their representation dated 05/11/2014 over the issue of basic wage protection on conversion from piece rate to time rate in respect of Shri. Tatoba Maroti Shende, Retired Peon, Junad OCM, Wani North Area, Dist. Yavatmal is fair, just or lega l? If not, to what relief the concerned workman retired employee is entitled to?”

2. Case is called out. Both parties are not present. Both parties are not responding and attending the Court since long back. Petitioner is not coming to the Court since 19.08.2019. Although, statement of claim and written statement have been filed by the parties respectively. No other evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case furthermore. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The demand of union raised vide their representation dated 05/11/2014 over the issue of basic wage protection on conversion from piece rate to time rate in respect of Shri. Tatoba Maroti Shende, Retired Peon, Junad OCM, Wani North Area, Dist. Yavatmal is unfair, unjust or illegal. The concerned workman is not entitled to any relief.

Justic (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 20 जून, 2025

का.आ. 1266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्लू 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, नागपुर के पंचाट (संदर्भ संख्या 38/2012-13) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/05/2025 को प्राप्त हुआ था।

[सं. एल-22012/248/2012-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 20th June, 2025

S.O. 1266.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 38/2012-13**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and **their workmen** received by the Central Government on 27/05/2025.

[No. L -22012/248/2012- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

_Case No.CGIT/NGP/38/2012-13

Date: 20.05.2025.

Party No.1: The Deputy Chief Personnel Manager(I/C),
I.R. & Pension, Western Coalfields Ltd.,
Coal Estate, Civil Lines,
Nagpur – 440001
Nagpur.

V/s.

Party No.2: The General Secretary,
Lalzanda Coal Mines Mazdoor Union (CITU),
WCL HQ Branch, Coal Estate,
Civil Lines, Nagpur – 440001
Nagpur.

AWARD

(Dated: 20th May, 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 I.R. & Pension, Western Coalfields Ltd, and their

union/Lalzanda Coal Mines Mazdoor Union, for adjudication, as per letter No. L-22012/248/2012(IR(CM-II)) dated 06.02.2013, with the following schedule:-

“Whether the action of the management of the Western Coalfields Ltd. Nagpur through its Dy. Chief Personnel Manager (I/C) & Western Coalfields Employees Co-operative Society, Nagpur for non-payment of salary for 30 canteen employees of Western Coalfields Employees (HQ) Consumer Co-operative Society for the month of Sept., 2009 is legal and justified ? If not, then what relief the workman is entitled to?”

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 13.04.2020. Although statement of claim and written statement have been filed by the parties respectively. Petitioner has also filed his affidavit as evidence but petitioner is not coming to the Court to establish the contents of the affidavit as well as the contents of the statement of claim. No other evidence has been filed by the petitioner to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So. It is closed.

Hence, it is ordered.

ORDER

The action of the management of the Western Coalfields Ltd. Nagpur through its Dy. Chief Personnel Manager (I/C) & Western Coalfields Employees Co-operative Society, Nagpur for non-payment of salary for 30 canteen employees of Western Coalfields Employees (HQ) Consumer Co-operative Society for the month of Sept., 2009 is legal and justified. The workmen are not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 1 जुलाई, 2025

का.आ. 1267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ 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 (संदर्भ संख्या 30/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/64/2021-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 1st July, 2025

S.O. 1267.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 30/2021**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and **their workmen** received by the Central Government on **01/07/2025**.

[No. L -22012/64/2021- 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. 30 OF 2021

PARTIES: Pramod Kanu,
Son of Late Dahu Kanu

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, learned Advocate

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 01/04/2025**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-22012/64/2021-IR(CM-II)** dated 14/12/2021 has been pleased to refer the following dispute between the employer, that is the Management of Khas Kajora Colliery of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Khas Kajora Colliery, Kajora Area, M/s. E.C.Ltd. not providing employment to Sri Promod Kanu son of Late Dahu Kanu, Ex-CCM Driver, U.M.No. 551030 and compensation to the wife of deceased employee is justified or not? If not, what relief the dependent of Late Dahu Kanu is entitled to?”

1. On receiving Order **No. L-22012/64/2021-IR(CM-II)** dated 14/12/2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 30 of 2021** was registered on 14.12.2021/01.07.2022 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.

2. Mr. Rakesh Kumar, President, Koyala Mazdoor Congress filed written statement on behalf of the dependent son of the deceased employee on 08/08/2022. Management of ECL filed their written statement on 17/01/2023. In gist, fact of the union's case is that Dahu Kanu, an employee of ECL bearing UM No. 551030 was posted at Khas Kajora Colliery as CCM Driver. He died in harness on 18/05/1998. Under clause 9.3.2 of NCWA-VI one dependent of the deceased employee is entitled to get employment. Accordingly wife of the deceased employee applied for providing employment to her and submitted necessary documents. Management of the company did not provide employment to the wife of the deceased employee. Discouraging female dependent from claiming employment, management of ECL suggested to the wife of the deceased to apply for employment to the dependent son, Pramod Kanu. Wife of Late Dahu Kanu thereafter submitted another application for providing employment to her son, Pramod Kanu. Management of ECL processed the employment proposal, held screening test at the colliery level and Area level. Pramod Kanu was thereafter referred for his medical examination which was to be held by the Initial Medical Examination Board. The IME Board declared the age of Pramod Kanu as seventeen to twenty two years which was calculated as nineteen years and six months at the time of Initial Medical Examination. Pramod Kanu also submitted several documents including his Birth Registration Certificate, wherein his Date of Birth is recorded as 01/07/1982 which implies that his age was sixteen years on the date of death of Dahu Kanu. He produced his School Leaving Certificate/Transfer Certificate in which his Date of Birth is mentioned as 01/07/1982. Janma Kundali produced revealed the Date of Birth as 01/07/1982. In the Service Record Excerpt of Dahu Kanu age of his son, Dahu Kanu was recorded as two years in the year 1987. On request of Pramod Kanu for holding his medical examination again, the Apex Medical Board on examining Pramod Kanu assessed his age between twenty to twenty five years as on 12/03/2007 i.e. fourteen years and eight months on the date of death of employee. According to the union age of the person was sixteen years on the date of death of his father as mentioned above and according to report of the Medical Board his age was fourteen years and eight months i.e. near to fifteen years. It is further stated that on the date of submitting application for employment, age of Pramod Kanu was above fifteen years and according to the provision of clause 9.5.0 of NCWA-VI if age of the dependent son is twelve years on the date of death of employee, his name would be maintained in live roster for providing employment and wife of the deceased employee is entitled to get Monetary Compensation. It is contended by the union that according to the provision of NCWA Coal India Limited is legally bound to provide employment to one dependent of the deceased employee and the claim for employment is not based upon compassionate ground. It is disclosed that the union raised Industrial Dispute before the ALC (C), Raniganj on 12/07/2010 which ended in failure and FOC report was sent to the Secretary, Ministry of Labour and Employment vide letter No. 1/105/2010-ALCR but unfortunately neither the dispute was referred for adjudication nor did the Ministry deny such reference. Concerned union thereafter approached the Ministry afresh for referring the Industrial Dispute to the Tribunal. In the Written Statement reference has been made to similar situation

where in a case of Late Sitaram Singh, Hon'ble High Court passed the order and employment was provided to the dependent son, though his age was less than fifteen years at the time of death of the employee. Union prayed for providing employment to Pramod Kanu as dependent son of Late Dahu Kanu and Monetary Compensation to the wife of the deceased employee from the date of his death with all consequential benefits.

3. Management contested the case by filing written statement through Agent, Khas Kajora Colliery, ECL. It is admitted that Dahu Kanu was a permanent employee of Khas Kajora Colliery and expired on 18/05/1998. According to the management, Chandra Kala Devi, wife of Late Dahu Kanu at first applied for providing employment to her in place of her deceased husband by filing application on 25/01/2000. Her claim was processed. Management of Khas Kajora Colliery forwarded a proposal on 18/04/2000 to the Competent Authority for providing Monetary Compensation to Chandra Kala Devi in lieu of employment under death scheme. In their internal letter dated 23/08/2000 issued from the Area to the management of the colliery, it was specified that ordinarily no approval would be given for belated claim nor would the same be processed. The case file was resubmitted at Area level on 12/09/2000 which was returned on 19/05/2003 with a communication that as directed by Headquarters, the colliery was requested to process the case of Late Dahu Kanu, Ex-Machine Driver of Khas Kajora Colliery which was claimed by the dependent after six months from the date of death of deceased employee for employment after observing all formalities. It is further stated that Pramod Kanu claimed employment as son of the deceased employee by submitting application on 30/11/2003. A screening of Pramod Kanu was held on 16/02/2004 and relevant papers submitted by the son of the deceased were sent to the Area vide letter dated 16/18.03.2004. Initial Medical Examination of Pramod Kanu was held on 17/12/2004 where it was found that he was below fifteen years at the time of death of his father and the management of Kajora Area informed the Agent by letter dated 04/02/2005 that the claim for employment of Pramod Kanu could not be forwarded to Head Quarters. An application was submitted by Pramod Kanu for holding his medical examination once again. Initial Medical Examination of Pramod Kanu was done by the Area on 17/12/2004 and his age was assessed as seventeen to twenty two years and he did not produce his Birth /Birth Registration Certificate before the Area Medical Board at that time. He arranged his Birth Registration Certificate subsequently which was issued on 18/09/2005 by the authority. On 09/03/2007, Pramod Kanu was referred for his re-medical examination by the Apex Medical Board for assessment of his age. On the basis of letter dated 30/05/2007 issued by the Dy. Chief Personnel Manager of Kajora Area, it was communicated to the Agent, Khas Kajora Colliery that earlier Initial Medical Examination of Pramod Kanu was done by the Area Medical Board on 17/12/2004 and his age was assessed as seventeen to twenty two years i.e. nineteen years and six months as on 17/12/2004 and on referring to the Apex Medical Board for re-examination of his age, Pramod Kanu's age was assessed by the Apex Medical Board as twenty to twenty five years i.e. twenty two years and six months as on 12/03/2007. According to the management age of Pramod Kanu was less than fifteen years at the time of death of Late Dahu Kanu and according to the rule of the company, son of a deceased employee had to be above fifteen years of age for being eligible for entering his name in the live roster for employment. According to the management, Pramod Kanu was found ineligible for employment against the death of his deceased father. Furthermore, dispute has been raised more than twenty one years after date of death of Late Dahu Kanu and has been referred to this Tribunal in the year 2021, i.e. after more than twenty three years of death of the employee as such the Industrial Dispute raised is a stale one and same needs to be dismissed. Management referred to a decision of Hon'ble Supreme Court of India in a case of **M/s. Eastern Coalfields Limited vs. Anil Badyakar and Others** where the Hon'ble Court disapproved the employment on compassionate ground after passage of long years. It was observed that the dispute was a stale and the same was not considered for conciliation.

4. In support of the case, Pramod Kanu filed an affidavit-in-chief and examined himself as Workman Witness-I. In his evidence witness deposed that his father died on 18/05/1998 while he was in service of the company. He produced the following documents:-

- (i) copy of Service Identity Card of Dahu Kanu is produced as Exhibit W-1.
- (ii) copy of service record of his father in two pages is collectively produced as Exhibit W-2.
- (iii) copy of death certificate of his father is produced as Exhibit W-3.
- (iv) copy of letter dated 07/02/2000 issued to his mother is produced as Exhibit W-4.
- (v) copy of reply submitted by his mother is produced as Exhibit W-5.
- (vi) copy of his application submitted for employment is produced as Exhibit W-6.
- (vii) copy of letter issued by the Dy. Personnel Manager is produced as Exhibit W-7.
- (viii) copy of reply submitted by him against letter dated 04/02/2005 is produced as Exhibit W-8.
- (ix) copy of his mother's letter dated 19/10/2005 is produced as Exhibit W-9.
- (x) copy of letter dated 14/01/2006 informing that his age could not be reassessed by Area Medical Board is produced as Exhibit W-10.

- (xi) copy of letter dated 08/06/2007 regarding age assessment for the second time is produced as Exhibit W-11.
- (xii) copy of representation submitted by the workers' union dated 27/10/2007 is produced as Exhibit W-12.
- (xiii) copy of another representation dated 14/03/2008 of the union is produced as Exhibit W-13.
- (xiv) copy of internal letter dated 16/05/2009 whereby company regretted the proposal for re-medical of Pramod Kanu is produced as Exhibit W-14.
- (xv) copy of his Transfer Certificate issued by Utkramit Madhya Vidyalaya is produced as Exhibit W-15.
- (xvi) copy of order passed by Assistant Labour Commissioner (C) Raniganj at Durgapur which resulted in failure of Conciliation, which is collectively produced as Exhibit W-16.
- (xvii) copy of letter dated 14/08/2019 issued by ALC(C), Raniganj at Durgapur for raising dispute afresh is produced as Exhibit W-17.

In cross-examination workman witness deposed that his mother submitted application within two months from date of death of his father and he applied for employment in the year 2003. Witness stated that he was eighteen years of age in the year 2003. It may be gathered from evidence of WW-I that his father was murdered at his native place and his mother was mentally disturbed for which some delay might have occurred. It transpires from cross-examination of the witness that he appeared for Initial Medical Examination in the year 2004 and submitted another application in the year 2005 for his medical examination afresh. Apex Medical Board held re-medical examination on 12/03/2007 which assessed the age of Pramod Kanu as twenty to twenty five years. In the later part of cross-examination it is stated that his mother died on 16/10/2021 during pendency of this dispute.

5. Mr. Proloy Dasgupta is examined as Management Witness-I and filed his affidavit-in-chief. In the affidavit-in-chief witness deposed that initially wife of Late Dahu Kanu submitted application for providing employment to her but the witness was unable to produce copy of the application. It is deposed that application of the wife of Late Dahu Kanu was not considered on the ground that the application was filed after expiry of six months from date of death of her husband. Witness further stated that Pramod Kanu was less than fifteen years of age at the time of death of his father and his name could not be maintained in live roster which was communicated to him by the Agent vide letter dated 04/02/2005. According to the MW-I, the petitioner claiming employment was underage at the time of his father's death due to which prayer for maintaining his name in the live roster of the company was not allowed. Management Witness-I produced the following documents in support of their case:-

- (i) copy of application submitted by Pramod Kanu on 28/11/2003 is produced as Exhibit M-1.
- (ii) copy of service excerpt of Dahu Kanu is produced as Exhibit M-2.
- (iii) copy of letter dated 23/08/2000 is produced as Exhibit M-3.
- (iv) copy of letter dated 04/02/2005 of Deputy Chief Personnel Manager issued to the Agent, Khas Kajora Colliery is produced as Exhibit M-4. In the letter it was informed that Pramod Kanu was below fifteen years of age at the time of his father's death.
- (v) copy of letter dated 19/11/2005 submitted by Pramod Kanu praying for assessing his age by Medical Board is produced as Exhibit M-5.
- (vi) copy of letter dated 30/05/2007 informing the findings of Apex Medical Board is produced as Exhibit M-6.

In cross-examination, witness deposed that during pendency of application submitted by the wife of deceased, the son made a fresh application for employment for which employment proposal of the wife was discontinued. Witness admitted that no Monetary Compensation was granted to the wife of deceased employee despite her application was submitted claiming monetary compensation. Witness admitted Exhibit W-9 i.e. application submitted by the wife praying for payment of Monetary Compensation. In course of cross-examination Management Witness deposed that management considers the age assessed by the Medical Board and not the school certificate. Witness denied the suggestion that management committed illegality by not providing employment to the son of the deceased.

6. Mr. Rakesh Kumar, union representative argued that Chandra Kala Devi, widow of the deceased employee submitted her application for her employment on 10/02/2000. In her letter she disclosed that after death of her husband she was in a state of mental shock and was not in normal position to take suitable decision at that time. She prayed for her employment after explaining the delay seeking help for providing employment. Management did not process her prayer for employment. During pendency of such application, Pramod Kanu, the minor son of the deceased employee on attaining majority submitted an application (Exhibit W-6) dated 28/11/2003 praying for his employment in place of his deceased father. Management regretted the prayer for employment on the ground that Pramod Kanu was less than fifteen years at the time of death of his father (Exhibit W-7). Mr. Kumar submitted that Pramod Kanu made a fresh application praying for his re-medical examination by the Apex Medical Board and stated that he was sixteen years of age as on 18/05/1998. Manager of Khas Kajora Colliery in letter dated 14/01/2006 informed Pramod Kanu that Area Medical Board on 17/02/2004 assessed his age as seventeen to twenty two years

and the Birth Registration Certificate which was not produced before the Area Medical Board and was subsequently obtained on 18/09/2005 could not be considered. It is further stated in the letter that since age of Pramod Kanu was assessed by the Area Medical Board, the same could not be re-examined on the basis of documents not considered to be authentic. Mr. Kumar referring to Exhibit W-11, a letter issued by the Manager, Khas Kajora Colliery dated 08/06/2007 submitted that Pramod Kanu was referred for reassessment of age by the Apex Medical Board and his age was assessed as twenty to twenty five years i.e. twenty two years and six months as on 12/03/2007. It is argued that if the age assessed by the Medical Board is considered to be correct then average age of Pramod Kanu would be twenty two years and six months as on 12/03/2007. Therefore, applying the provision of clause 9.5.0 (iii) of NCWA-VI applicable to the workman and the management from 01/07/1996 to 30/06/2001, which provides that in a case of death if no employment is offered and male dependent is twelve years or more in age, he will be kept in live roster and will be provided employment commensurating with his skill and qualification when he attains eighteen years of age. Mr. Kumar argued that ECL is bound by NCWA and was responsible to maintain name of the dependent son of Late Dahu Kanu in live roster and provide employment to him on his attaining majority. It is argued that in the instant case management has acted in an arbitrary manner by not providing employment to the dependent son and not paying Monetary Compensation to the widow of the deceased during her lifetime.

7. Mr. P. K. Das, learned advocate for the management of ECL argued that the Industrial Dispute is liable to be dismissed on two counts. Firstly, the application for employment was made after inordinate delay of fifteen years and secondly the age of the dependent son should not be less than fifteen years for the purpose of maintaining his name in live roster. Since the age of Pramod Kanu was thirteen years and eight months at the time of death of his father on 18/05/1998 management had no option but to disapprove the prayer for employment due as petitioner son was below age.

8. I have considered the pleading, evidence adduced and documents produced. Admittedly Dahu Kanu was a permanent employment of Khas Kajora Colliery, ECL and died on 18/05/1998 while he was in service of the company. Chandra Kala Devi, his wife at first submitted application on 10/02/2000 claiming employment. In reply to management's letter No. KKC/P&IR/C-6/46/150 dated 07/02/2000 where after two years from death of employee, management asked wife of the deceased that no claim paper for employment had been filed and she filed her application only on 25/01/2000 after one and half years as such prayer would not be entertained as per circular and guideline of the company, wife of the deceased in letter dated 10/02/2000, explained the delay, disclosing that after death of her husband she was in a shock for long time and was not in normal position to take suitable decision. It appears from the materials on record that management did not consider the prayer for employment of the wife. However, on the basis of application dated 28/11/2003 by Pramod Kanu (Exhibit W-6) he was referred for his medical examination and by letter dated 09/02/2005 (Exhibit W-7), Pramod Kanu was informed by the management of Khas Kajora Colliery that on assessment of age by Initial Medical Examination on 17/12/2004 his age was assessed between seventeen years to twenty two years i.e. nineteen years six months as on 17/12/2004. It was further informed that his prayer could not be forwarded to Head Quarters as he was less than fifteen years of age. Written statement of the management reveals that on the basis of application for employment submitted by Pramod Kanu on 30/11/2003, screening at colliery level was held on 16/02/2004 and his medical examination was held on 17/12/2004. It is evident that the application of Pramod Kanu had been entertained and acted upon by the management. He was also referred to the Apex Medical Board on 09/03/2007 for his age assessment where his age was reassessed as twenty to twenty five years as on 12/03/2007. Management Witness relying upon the age assessed by the Apex Medical Board on 12/03/2007 (Exhibit M-6) deposed that petitioner was underage at the time of his father's death and the prayer for employment was not allowed. Witness admitted in cross-examination that management did not respond to the application of wife praying for employment and Monetary Compensation and no communication was made by the management disclosing reasons for not considering the prayers. I find from the evidence that management did not communicate their decision to Pramod Kanu regarding his claim for employment. At this juncture it would be appropriate to consider the provision of NCWA applicable to a case where death took place on 18/05/1998. It appears that NCWA-VI which was signed on 23/12/2000 has been made applicable from 01/07/1996 to 30/06/2001. In the present case management has assessed age of Pramod Kanu as twenty two years and six months as on 12/03/2007 and if said the assessment is considered for the purpose of deciding age of the dependent son then on the death of his father, he was thirteen years and eight months of age. According to the provision of clause 9.5.0(iii) name of a male dependent has to be maintained in live roster if he is above twelve years of age on the date of death of his father and he would be provided employment on attaining age of eighteen years. In the instant case the management has committed a clear violation of the provision of NCWA-VI where the management did not take into consideration the age of the dependent son for the purpose of maintaining his name in live roster for granting employment. As long as a son is a minor and does not have legal competence to decide as to within what time application for employment should be submitted, the argument of the management that application for employment was submitted after a long delay cannot be accepted.

9. In the present case management faulted on their part by not providing Monetary Compensation to the wife of the deceased though application was filed within one year and eight months. It was the duty of the management to extend the benefits of Monetary Compensation and employment to the family of the deceased employee according to the terms of settlement. From the evidence of WW-I I find that wife of the deceased, Chandra Kala Devi has died on

16/10/2021 as such no Monetary Compensation can be paid to her. Pramod Kanu, dependent son is found eligible and entitled to get employment in place of his father in terms of clause 9.5.0(iii) of NCWA-VI. Management of ECL is directed to take appropriate step to process the prayer of employment of Pramod Kanu, son of Late Dahu Kanu commensurating with his skill and qualification. Management shall complete the process for granting employment to the son within one month from date of communication of Award, if the process is not complete within the stipulated time, management shall be liable to provide compensation of Rs. 30,000/ per month to the dependent son till employment is provided to him.

Hence,

ORDERED

that the Industrial Dispute raised by the union is decided in favour of the petitioner on contest. Management is directed to provide employment to Pramod Kanu, son of Late Dahu Kanu within one month from the date of communication of Award, in default, management of ECL shall be liable to pay a compensation of Rs. 30,000/ per month to the dependent son till employment is provided to him. Let an Award be drawn up in light of my above findings and copies of the Award in duplicate be sent to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **सी.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, धनबाद 1, के पंचाट (संदर्भ संख्या 31/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/241/2002-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1268.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 31/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **C.C.L.**, and **their workmen** received by the Central Government on 30/06/2025.

[No. L -20012/241/2002- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 31/2003

Employer in relation to the management of Swang Colliery of M/s. CCL, Bokaro.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri D.K. Verma, Ld. Advocate.

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/241/2002-IR(C-I)) dated 10/03/2003 has been pleased to refer the following dispute between the employer i.e. management of Swang Colliery of M/s. CCL and their workman through Area Secretary, N.C.O.E.A., Swang, Bokaro for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the NCOEA from the management of CCL, Swang Colliery to give Shri Dasrath Singh, Driver Cat-V the benefits of VDA etc as per the N.C.D.C. rules is justified? If so to what relief is the workman concerned entitled and from what date?”

2. On receiving order no. L-20012/241/2002-IR(C-I) dated 10/03/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 31 of 2003 was registered on 28.04.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice, Sri R.N. Ganguly, Ld. Advocate of workman appeared and filed letter of authority as also the written statement on behalf of the sponsoring union whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management. It further transpires that written statement and rejoinder has been filed by the management but when the case record was put up after a long gap, registered notices were again sent but the registered post was returned with remarks “अधूरा पता अतः वापस” and thereafter no step was taken from the side of the workman. Whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management but the workman never appeared before the Tribunal since 16.08.2021.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 4 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .सी .एल, के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद 1, के पंचाट (संदर्भ संख्या 120/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/61/2001-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1269.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 120/2001**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L, and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -20012/61/2001- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 120/2001

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri N. Nath, O.S Legal H.Q.

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/61/2001-C-I dated 22/05/2001 has been pleased to refer the following dispute between the employer i.e. management of Katras Area of M/s. BCCL and their workman through General Manager, National Coal Workers Congress, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of East Katras Colliery M/s BCCL in dismissing Sri Dhibha Turi from the services of the Company w.e.f. 12.5.99 is justified? If not, to what relief is the concerned workman entitled?”

2. On receiving order no. L-20012/61/2001-C-I dated 22/05/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 120 of 2001 was registered on 20.06.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After service of notice, Sri B.N. Singh, General Secretary of the Sponsoring Union appeared from the side of the workman and filed W/S and subsequently rejoinder also and Sri D.K. Verma, Advocate appeared from the side of the employer appeared and filed written statement from the management side. It further appears that management also led some evidence but workman failed to adduce any evidence, later on, a registered notice was sent on 30.09.2020 for appearance of the parties for further proceeding but none appeared from either side though Sri N. Nath, O.S Legal H.Q of management appeared on 10.06.2025. The workman did not appear and since the year 2020, the case record is running in dark which shows that the workman has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1270.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 94/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-22012/107/2004-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1270.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 94/2004**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.**, and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -22012/107/2004– IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 94/2004

Employer in relation to the management of Sudamdih Incline Mine of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Dhiraj Kumar, (Legal Inspector)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/107/2004-IR(C-I) dated 02/09/2004 has been pleased to refer the following dispute between the employer i.e. management of Sudamdih Incline Mine of M/s. BCCL and their workman through Joint Secretary, Dalit Mazdoor Sangh, Chandankyari, Bokaro for adjudication by this Tribunal:

SCHEDULE

“क्या भा को को लि, सुदामडीह इंकलाइन माइन के प्रबंधतंत्र द्वारा कर्मकार श्री सत्य नारायण सहीस, माइनर लोडर को दिनांक 14/12/2002 से बर्खास्त किया जाना विधिवत, उचित एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?”

2. On receiving order no. L-20012/107/2004- IR(C-I) dated 02/09/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 94 of 2004 was registered on 14.09.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice to the workman, the same returned with remarks “नहीं जानते हैं” and thereafter no step was taken on behalf of the workman. On 06.06.2025, Sri Dhiraj Kumar, Legal Inspector of management appeared. The case record shows that the registered notice that was sent to the workman returned with endorsement “नहीं जानते हैं” and thereafter no step was taken on behalf of the workman in this case. The case record shows that this case is of the year 2004 and since then no step has been taken from the side of the workman which shows that he has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 24/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/15/2007-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1271.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 24/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L, and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -20012/15/2007- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 24/2007**

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Manoranjan Kr. Singh, Manager (P)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/15/2007-(IR(CM-I)) dated 13/17.04.2007 has been pleased to refer the following dispute between the employer i.e. management of Bastacolla Area of M/s. BCCL and their workman through Secretary, Bihar Colliery Kamgar Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Kuya Colliery under Bastacolla Area of M/s BCCL in not regularising the services of Shri Yadu Mahato, as Magazine Clerk is justified and legal? If not, to what relief is the concerned workman entitled?”

2. On receiving order no. L-20012/15/2007-(IR(CM-I)) dated 13/17.04.2007 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 24 of 2007 was registered on 01.05.2007 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Even after issuance of regd. notice, none appeared from either side though on 06.06.2025, Sri Manoranjan Kr.

Singh, Manager (P) of management appeared. The case record shows that after issuance of notice, the workman never appeared before the Tribunal since the year 2007 which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1272.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 48/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-22012/75/2001-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1272.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 48/2011**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **B.C.C.L.**, and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -22012/75/2001- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 148/2001

Employer in relation to the management of Govindpur Area-III of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Chandramani Kumar, Asstt. Manager (L)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/75/2001- C-I dated 18/24.05.2001 has been pleased to refer the following dispute between the employer i.e. management of Govindpur Area-III of M/s. BCCL and their workman through Secretary, Koyla Ispat Mazdoor Panchayat, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या भारत को.को.लि., गोविंदपुर क्षेत्र-III के प्रबंधतंत्र द्वारा श्री राम लाखन भुईया को सेवा से बर्खास्त किया जाना विधिवत्, न्यायसंगत एवं सही है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?”

2. On receiving order no. L-20012/75/2001-C-I dated 18/24.05.2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 148 of 2001 was registered on 20.06.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Even after issuance of regd. notice, none appeared from either side though on 06.06.2025, Sri Chandramani Kumar Asstt. Manager (L) of management appeared. The case record shows that after issuance of regd. notice, the workman never appeared before the Tribunal since the year 2001 which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 102/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-22012/73/2006-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 102/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L, and **their workmen** received by the Central Government on 30/06/2025.

[No. L -22012/73/2006- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 102/2006

Employer in relation to the management of E.J. Area of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Dhiraj Kumar, (Legal Inspector)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/73/2006-(IR(CM-I)) dated 10/11/2006 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL and their workman through Working President, Jharkhand Mines Lal Jhanda Mazdoor Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Regional Hospital, Jealgora under EJ Area of M/s. BCCL in dismissing Sh. Sukhram Bansford, Sweeper from the services of the company vide letter dated 15.3.2024 is fair and justified? If not, to what relief is the concerned workman entitled?”

2. On receiving order no. L-20012/73/2006-(IR(CM-I)) dated 10/11/2006 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 102 of 2006 was registered on 06.12.2006 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Even after issuance of notice, none appeared from either side though on 06.06.2025, Sri Dhiraj Kumar, Legal Inspector of management appeared. The case record shows that after issuance of regd. notice, the workman never appeared before the Tribunal since the year 2006 which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 22/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20013/01/2025-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1274.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 22/2024**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L, and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -20013/01/2025– IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 22/2024

Employer in relation to the management of AKWMC Colliery of Katras Area of M/s. BCCL.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri N.Nath, OS Legal H.Q.

For the workman. :- Sri Pintu Mondal, Representative.

State : Jharkhand.

Industry:- Coal

Dated 06/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.1/(41)/2024.A.7 dated 27/03/2024 has been pleased to refer the following dispute between the employer i.e. management of Katras Area of M/s. BCCL and their workman through General Secretary, National Mazdoor Union for adjudication by this Tribunal:

SCHEDULE

“Whether the management of AKWMC Colliery of Katras Area of M/s BCCL has rightly given promotion to Shri Ravinder Prasad E.P. Sr. Mech. As per norms of the company? If not whether he is entitled for relief?”

1. On receiving order no. 1/(41)/2024.A.7 dated 27/03/2024 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 22 of 2024 was registered on 28.03.2024 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.
2. After issuance of notice, Sri Pintu Mondal, General Secretary appeared on behalf of the workman but no one appeared on behalf of the management. Later on 26.03.2025 Sri Pintu Mondal, General Secretary filed a petition of workman stating that he does not want to contest the case because he will be superannuated in June, 2025 and so his case be closed.
3. Today Sri N.Nath, OS Legal H.Q. for the employer is present and Sri Pintu Mondal, General Secretary on behalf of the workman is also present.
4. On perusal of the entire case record it transpires that the workman who is the aggrieved party, has filed a petition dated 26.03.2025 with a prayer to close his case. As now he is not interested to contest this case, his prayer is allowed and accordingly this case is hereby dismissed as withdrawn and it is further ordered that “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, धनबाद 1, के पंचाट (संदर्भ संख्या 11/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/47/2018-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1275.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 11/2018**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L., and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -20012/47/2018– IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 11/2018

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri D.K. Verma, Ld. Advocate.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/47/2018-(IR(CM-I)) dated 03/07/2018 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL and their workman through Working President, Jharkhand Colliery Mazdoor Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of management of E.J. Area of M/s BCCL in retiring Sri Bijoy Mahato, Clerk w.e.f. 30.11.2016 is legal, proper and justified? If not, what relief, the concerned workman is entitled to and what other directions are necessary in this regard?”

2. On receiving order no. L-20012/47/2018-(IR(CM-I)) dated 03/07/2018 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 11 of 2018 was registered on 12.07.2018 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Sri S.N. Goswami, Ld. Advocate appeared from the side of the workman and filed letter of authority along with written statement on behalf of the union whereas Sri D.K. Verma, Ld. Advocate appeared on behalf of the employer and filed letter of authority and on 06.06.2019 he filed written statement and later on rejoinder was also filed on behalf of the workman and subsequently some documents were also filed on behalf of the management. Sri Dilip Chakraborty, Working President of Union appeared on 26.03.2025 before the Court and filed a petition along with death certificate of the workman namely Bijoy Mahato stating that the concerned workman has expired on 19.04.2021, and prayed that as the workman has expired and his other family members are not interested to be substituted, this case may be closed.

4. Today Sri D.K. Verma, Ld. Advocate for the employer is present but none appeared from the side of the workman/union.

5. On perusal of the petition along with xerox copy of death certificate of the workman Bijoy Mahato it transpires that the workman has died on 19.04.2021 and so, the case cannot be proceeded with due to the death of the workman and therefore, petition filed by the Working President of union/workman is allowed and accordingly, this case is hereby dismissed as withdrawn.

6. Hence,

ORDERED

that this case is hereby dismissed as withdrawn and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 86/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/67/2003-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1276.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 86/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L, and **their workmen** received by the Central Government on **30/06/2025**

[No. L -20012/67/2003- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 86/2003

Employer in relation to the management of Bhowra O.C.P. of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Dhiraj Kumar, (Legal Inspector)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20012/67/2003- IR(C-I) dated 19/08/2003 has been pleased to refer the following dispute between the employer i.e. management of Bhowra OCP of M/s. BCCL and their workman through Vice President, Dhanbad Colliery

Karmachary Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the Dhanbad Colliery Karmachary Sangh from the management of BCCL, Bhowra OCP for promoting Sri Jagarnath Jha from Excavation Cat. B to Cat. A is justified? If so, to what relief is the workman entitled and from what date?”

2. On receiving order no. L-20012/67/2003- IR(C-I) dated 19/08/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 86 of 2003 was registered on 06.10.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Even after issuance of regd. notice, none appeared from either side though on 30.05.2025, Sri Dhiraj Kumar, Legal Inspector of management appeared. Again regd. notice was sent to the workman on 30.05.2025 that was delivered to him on 31.05.2025 and even after that he did not turn up.

4. Today Sri Dhiraj Kumar, Legal Inspector of management appeared.

5. The case record shows that after issuance of two regd. notices, the workman never appeared before the Tribunal since the year 2003 which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

6. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी .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, धनबाद 1, के पंचाट (संदर्भ संख्या 39/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/06/2025 को प्राप्त हुआ था।

[सं. एल-20012/9/2005-आई.आर. (सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 39/2006**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L, and **their workmen** received by the Central Government on **30/06/2025**.

[No. L -20012/9/2005- IR (CM-I)]

MANIKANDAN. N, Dy. Director

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 Case No. 39/2006

Employer in relation to the management of Bhowra Area No.XI of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Dhiraj Kumar, (Legal Inspector)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-20025/9/2005-IR(C-I) dated 03/03/2006 has been pleased to refer the following dispute between the employer i.e. management of Bhowra Area No.XI of M/s. BCCL and their workman through Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the Rashtriya Colliery Mazdoor Sangh from the management of BCCL, Bhowra Area (No.XI) for promotion of Sh. Umashankar Dutta as special Grade Clerk from the date his junior, Sh. U.K. Sinha was promoted to the said grade is justified? If so, to what relief is the workman entitled?”

2. On receiving order no. L-20025/9/2005-IR(C-I) dated 03/03/2006 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 39 of 2006 was registered on 17.03.2006 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. Even after issuance of regd. notice, none appeared from either side though on 30.05.2025, Sri Dhiraj Kumar, Legal Inspector of management appeared. Again regd. notice was sent to the workman on 30.05.2025 that was delivered to him on 31.05.2025 and even after that he did not turn up.

4. Today Sri Dhiraj Kumar, Legal Inspector of management appeared.

5. The case record shows that after issuance of two regd. notices, the workman never appeared before the Tribunal since the year 2006 which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

6. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर-46/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/06/2025 को प्राप्त हुआ था।

[सं. एल-22011/4/2021-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2025

S.O. 1278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/46/2021**) of the **Central Government Industrial**

Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the Management of **FCI**, and their workmen, received by the Central Government on 29/06/2025.

[No. L -22011/4/2021– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/46/2021

Present: P.K.Srivastava

H.J.S.(Retd.)

General Secretary

Chhattisgarh Hamal Mazdoor Sangh (AICCTU)

H.Q. – Shanti Nagar, Ward-11, Ambedkar Chowk

Rajnandgaon, Chhattisgarh - 490023

Workman

Versus

1. The Depot Manager

Food Corporation of India

Kalling Nagar, Gudhiyari,

PO- Gudhiyari, Raipur (C.G.)-491441

2. M/s. Satyawati Services

Contractor at FCI, Kalling Nagar

Gudhiyari, PO: Gudhiyari, Raipur (C.G.)-491441

Management

AWARD

(Passed on this 10th day of June-2025.)

As per letter dated 30/09/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-22011/4/2021/IR(CM-II) dt. 30/09/2021. The dispute under reference related to :-

“Whether the demand of union of payment of bonus to 88 workers by M/s. Satyawati Services a contractor and CM, FCI, Raipur for the year 2018-19 and 2019-20 is legal and justified ? If not, what relief the 88 workmen, represented through Chhattisgarh Hamal Mazdoor Sangh Rajnandgaon are entitled to ?”

Notices were sent to the parties after registering a case on the basis of reference. The workman union appeared and filed its statement of claim. None appeared for the management of FCI and contractor inspite of service, hence case is proceeding ex-parte against them vide order dated 10.01.2024.

The case of the workman union, as taken by them in their statement of claim is mainly that these workmen, mentioned in the Annexure to the Schedule have worked with Food Corporation of India through contractor M/s. Satyawati Services in the year 2018-19 & 2019-20 but were not paid bonus. The union raised a dispute before the Assistant Labour Commissioner. After failure of conciliation, reference was sent. The workman union has prayed that the workmen be held entitled to get bonus from Food Corporation of India being the principal employer/ the contractor.

None from the side of Food Corporation of India and Contractor appeared. In evidence, the workman union has filed affidavit of its General Secretary and affidavit of one worker Basanti Sagar. The union has also filed RTI documents with respect to their representation before the Regional Labour Commissioner and conciliation proceedings.

I have heard argument of Mr. R.C. Shrivastava, learned Counsel for the workman union and have gone through the record.

From the uncontroverted affidavits, it is proved that the 88 workmen as per list have worked with Food

Corporation of India as contract workers supplied by the contractor M/s. Satyawati Services.

Section 21 of the Contract Labour (Regulation & Abolition) Act 1970, deals with the responsibility of the principal employer (Food Corporation of India in this case), is being reproduced as follows :-

“20. Liability of principal employer in certain cases.-

- (1) If any amenity required to be provided under Section 16, Section 17, Section 18 or Section 19 for the benefit of the contract labour employed in an establishment is not provided by the contractor within the time prescribed therefore, such amenity shall be provided by the principal employer within such time as may be prescribed.
- (2) All expenses incurred by the principal employer in providing the amenity may be recovered by the principal employer from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

21. Responsibility for payment of wages.-

- (1) A contractor shall be responsible for payment of wages to each worker employed by him as contract labour and such wages shall be paid before the expiry of such period as may be prescribed.
- (2) Every principal employer shall nominate a representative duly authorised by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed.
- (3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorised representative of the principal employer.
- (4) In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor any contract as a debt payable by the contractor.”

From the above referred provision, it is established that the responsibility of payment of wages is of the contractor and if he fails to discharge his this responsibility, the principal employer is under obligation to discharge it.

Now the question arises, as whether bonus is part of wages or not ?

Section 2(h) of the Contract Labour (Regulation & Abolition) Act 1970, defines wages as follows :-

(h) "wages" shall have the meaning assigned to it in clause (vi) of Section 2 of the Payment of Wages Act, 1936 (4 of 1936);

Section 2(vi) of Payment of Wages Act 1936 defines wages as follows:-

vi) “wages” means all remuneration (whether by way of salary, allowances, or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes—

(a) any remuneration payable under any award or settlement between the parties or order of a Court;

(b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);

(d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;

(e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force,

but does not include—

(1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court;

(2) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of appropriate Government;

(3) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(4) any travelling allowance or the value of any travelling concession;

(5) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or

(6) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d).

The relevant provisions with respect to payment of bonus in the **Payment of Bonus Act** are being reproduced as follows :-

8. **Eligibility for bonus.**—Every employee shall be entitled to be paid by his employer in an accounting year, bonus, in accordance with the provisions of this Act, provided he has worked in the establishment for not less than thirty working days in that year.

9. **Disqualification for bonus.**—Notwithstanding anything contained in this Act, an employee shall be disqualified from receiving bonus under this Act, if he is dismissed from service for—

(a) fraud; or

(b) riotous or violent behaviour while on the premises of the establishment; or

(c) theft, misappropriation or sabotage of any property of the establishment.

10. **Payment of minimum bonus.**—Subject to the other provisions of this Act, every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1979 and in respect of every subsequent accounting year, a minimum bonus which shall be 8.33 per cent. of the salary of wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year: Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this section shall have effect in relation to such employees as if for the words “one hundred rupees”, the words “sixty rupees” were substituted.

11. **Payment of maximum bonus.**—

(1) Where in respect of any accounting year referred to in section 10, the allocable surplus exceeds the amount of minimum bonus payable to the employees under that section, the employer shall, in lieu of such minimum bonus, be bound to pay to every employee in respect of that accounting year bonus which shall be an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of twenty per cent. of such salary or wage.

(2) In computing the allocable surplus under this section, the amount set on or the amount set off under the provisions of section 15 shall be taken into account in accordance with the provisions of that section.

Since, the workman union has not file the terms of contract between the principal employer and contractor, has not also filed the terms of engagement between the contractor and its workers, the Food Corporation of India cannot be held responsible to pay bonus being a principal employer. Rather, it is the contractor M/s. Satyawati Services who are held responsible to pay bonus for the year 2018-19 & 2019-20 to the workers mentioned in the reference.

On basis of above discussion and findings, the reference is answered as follows :-

AWARD

The contractor M/s. Satyawati Services is held responsible to pay bonus for the years 2018-19 & 2019-20 to its contract workers mentioned in the list with interest @ of 10% per annum from the date which the amount of bonus became due till the date of payment.

No order as to cost.

DATE: 10/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महासचिव, क्षेत्रीय सुदूर संवेदन केंद्र-सी, नागपुर; श्री चौ. सत्यनारायण, प्रभारी अभियंता, राष्ट्रीय सुदूर संवेदन केंद्र, हैदराबाद; मेसर्स चौ. सुब्बा रायडू, हैदराबाद के प्रबंधन के संबद्ध नियोजकों और महासचिव, नागपुर जनरल लेबर यूनियन, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट(संदर्भ संख्या (Case No.CGIT/NGP/20/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 23.06.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/155-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1279.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT/NGP/20/2024) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Secretary, Regional Remote Sensing Centre- C, Nagpur; Sh. Ch. Satyanarayana, Engineer in Charge, National Remote Sensing Centre, Hyderabad; M/S Ch. Subba Rayudu, Hyderabad and The General Secretary, Nagpur General Labour Union, Nagpur**, which was received along with soft copy of the award by the Central Government on 27.03.2025.

[No. L-42025/07/2025/155-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/20/2024

Date: 17.06.2025.

Party No.1:

1. The General Secretary,
Regional Remote Sensing Centre- C
Amravati Road, Nagpur – 440033.
2. Sh. Ch. Satyanarayana,
Engineer in Charge, National Remote
Sensing Centre, Balanagar, Hyderabad.
Pin-500037.
3. M/S Ch. Subba Rayudu.
H. No. 6- 281/2/1/1/, Bank Colony,
Opp. Sai Baba Temple Jeedimetla,
Quthbullapur, Municipality, Hyderabad.
Pin-500067.

V/s.

Party No.2:

The General Secretary,
Nagpur General Labour Union,
Office – A.k. Gopalan Bhavan, 306,
Shanivari, Cotton Market, Nagpur.
Pin – 440018.

AWARD(Dated: 17th June, 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 Regional Remote Sensing Centre, Nagpur through its General Manager, Contactor M/s Ch Subba Rayudu Hyderabad and their union, General Secretary, Nagpur General Labour Union, Nagpur, for adjudication, as per letter No. 24(57)/2023-IR dated 03.04.2024, with the following schedule:-

"Whether the action of the management of Regional Remote Sensing Centre, Nagpur through its General Manager and its Contractor, M/s Ch. Subba Rayudu, Hyderabad not considering charter of demands (Annex-A) raised by the General Secretary, Nagpur General Labour Union is legal and justified in the eye of law or not? If not, to what relief the worker entitled to."

2. Case is called out. Both parties are absent despite service of notices. No statement of claim and written statement have been filed by the parties respectively till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of the management of Regional Remote Sensing Centre, Nagpur through its General Manager and its Contractor, M/s Ch. Subba Rayudu, Hyderabad not considering charter of demands (Annex-A) raised by the General Secretary, Nagpur General Labour Union is legal and justified in the eye of law. The union is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार संयुक्त आयकर आयुक्त, अकोला (एमएस); मुख्य आयकर आयुक्त, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री मोहम्मद इकबाल मोहम्मद बिलाल एवं 3 अन्य, अकोला (एमएस) के बीच अनुबंध में निर्दिष्ट केंद्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट(संदर्भ संख्या CGIT/NGP/63/2018-19) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 23.06.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/156-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1280.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT/NGP/63/2018-19) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Joint Commissioner of Income Tax, Akola (MS); The Chief Commissioner of Income Tax, Nagpur** and **Sh. Mohd. Iqbal Mohd. Bilal & 3 others, Akola (MS)** which was received along with soft copy of the award by the Central Government on 23.06.2025.

[No. L-42025/07/2025/156-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/63/2018-19

Date: 17.06.2025.

Party No.1:

1. The Joint Commissioner of Income Tax,
Akola Range, Akola (MS)-444001.

2. The Chief Commissioner of Income Tax

Aayakar Bhawan, Civil Lines

Nagpur-440001.

V/s.

Party No.2:

Sh. Mohd. Iqbal Mohd. Bilal & 3 others

R/o B.K. Nagar, Shiloda

Akot Fail, Akola (MS)-444001.

AWARD(Dated: 17th June, 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 Akola Range, Akola, and their workmen Shri Mohd. Iqbal Mohd. Bilal, Sachin D. Patrodiya, Krishna N. Nitnawre & Smt. Sushila Pardhi, for adjudication, as per letter No. L-42011/73/2018 (IR(DU) dated 04.12.2018, with the following schedule:-

"Whether the action of the management of Income Tax, Akola through its Joint Commissioner of Income Tax and Income Tax, Nagpur through its Chief Commissioner of Income Tax in terminating the service of Sh. Mohd. Iqbal Mohd. Bilal, Sachin D. Patrodiya, Krishna N. Nitnawre & Smt. Sushila Pardhi w.e.f. November, 2016 who were working on the post of daily wagers w.e.f. 1999 is legal and justified? If not, what relief the workmen are entitled to?"

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 23.02.2021. Although statement of claim and written statement have been filed by the parties respectively. Petitioners have not filed any evidence to prove their case. Petitioners are not coming to the Court since long back. It appears that they are not interested to contest the case further more. Claim of the petitioners are not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of the management of Income Tax, Akola through its Joint Commissioner of Income Tax and Income Tax, Nagpur through its Chief Commissioner of Income Tax in terminating the service of Sh. Mohd. Iqbal Mohd. Bilal, Sachin D. Patrodiya, Krishna N. Nitnawre & Smt. Sushila Pardhi w.e.f. November, 2016 who were working on the post of daily wagers w.e.f. 1999 is legal and justified. The workmen are not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कार्यकारी अभियंता, केन्द्रीय जल आयोग, मध्य ब्रह्मपुत्र डिवीजन, गुवाहाटी का प्रबंधन, प्रबंधन के संबद्ध नियोजकों और श्री बाबूलाल बासफोर, गुवाहाटी, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, गुवाहाटी पंचाट(संदर्भ संख्या आईडी 2021 का 04 और 2021 का 11), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 26.06.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/157-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1281.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID. No. 04 of 2021 & 11 of 2021), of the **Central Government Industrial Tribunal cum Labour Court, Guwahati** as shown in the Annexure, in the Industrial dispute between the

employers in relation to **The Management of Executive Engineer, Central Water Commission, Middle Brahmaputra Division, Guwahati** and **Sh. Babulal Basfore, Guwahati Worker**, which was received along with soft copy of the award by the Central Government on 26.06.2025.

[No. L-42025/07/2025/157-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee.
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.

REF. CASE NO. 04 of 2021

and

REF. CASE NO. 11 of 2021

PARTIES: Sh. Babulal Basfore, New Goshala, Railway Qtr. No.298/D, Maligaon,
Near Nepali Mandir, Guwahati-781011. **Workman/Applicant.**

-Vrs-

The Management of Executive Engineer, Central Water Commission, Middle Brahmaputra Division, CWC Complex, Behind Adabari Bus stand, PO- Guwahati University, Guwahati-781014 and the Proprietor, M/S BIPICIRI, PNGB Road, Santipur, Bharalumukh, Guwahati-781009.
....**OP/Management.**

REPRESENTATIVES:

For the Workman : Mr. Raja Sarkar, learned Counsel.

For the Contractor : None

For the Management. : Mr. H. Gupta, Ld. Advocate.

INDUSTRY : Central Water Commission.

STATE : Assam.

Date of Award : 13/06/2025.

AWARD

Sri Babulal Basfore the aggrieved workman has appeared in person and produced his photo identity card. Mr. Harish Gupta, Ld. Advocate appeared for the Management of CWC, Guwahati, Assam. None appeared for M/S BIPICIRI, Guwahati, the Contractor/firm. Case is specially fixed up today for filing evidence-in-chief as last chance and for disposal during the special campaign.

In exercise of power vested 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 Deputy Chief Labour Commissioner (Central), Guwahati, in pursuance of notification No. S.O.1936 (E), dated 10th June,2019 issued order **No. G/R. 8(01)/2021-CGIT** dated 01-02-2021 and dated 02-07-2021 referring the scheduled dispute before this Tribunal for adjudication.

On receiving Order **No. G/R. 8(01)/2021-CGIT** dated 01-02-2021 and 02-07-2021 two separate cases bearing **Reference case No. 04 of 2021** and **Reference case No. 11 of 2021** were registered on 02-02-2021 and 02-07-2021 respectively. Orders were 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.

It is pertinent to mention that the Ministry of Labour and Employment, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Guwahati, vide its Order **No. G/R. 8(01)/2021-CGIT** dated 01-02-2021 and dated 02-07-2021 referred the same dispute twice and the same were registered as Reference

Case No. 04 of 2021 and Reference Case No.11 of 2021. Both the cases were being proceeding separately. Thereafter, the matter was brought to the notice of this Tribunal and at the instance of both the parties the reference cases have been amalgamated vide order dated 15-11-2021 passed in Ref. Case No.11 of 2021 for disposing them together, schedule in both cases being same.

SCHEDULE

- (1) “Whether the action of the Central Water Commission (CWC), Guwahati and their Contractor M/s BIPICIRI, Guwahati in terminating the services of Sh. Babulal Basfore, Ex-Casual Labour (workman) of CWC, New Goshala, Maligaon, Guwahati is legal and justified without compliance of Sec.25F of I.D. Act, 1947 ?
- (2) Whether the action of the CWC in changing the service condition of the workman from casual labour to contractual labour in the year 2019 after putting continuous service since 2010 is legal and justified in violation of Sec. 9A of the I. D. Act,1947?
- (3) Whether the demand of the workman/casual labour for payment of wages @ 1/30th of the pay at minimum of the pay scale as applicable to the regular employees of CWC is legal and justified? If not, what relief he is entitled to and from which date?

On receiving the notice, the Management and the workman appeared through their respective Counsels. The Contractor firm was absent and vide order dated 04-03-2021 case was fixed for ex-parte hearing against the Contractor firm. The Management and the workman submitted Written Statement. The case is now fixed up for evidence and hearing. At this stage Sri Babulal Basfore submitted that he does not want to pursue the case any further and the same may be disposed of.

Consider the submission. It appears that the dismissed workman is not inclined to proceed with the case. Same is accordingly dismissed for non-prosecution.

Hence,

ORDERED

That the Industrial dispute in both the cases is dismissed for non-prosecution. Let a No Dispute Award be drawn up on the basis of my above findings. Same be communicated to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सहायक डाकघर अधीक्षक, यमुनानगर; वरिष्ठ डाकघर अधीक्षक, अंबाला के प्रबंधन के संबद्ध नियोजकों और आबिद हसन, यमुनानगर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-2, चंडीगढ़, पंचाट (संदर्भ संख्या 12/2016) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 26.06.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/158-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1282.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2016) of the **Central Government Industrial Tribunal cum Labour Court-2, Chandigarh**, as **The Assistant Superintendent of Post Offices, Yamunanagar; The Senior Superintendent of Post Offices, Ambala** and **Sh. Abid Hassan, Yamunanagar**, which was received along with soft copy of the award by the Central Government on 26.06.2025.

[No. L-42025/07/2025/158-IR (DU)]

DILIP KUMAR, Under Secy.

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

(Presided over by Mr. Kamal Kant).

Special Campaign for Settlement

ID No.12/2016

Registered on:-21.04.2016

Abid Hassan S/o Sh. Yashin, R/o VPO Darpur, Tehsil Chhachhrauli, Distt. Yamunanagar.

----- Applicant

Versus

1. The Assistant Superintendent of Post Offices, Yamunanagar, Distt. Yamunanagar.
2. The Senior Superintendent of Post Offices, Ambala Division, Ambala.

----Respondents

Present:- Sh. R. P. Rana, AR for Applicant.

Mr. Alankrit Bhardwaj, AR for respondent no.1 & 2.

Award : 07.06.2025

1. File taken up today. The applicant Abid Hasan has filed the present claim petition under Section 2A of the Industrial Disputes Act 1947 (hereinafter called the ID Act) to claim reinstatement in service along with arrears of pay and allowances with interest.

2. The brief facts of the case are that the applicant was engaged as on outsider GDS (Gramin Dak Sevak), by the Post Master Sub Post Office Darpur on 18.05.2013 and rendered a service of one year till 16.05.2014 and he was retrenched by the respondent without compliance of Section 25F of the ID Act as he had already completed more than 240 days during the period 16.05.2013 to 16.05.2014. The applicant filed an application before the Conciliation cum Assistant Labour Commissioner (Central), Karnal in February 2015, however the conciliation proceedings failed and has filed the present application before this Tribunal to seek relief under S 2(A) read with S 25 F, S 25 G and S 25 H of the ID Act. It is prayed that the status of the applicant be restored and he be granted benefit of service along with arrear of pay and allowances along with interest.

3. Respondent Nos. 1 & 2 filed written statement alleging therein that the post of GDSMD/C Darpur had fallen vacant due to death of Sh. Mohinder Singh GDSMD/C on 30.08.2012, who was also holding the charge of GDS BPM Darpur due to resignation of the incumbent of the post. Therefore, the work of the GDS BPM was managed by Sh. Surjit Singh, GDSMD/C Kot and the work of GDSMD/C Darpur was managed by engaging on Sh. Jaspreet Singh outsider. Accordingly, proposal for filling up the post of GDS MD/C Darpur on compassionate grounds was forwarded to higher authorities. Till the approval of appointment case on compassionate grounds the work was managed by deployment of various outsiders keeping in view the limitations of 89 days at a stretch and 150 days in a calendar year. The applicant was engaged to work as outsider as GDS MD/C Darpur to manage the work w.e.f 16.05.2013 and as such he worked for the dates as noted below in the year 2013 and 2014. It is further added that Branch Postmaster Darpur had engaged the applicant as outsider GDS after approval from ASPOs Yamuna Nagar who is appointing authority of the GDS:-

16-05-2013 to 15-06-2013,

17-06-2013 to 15-07-2013,

16-07-2013 to 10-08-2013,

12-08-2013 to 31-08-2013

01-09-2013 to 30-09-2013

In the year 2014

01-01-2014 to 31-01-2014,

01-02-2014 to 28-02-2014,

01-03-2014 to 28-03-2014

Total 215 days.

The applicant had not worked after 28.03.2014. As the applicant has not worked continuously for 240 days and the applicant is not engaged as GDS as such question of giving notice to the applicant does not arise. As regards implementation of the provisions of ID Act, it is stated that the Department of Posts is not an industry. Therefore provisions of ID Act are not applicable to Department of Posts and its employees. Moreover GDS employees are not regular employee working for 8 hours. They are part time employees working for 3 to 5 hours and governed by a separate set of Rules called GDS (Conduct and Engagement) Rules, 2011 (hereinafter called as GDS Rules). The provisions of the ID Act are not applicable to the Department of Posts and Its employees. Furthermore, the applicant was not GDS but was an outsider GDS. It is submitted that the applicant is not entitled for the relief as claimed and the application be dismissed with costs.

Evidence of parties:

4. In order to prove his case, applicant himself appeared and filed his affidavit Ex.WW1/A along with documents Ex.W1 to W4 and closed the evidence on behalf of applicant on 31.01.2025. Thereafter, respondents have examined Sh. Arun Goel, Superintendent of Post Offices, Ambala Division, Ambala, who tendered his affidavit as MW1/A along with documents Ex.M1 & Ex.M2. AR for respondent no.1 & 2 closed the evidence on 17.02.2025 and the case was fixed for arguments.

Submissions of Applicant:-

5. Learned AR of applicant argued orally and contended that the applicant is entitled for the benefits as he has claimed in his application and reiterated the claim as stated by him in the application.

Submissions of respondents:-

6. Learned AR for respondents contended that the applicant had not worked continuously for 240 days and the applicant was not engaged as GDS as such question of giving notice to the applicant does not arise. Moreover GDS are governed by a separate set of Rules called GDS Rules. The provisions of the ID Act are not applicable to the Department of Posts and its employees. Moreover, the applicant was an outsider GDS and was not even governed by GDS Rules. AR for respondents contended that the applicant is not entitled for the relief as claimed and the application be dismissed.

Findings:-

7. I have heard the arguments advanced by AR for both the parties.

8. It is admitted fact that the applicant Abid Hasan was appointed as an outsider GDS by the Department in place of regular incumbent Sh. Mohinder Singh. Outsider GDS are appointed as a stop gap arrangement until regular incumbent come on the post. In fact, as per procedure when a GDS appointed by the department is unable to perform his duty then as a stop gap arrangement, a temporary arrangement is made until regular incumbent come on that post. The substitute appointment is sporadic depending on the period during which the regular is not appointed whatsoever reason. Thus, it is clear and proved that applicant rendered his services not an employee of management but as nominee of GDS as an outsider. It is also pertinent to mention that as GDS (outsider) is not entitled for any termination notice as per GDS Rules. The learned counsel for the applicant could not place any rule before me that any notice of termination under the GDS Rules was required before retrenchment by the management of the applicant. Moreover, the applicant has also failed to prove that he was appointed on regular basis as GDS, rather applicant was appointed as an outsider GDS as stop gap arrangement. He was working as GDS outsider, which are not governed under Section 25F of the ID Act. There was no requirement for issuing termination notice as per GDS Rules.

9. The present application has been filed by the applicant under Section 2A of ID Act, claiming that he was retrenched by the management on 16.05.2014 and he has also approached Conciliation-cum-Assistant Labour Commissioner, Karnal during 2015 and proceedings have failed. Undoubtedly, the applicant covered under ID Act can file application under Section 2A of the ID Act against his discharge, dismissal or termination of service after failure of the proceedings within 45 days. However, the applicant has not attached any documents that proceedings have failed before the conciliation commissioner. Thus, he has directly approach this Court under Section 2A of the ID Act, which is not maintainable. Moreover, even if it is presumed that the applicant was covered by the ID Act, then it was incumbent upon him to prove that he had worked 240 days in the preceding year from the date of his termination, i.e. before 28.03.2014. However, when the days are counted from 16.05.2013 to 28.03.2014, these are less than 240 days. On this score also, the application is not maintainable under the ID Act.

10. Hence, this application under Section 2A is not maintainable and the same is dismissed. File after completion be consigned in the record room. 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

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स संजय एंटरप्राइजेज, ठेकेदार, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केंद्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट(संदर्भ संख्या CGIT/NGP/23/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/159-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1283.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No.CGIT/NGP/23/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, M/s Sanjay Enterprises, Contractor, Nagpur and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur** which was received along with soft copy of the award by the Central Government on 02.07.2025.

[No. L-42025/07/2025/159-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/23/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.
2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar, N.T.P.C. Ltd. MSTPP,
Mouda Ramtek Road, P.O. Mouda,
Distt-Nagpur-441104 (M.S.)
3. The Manager,
M/s Sanjay Enterprises, Contractor,
N.T.P.C. Mouda, Tah. Mouda,
Distt-Nagpur-441104.

V/s.

Party No.2:

The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Shri Prem Rodekar,

Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD

(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Sachin Ramaji Bawne, for adjudication, as per letter **No. N-8(35)2020-ID/IR dated 27.10.2020**, with the following schedule:-

"Whether the action of (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Ltd. MSTPP, Mouda Ramtek Road, P.O. Mouda, Distt-Nagpur (2) The Manager, M/s Sanjay Enterprises, Contractor, N.T.P.C. Mouda, Tah. Mouda, Distt-Nagpur in terminating the service of Shri Sachin Ramaji Bawne w.e.f. 02/07/2017 are just fair & legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondent no. 2 before the Court. But none is present on behalf of petitioner as well as respondent no. 1 and 3.

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Ltd. MSTPP, Mouda Ramtek Road, P.O. Mouda, Distt-Nagpur (2) The Manager, M/s Sanjay Enterprises, Contractor, N.T.P.C. Mouda, Tah. Mouda, Distt-Nagpur in terminating the service of Shri Sachin Ramaji Bawne w.e.f. 02/07/2017 are just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स रोहिणी ट्रांसपोर्ट कॉर्पोरेशन, ठेकेदार, नागपुर (एम.एस.) के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट(संदर्भ संख्या CGIT/NGP/24/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ **02.07.2025** को प्राप्त हुआ था।

[सं. एल-42025/07/2025/160-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1284.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT/NGP/24/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers

in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, M/s Rohini Transport Corporation, Contractor, Nagpur (M.S.) and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur** which was received along with soft copy of the award by the Central Government on 02.07.2025.

[No. L-42025/07/2025/160-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/24/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.
2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar,N.T.P.C. Township, N.T.P.C. Ltd.
Mouda Ramtek Road, P.O. Mouda,
Tah- Mouda, Distt-Nagpur-441104 (M.S.)
3. The Manager,
M/s Rohini Transport Corporation, Contractor,
Office: Krishna Enterprises,
Front of LIC, Ramtek Road, Mouda,
Distt-Nagpur-441104 (M.S.)

V/s.

Party No.2:

The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD

(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Dipak Vithoba Waghmare, for adjudication, as per letter **No. N-8(32)2020-ID/IR dated 27.10.2020**, with the following schedule:-

"Whether the action of management (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Township N.T.P.C Ltd, Mouda Ramtek Road, PO Mouda, Distt-Nagpur-441104 (2) The Manager, M/s Rohini Transport Corporation, Contractor, Office: Krishna Enterprises, Front of LIC, Ramtek Road, Mouda, Distt-Nagpur in terminating the service of Shri Dipak Vithoba Waghmare w.e.f. 15/12/2018 are just fair and legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondents no. 2 and 3 before the Court. But none is present on behalf of petitioner as well as respondent no. 1

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of management (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Township N.T.P.C Ltd, Mouda Ramtek Road, PO Mouda, Distt-Nagpur-441104 (2) The Manager, M/s Rohini Transport Corporation, Contractor, Office: Krishna Enterprises, Front of LIC, Ramtek Road, Mouda, Distt-Nagpur in terminating the service of Shri Dipak Vithoba Waghmare w.e.f. 15/12/2018 are just fair and legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स आर.बी. नामवारे, एनटीपीसी ठेकेदार, नागपुर (एम.एस.) के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केंद्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट (संदर्भ संख्या CGIT/NGP/25/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.07.2025 को प्राप्त

[सं. एल-42025/07/2025/161-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1285.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No.CGIT/NGP/25/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, M/s R.B. Namaware, NTPC Contractor, Nagpur (M.S.) and The President, Mouda Vij Prakalp Mazdoor Sangh, Nagpur** which was received along with soft copy of the award by the Central Government on 02.07.2025.

[No. L-42025/07/2025/161-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/25/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.

2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd.,
Mouda Ramtek Road, P.O. Mouda,
Tah. Mouda, Distt-Nagpur-441104 (M.S.)

3. The Manager,
M/s R.B. Namaware,
NTPC Contractor,
At. Kumbhari, PO & Tah Mouda,
Distt- Nagpur-441104 (M.S.)

V/s.

Party No.2:

The President,
Mouda Vij Prakalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD

(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Rajkumar Chhattarsingh Kangali for adjudication, as per letter **No. N-8(31)2020-ID/IR dated 27.10.2020**, with the following schedule:-

"Whether the action of (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post. Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager, M/s R.B. Namaware, NTPC Contractor, At. Kumbhari PO & Tah. Mouda, Distt-Nagpur in terminating the service of Shri Rajkumar Chhattarsingh Kangali w.e.f. 16/07/2018 are just fair & legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondent no. 2 before the Court. But none is present on behalf of petitioner as well as respondent no. 1 and 3.

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post. Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager, M/s R.B. Namaware, NTPC Contractor, At. Kumbhari PO & Tah. Mouda, Distt-Nagpur in terminating the service of Shri Rajkumar Chhattarsingh Kangali w.e.f. 16/07/2018 are just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स आर.बी. नामवारे, एनटीपीसी ठेकेदार, नागपुर (एम.एस.) के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केंद्रीय

सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट(संदर्भ संख्या CGIT/NGP/26/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/162-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1286.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No.CGIT/NGP/26/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, M/s R.B. Namaware, NTPC Contractor, Nagpur (M.S.) and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur** which was received along with soft copy of the award by the Central Government on 02.07.2025.

[No. L-42025/07/2025/162-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/26/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.
2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar, N.T.P.C. Township N.T.P.C. Ltd.
Mouda Ramtek Road, P.O. Mouda,
Tah-Mouda. Distt-Nagpur-441104 (M.S.)
3. The Manager,
M/s R.B Namaware,
NTPC Contractor,
At Kumbhari, PO & Tah Mouda,
Distt-Nagpur-441104 (M.S.)

V/s.

Party No.2:

The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Shrikrishna Mahadevji Bhoyar, for adjudication, as per letter No. N-8(30)2020-ID/IR dated 27.10.2020, with the following schedule:-

"Whether the action of (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Otr. No. A-13, Block No. 7 Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager M/s R.B Namaware, NTPC Contractor, At, Kumbhari, PO & Tah. Mouda, Distt-Nagpur in terminating the service of Shri Shrikrishna Mahadevji Bhoyar w.e.f. 16/07/2018 are just fair & legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondent no. 2 before the Court. But none is present on behalf of petitioner as well as respondent no. 1 and 3.

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Otr. No. A-13, Block No. 7 Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager M/s R.B Namaware, NTPC Contractor, At, Kumbhari, PO & Tah. Mouda, Distt-Nagpur in terminating the service of Shri Shrikrishna Mahadevji Bhoyar w.e.f. 16/07/2018 are just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स विश्व कंस्ट्रक्शन, इंजीनियरिंग ठेकेदार, नागपुर के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केंद्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट (संदर्भ संख्या CGIT/NGP/27/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/163-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1287.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT/NGP/27/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, The**

Manager, M/s Vishwa Construction, Engineering Contractor, Nagpur and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur which was received along with soft copy of the award by the Central Government on 02.07.2025.

[No. L-42025/07/2025/163-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/27/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.
2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar, N.T.P.C. Township N.T.P.C. Ltd.
Mouda Ramtek Road, P.O. Mouda,
Tah-Mouda. Distt-Nagpur-441104 (M.S.)
3. The Manager,
M/s Vishwa Construction, Engineering Contractor,
Weekly Market, Mouda, Tah. Mouda,
Distt-Nagpur-441404.

V/s.

Party No.2:

The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD

(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Amol Dnyaneshwarji Vaidya, for adjudication, as per letter **No. N-8(20)2020-ID/IR dated 27.10.2020**, with the following schedule:-

"Whether the action of management (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Otr. No. A-13, Block No. 7 Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager M/s Vishwa Construction, Engineering Contractor, Weekly Market, Mouda, Tah. Mouda, Distt-Nagpur-441404 in terminating the service of Shri Amol Dnyaneshwarji Vaidya w.e.f. 09/06/2015 are just fair & legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondent no. 2 before the Court. But none is present on behalf of petitioner as well as respondent no. 1 and 3.

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of management (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Otr. No. A-13, Block No. 7 Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager M/s Vishwa Construction, Engineering Contractor, Weekly Market, Mouda, Tah. Mouda, Distt-Nagpur-441404 in terminating the service of Shri Amol Dnyaneshwarji Vaidya w.e.f. 09/06/2015 are just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स विश्व कंस्ट्रक्शन, इंजीनियरिंग ठेकेदार, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केंद्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट (संदर्भ संख्या CGIT/NGP/28/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/164-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1288.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No.CGIT/NGP/28/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, The Manager, M/s Vishwa Construction, Engineering Contractor, Nagpur and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur** which was received along with soft copy of the award by the Central Government on 02.07.2025.**

[No. L-42025/07/2025/164-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/28/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.

2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar, N.T.P.C. Township N.T.P.C. Ltd. MSTPP,
Mouda Ramtek Road, P.O. Mouda,
Tah-Mouda. Distt-Nagpur-441104 (M.S.)
3. The Manager,
M/s Vishwa Construction, Engineering Contractor,
Weekly Market, Mouda, Tah. Mouda,
Distt-Nagpur-441404.

V/s.

Party No.2:

The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD

(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Shivshankar Dheklu Barve, for adjudication, as per letter **No. N-8(19)2020-ID/IR dated 27.10.2020**, with the following schedule:-

"Whether the action of management (1) The managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Otr. No. A-13, Block No. 7 Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager M/s Vishwa Construction, Engineering Contractor, Weekly Market, Mouda, Tah. Mouda, Distt-Nagpur-441404 in terminating the service of Shri Shivshankar Dheklu Barve w.e.f. 09/06/2015 are just fair & legal? If not, to what relief the workman is entitled to?"

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondent no. 2 before the Court. But none is present on behalf of petitioner as well as respondent no. 1 and 3.

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of management (1) The managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Otr. No. A-13, Block No. 7 Utkarsh Nagar, N.T.P.C. Township, N.T.P.C. Ltd. Mouda Ramtek Road, Post Mouda, Tah. Mouda, Distt-Nagpur-441104 (2) The Manager M/s Vishwa Construction, Engineering Contractor, Weekly Market, Mouda, Tah. Mouda, Distt-Nagpur-441404 in terminating the service of Shri Shivshankar Dheklu Barve w.e.f. 09/06/2015 are just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, नेशनल थर्मल पावर कंपनी लिमिटेड नागपुर; प्रबंध निदेशक/महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड (यूपीएल) मौदा, नागपुर (एम.एस.); प्रबंधक, मेसर्स पी.जे. एसोसिएट्स, ठेकेदार, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केंद्रीय सरकार औद्योगिक

न्यायाधिकरण-सह-श्रम न्यायालय, नागपुर, पंचाट (संदर्भ संख्या CGIT/NGP/29/2020-21) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/165-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1289.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No.CGIT/NGP/29/2020-21) of the **Central Government Industrial Tribunal-Cum-Labour Court, Nagpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Group General Manager, National Thermal Power Company Ltd. Nagpur; The Managing Director/General Manager, M/s Utility Powertech Limited. (UPL) Mouda, Nagpur (M.S.); The Manager, M/s P.J. Associates, Contractor, Nagpur and The President, Mouda Vij Prakalp Mazdoor Sangh, Nagpur** which was received along with soft copy of the award by the Central Government on 02.07.2025.

[No. L-42025/07/2025/165-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

Case No.CGIT/NGP/29/2020-21

Date: 25.06.2025.

Party No.1:

1. The Group General Manager,
National Thermal Power Company Ltd.
Mouda, Post. & Tah. Mouda.
Distt-Nagpur-441104.
2. The Managing Director/General Manager,
M/s Utility Powertech Limited. (UPL) Mouda,
Site Office: Qtr. No. A-13, Block No. 7,
Utkarsh Nagar, N.T.P.C. Ltd. MSTPP,
Mouda Ramtek Road, P.O. Mouda,
Distt-Nagpur-441104 (M.S.)
3. The Manager,
M/s P.J. Associates, Contractor,
Regd. Office: Village Lsapur, Utkarsh Nagar,
Near, NTPC Colony, Post. Babdeo,
Tah. Mouda, Distt-Nagpur-441104.

V/s.

Party No.2:

The President,
Mouda Vij Prakalp Mazdoor Sangh,
House of Shri Prem Rodekar,
Tarsa Road, Kanhan, Tah. Parseoni,
Distt-Nagpur-441404.

AWARD

(Dated: 25th June, 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 N.T.P.C. Mouda, and their workman Shri Umesh Ramrao Shendre, for adjudication, as per letter **No. N-8(34)2020-ID/IR dated 27.10.2020**, with the following schedule:-

“Whether the action of management (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Ltd MSTPP, Mouda Ramtek Road, PO Mouda, Distt-Nagpur (2) The Manager, M/s P.J. Associates, Contractor, Regd. Office: Village Lsapur, Utkarsh Nagar, Near NTPC Colony, Post Babdeo, Tah. Mouda, Distt-Nagpur-441404 in terminating the service of Shri Umesh Ramrao Shendre w.e.f. 28/02/2019 are just fair & legal? If not, to what relief the workman is entitled to?”

2. Case is called out. Learned Counsel Shri. A.K. Neware is present on behalf of respondents no. 2 and 3 before the Court. But none is present on behalf of petitioner as well as respondent no. 1

From perusal of record, it is apparent that petitioner is not coming to the Court since 17.09.2021. Petitioner has not filed his statement of claim till today. Written statements have also not been filed by the respondents till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of management (1) The Managing Director/General Manager, M/s Utility Powertech Limited, (UPL) Mouda Site Office: Qtr. No. A-13, Block No. 7, Utkarsh Nagar, N.T.P.C. Ltd MSTPP, Mouda Ramtek Road, PO Mouda, Distt-Nagpur (2) The Manager, M/s P.J. Associates, Contractor, Regd. Office: Village Lsapur, Utkarsh Nagar, Near NTPC Colony, Post Babdeo, Tah. Mouda, Distt-Nagpur-441404 in terminating the service of Shri Umesh Ramrao Shendre w.e.f. 28/02/2019 are just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1290.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स गैस अथॉरिटी ऑफ़ इंडिया लिमिटेड के कारखानों और स्थापनों के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से छूट प्रदान करती है और छूट राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए प्रभावी होगी।

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

- (1) कारखाना और स्थापन, छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर अनुरक्षित करेगी;
- (2) कर्मचारी, उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिन्हें पाने के लिए वे इस अधिसूचना द्वारा अनुदत्त छूट के प्रवर्तन होने की तारीख से पूर्व संदत्त अभिदाय के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए कोई अभिदाय, यदि पहले ही संदत्त किए जा चुके हैं, तो वे प्रतिदेय नहीं होंगे;
- (4) उक्त कारखाने और स्थापन का नियोजक, उस अवधि की बाबत जिसके दौरान वह कारखाना उक्त अधिनियम के प्रवर्तन के अधीन था (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है), ऐसी विवरणियां, ऐसे प्ररूपों में और ऐसी विशिष्टियों को अंतर्विष्ट करते हुए जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उक्त अवधि की बाबत उससे शोध्य थीं, प्रस्तुत करेगा;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या इस प्रयोजन के लिए इस निमित्त निगम का प्राधिकृत कोई अन्य पदधारी—

- (i) उक्त अधिनियम की धारा 44 की उपधारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरणी में अंतर्विष्ट विशिष्टियों को सत्यापित करेगा; या

- (ii) यह अभिनिश्चयन करने के लिए कि क्या कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा उक्त अवधि के लिए यथाअपेक्षित रजिस्टर और अभिलेख अनुरक्षित किए गये थे या नहीं; या
- (iii) यह अभिनिश्चयन करने के लिए कि क्या कर्मचारी, नियोजक द्वारा उपबंधित उन प्रसुविधाओं को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट अनुदत्त की जा रही है, नकद में और वस्तु रूप में पाने का हकदार होना जारी रहेगा या नहीं; या
- (iv) यह अभिनिश्चयन करने के लिए कि क्या उस अवधि के दौरान, जब उक्त कारखाने और स्थापन के संबंध में अधिनियम के ऐसे उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा—

(क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए वह आवश्यक समझे; या

(ख) ऐसे प्रधान या अव्यवहित नियोजक द्वारा के अधिभोगाधीन, किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी युक्तियुक्त समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखे, बहियां अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा अनुज्ञात करें या उसे ऐसी जानकारी दें जिसे वह आवश्यक समझे; या

(ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की, जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या कोई व्यक्ति जिसे उक्त निरीक्षक या अन्य पदधारी के पास विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, की परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में अनुरक्षित किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की प्रतियां बनाना या उद्धरण लेना; या

(ङ) ऐसी अन्य शक्तियों का प्रयोग करना जो विनिर्दिष्ट की जाएं।

(6) अपविनिधान या निगमीकरण की दशा में, अनुदत्त छूट रद्द हो जाएगी और नया अस्तित्व छूट के लिए समुचित सरकार को आवेदन कर सकेगी।

[सं. एल-38014/03/2021- एस. एस-1]

धीरेंद्र मोहन खरे, अवर सचिव

New Delhi, the 3rd July, 2025

S.O. 1290.—In exercise of the powers conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **M/s Gas Authority of India Limited** from the operation of the said Act and the exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

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

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

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

(5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —

(a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or

(b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account

book or other document maintained in such factory, establishment, office or other premises; or

(e) exercise such other powers as may be specified;

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

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

D.M. KHARE, Under Secy.

नई दिल्ली, 3 जुलाई, 2025

का.आ. 1291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ 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 (संदर्भ संख्या 17/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/35/2021-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 3rd July, 2025

S.O. 1291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 17/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **ECL** and **their workmen** received by the Central Government on **01/07/2025**.

[No. L-22012/35/2021- 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. 17 OF 2021

PARTIES: Prabir Bouri

Vs.

Management of 1 and 2 Incline, Jhanjra Area of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Basudev Choudhury, Advocate.

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 18.07.2024

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, the Government of India through the Ministry of Labour, vide its Order **No. L-22012/35/2021-IR(CM-II)** dated 08.09.2021 has been pleased to refer the following dispute between the employer, that is the Management of 1 and 2 Incline Under Jhanjra 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 1 & 2 Incline under Jhanjra Area in imposing a punishment of dismissal on Shri Prabir Bouri, Cat-I Mazdoor (Man No. 74801), vide ref. No. GM/JNR/PERS/2013/1648 dated 19-03-2013 is just and legal? if not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/35/2021-IR(CM-II)** dated 08.09.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 17 of 2021** was registered on 20.09.2021 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 their witnesses.

2. The workman filed his written statement on 24.07.2023. The fact of the case as disclosed in his written statement is that Prabir Bouri, the workman was a permanent employee at Jhanjra Project Colliery under Jhanjra Area of Eastern Coalfields Limited (hereinafter referred to as ECL) bearing U.M. No. 747801. He was appointed on 19.09.1985 and had remained absent from duty from 18.04.2012 due to his illness. He informed the management about the reason of his absence. Despite such information management illegally issued a Charge Sheet to him bearing No. AGT/JNR/1&2/P/CS/12/789 dated 30.04.2012. A Domestic Enquiry was held against him on 24.07.2012. The workman participated in the Enquiry Proceeding and disclosed the reason of his absence and also submitted Medical Certificate in support of his illness. No 2nd Show Cause Notice was issued by the management nor any copy of Enquiry Proceeding was supplied to him before dismissing him from service, violating the principles of natural justice. It is contended that a major punishment has been imposed against the workman, disproportionate to the alleged charge. He has been made jobless and forced to a starving condition. The dismissed workman prayed for setting aside the order of dismissal, seeking reinstatement in service and payment of back wages.

3. The management of ECL contested the case by filing their written statement on 23.01.2023. It is stated that Prabir Bouri, General Mazdoor, Category – I, was absenting from his duty at Jhanjra Project Colliery since 18.04.2012 without any information. A Charge Sheet was issued to Prabir Bouri for misconduct vide Charge Sheet No. AGT/JNR/1&2/P/CS/12/789 dated 30.04.2012 under Clause 26.23 of Certified Standing Order for his habitual absence from duty without cause and under Clause 26.29 of Certified Standing Order for unauthorized absence for

more than ten days. The Charge Sheet was received by the delinquent by putting his signature. The reply submitted against the Charge Sheet was not satisfactory and a Domestic Enquiry was initiated. Enquiry was held against Prabir Bouri on 24.07.2012, following the principle of principles of natural justice and the charges were well established against him. Management issued a 2nd Show Cause Notice to the charged employee bearing Ref. No. GM/JNR/PERS/2013/1355 dated 16/19.01.2013. Copy of Enquiry Proceeding and Enquiry Report were supplied to him with the 2nd Show Cause Notice and the workman submitted his written reply. The reply of the workman was not found satisfactory by the Disciplinary Authority as his past record in service was poor. The management having no other alternative, dismissed the workman from service of the company vide Office Order bearing Ref. No. GM/JNR/PERS/2013/1648 dated 19.03.2013. It is claimed that the Industrial Dispute is liable to be dismissed.

4. The dismissed workman has examined himself as Workman Witness – 1 and filed his affidavit-in-chief, wherein he has averred that he informed the management the reason of his absence but the management illegally and arbitrarily issued Charge Sheet against him. A Domestic Enquiry was held in respect of the charge and he participated in the enquiry. In the Enquiry Proceeding the workman disclosed that he was suffering from illness but management did not consider the document. No 2nd Show Cause Notice was served upon him and the management illegally terminated him from service violating the principles of natural justice. During the evidence the workman witness produced a copy of his order of dismissal dated 19.03.2013 as Exhibit W-1.

5. During cross-examination workman witness denied the suggestion that he worked for thirty-two days in the year 2009, sixteen days in the year 2010 and forty-one days in the year 2011. He further denied that due to his unauthorized absence his annual increments were stopped or that he did not remain absent for his illness. The witness also disowned the signature appearing on the reply to the 2nd Show Cause Notice and on the copy of the Charge Sheet. The witness however admitted the signature appearing in the Enquiry Report, and the same has been marked as Exhibit M-1.

6. Mr. Alaric Oneal Lyndem, Manager (Personnel), Jhanjra Project Colliery has been examined as Management Witness – 1. In the affidavit-in-chief the witness stated that Prabir Bouri was chargesheeted on 30.04.2012 under Clause 26.29 of Certified Standing Order for being absent from duty beyond ten days without sanctioned leave or sufficient cause and under Clause 26.23 for habitual low attendance or absence from duty without sufficient cause. It is stated that the Charge Sheet was received by the workman by putting his signature on the office copy of the same. As his reply was not found satisfactory and for his antecedents of habitual absence a Domestic Enquiry was held. It is also stated that the charge against Prabir Bouri was proved and on the basis of the findings of the Enquiry Officer management issued 2nd Show Cause Notice to the workman along with his Enquiry Proceeding. The delinquent employee submitted reply to the 2nd Show Cause Notice but it was not found satisfactory and he was dismissed from service by order dated 19.03.2013. In course of his evidence the management witness produced the following documents:

- (i) Signature of Prabir Bouri on the Enquiry Proceeding is marked as Exhibit M-1.
- (ii) Copy of the Charge Sheet dated 30.04.2012 has been produced as Exhibit M-2.
- (iii) Copy of the reply to the Charge Sheet, as Exhibit M-3.
- (iv) Copy of the Notice of enquiry dated 21.07.2012, as Exhibit M-4.
- (v) Copy of the Enquiry Proceeding dated 24.07.2012 in three pages has been collectively marked as Exhibit-5.
- (vi) Prabir Bouri has put his signature on all the pages of Enquiry Proceeding. The signature on page no. 1 and 2 of the Enquiry Proceeding has been marked as Exhibit M-5/1 and M-5/2 and signature on page no. 3 has already been marked as Exhibit M-1.
- (vii) Copy of the Enquiry Report dated 24.07.2012, as Exhibit M-6.
- (viii) Copy of the 2nd Show Cause Notice dated 16/19.01.2013 has been produced as Exhibit M-7.
- (ix) Copy of the reply to the 2nd Show Cause Notice, as Exhibit M-8.
- (x) Copy of the order of dismissal dated 19.03.2013, as Exhibit M-9.

7. In cross-examination the witness denied that the punishment of dismissal of Prabir Bouri from service was improper or it was illegal.

8. The point for consideration before this Tribunal is whether the punishment of dismissal imposed against Prabir Bouri is just and legal. If not, whether he is entitled to any relief?

9. Mr. Basudev Choudhury, learned advocate for the workman argued that Prabir Bouri was serving the company as a permanent employee since 1985. He has rendered satisfactory service all through, but the management of ECL in an arbitrary manner issued a Charge Sheet against the workman for his absence from duty for a period of only twelve days and imposed a disproportionate punishment without service of Charge Sheet, 2nd Show Cause Notice

and Enquiry Report. It is further argued that the workman participated in the Enquiry Proceeding and produced his medical certificate in support of his absence from 18.04.2012 to 18.07.2012 but the Enquiry Officer did not consider the Certificate, covering the period of his absence on the ground that he did not receive medical treatment from colliery Hospital. Learned advocate argued that the Enquiry Proceeding was held in violation of principles of natural justice without providing any opportunity to the workman and by way of rejecting his defence without any plausible cause. Learned advocate asserted that the order of dismissal passed against the workman is illegal, improper, arbitrary and is liable to be set aside. It is urged that the workman merits reinstatement in service and payment of back wages till his reinstatement.

10. Mr. P. K. Das, learned advocate for the management argued that copy of Charge Sheet, Enquiry Report and 2nd Show Cause Notice were served upon the charged workman who received the same by putting his signatures. In his cross-examination the workman witness admitted his signatures appearing in the Enquiry Proceeding, which goes to establish that he was well informed about the Charge Sheet against him as well as the Enquiry Proceeding conducted by the Enquiry Officer. It is argued that the workman is a habitual absentee and attended his duty for thirty-two days the year 2009, sixteen days in the year 2010 and forty-one days in the year 2011. Due to his previous absence the workman was earlier punished by stoppage of one increment in the year 1996, stoppage of two increments in the year 1997 and final warning in the year 1999. Once again, he was punished by stoppage of three increments in the year 2000 and stoppage of one increment in the year 2001. He was demoted to the post of Cleaning Mazdoor, Category – I in the year 2005. Again, he was demoted to the initial Basic of Category – I as a last chance in the year 2006. Stoppage of one increment in the year 2010 and thereafter stoppage of three increments in the year 2011. It is submitted by the learned advocate that the workman did not rectify his conduct and continued to remain absent without informing the management of the company and thereby caused disruption in service, being absolutely unpredictable in his attendance. Learned advocate took me through the Charge Sheet dated 30.04.2012 (Exhibit M-2) which bears the signature of the workman. The workman submitted a reply to the Charge Sheet on 20.07.2012 i.e. after two months and twenty days after the issuance of Charge Sheet, wherein he prayed for allowing him to join duty on the ground that he was under medical treatment and was then found fit to join his duty. Learned advocate drew my attention to the Notice of enquiry, a copy of which was also served upon the workman. Copy of the Enquiry Proceeding and Enquiry Report have been produced as Exhibit M-5 and Exhibit M-6. Regarding issuance of 2nd Show Cause Notice, the learned advocate pointed out that a 2nd Show Cause Notice dated 16/19.01.2013 was issued to Prabir Bouri, which has been produced as Exhibit M-7. Though the workman has denied having received the 2nd Show Cause Notice, the learned advocate for management referred to the reply submitted by Prabir Bouri dated 31.01.2013 against 2nd Show Cause Notice, where he has reiterated his earlier statement that he was under medical treatment at Khandra BPHC from 18.04.2012 to 18.07.2012. It is argued that the reply to the 2nd Show Cause Notice goes to prove that the 2nd Show Cause Notice was served upon the workman and he had been provided with reasonable opportunity to meet the charge levelled against him under Clause 26.23 and 26.29 of the Certified Standing Order. It is vehemently argued that there is no illegality on the part of the management in issuing the Charge Sheet against a habitual absentee who had no responsibility towards his work. It is urged that the Industrial Dispute raised by the workman eight years after his dismissal has no merit and is liable to be dismissed.

11. I have considered the rival contentions of the parties in the backdrop of facts and circumstances of the case. The evidence on record is rife to establish that the workman had actually remained absent from duty for more than three months from 18.04.2012 to 18.07.2012 and he submitted his application, seeking permission to join his duty only from 20.07.2012 (Exhibit M-3). Nowhere in the application he disclosed the nature of the ailment or the place where he received the medical treatment. Only after the Enquiry Proceeding was started, he made an endeavour to defend the case raising a plea that he was absent from duty due to illness. The Enquiry Officer in his Report (Exhibit M-6) has stated that the workman did not report to the company's dispensary and also failed to produce the papers related to his medical treatment. Besides, the charge of unauthorized absence for more than ten days under Clause 26.29 of the Certified Standing Order, the Enquiry Officer has found the workman a habitual absentee who performed work for thirty-two days in the year 2009, sixteen days in the year 2010 and forty-one days in the year 2011 and till 18.04.2012 he performed work for only fourteen days. These facts have not been controverted by the workman. Simple denial of such facts in course of cross-examination does not disprove the charge of misconduct under Clause 26.23 of the Certified Standing Order. It is evident that previously the workman had been subjected to minor punishment on nine occasions from December 1996 to August 2011. The workman did not mend his conduct nor did he care to attend his work after so many occasions of warning and punishments meted out to him. The workman submitted his reply to the 2nd Show Cause Notice which has been produced as Exhibit M-8. The controlling authority finally issued the Office Order dated 19.03.2013, dismissing him from his service in exercise of power conferred to him under Clause 27 of the Certified Standing Order applicable to the workman and the establishment.

12. In my considered view the management having provided reasonable opportunity to the workman has initiated a Departmental Proceeding against him for his misconduct and after following the principles of natural justice the Enquiry Officer found the workman guilty of the charge. The workman failed to satisfy the Disciplinary Authority by submitting his explanation to the 2nd Show Cause Notice and the General Manager of Jhanjra Area, ECL, being the competent authority dismissed him from service. I find no illegality, impropriety or irregularity in the proceeding and the final outcome. The workman having faced nine minor punishments in earlier occasions, failed to

rectify his conduct. Therefore, there is no extenuating circumstance for him to avoid the punishment of dismissal from service. I do not find any illegality in the Enquiry Proceeding nor the order of dismissal passed against Prabir Bouri. Therefore, the Industrial Dispute is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest against the workman. I find no reason to interfere with the order of dismissal passed against Prabir Bouri. 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, 3 जुलाई, 2025

का.आ. 1292. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इ सी एल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (संदर्भ संख्या 18/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/07/2025 को प्राप्त हुआ था।

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

मणिकंदन.एन, उप निदेशक

New Delhi, the 3rd July, 2025

S.O. 1292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 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 **ECL** and **their workmen** received by the Central Government on **01/07/2025**.

[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, 3 जुलाई, 2025

का.आ. 1293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 32/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/48/2014-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 3rd July, 2025

S.O. 1293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 32/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **03/07/2023**.

[No. L-22012/48/2014 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**

Dated the 18th day of June, 2025

INDUSTRIAL DISPUTE No. 32/2015

Between:

The General Secretary (Sh. Riaz Ahmed),
Singareni Miners & Engg. Workers Union(HMS),
Qr.No.C-34, Sector-1, Godavarikhani – 505 209.

Karimnagar Distt.

..... Petitioner/Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri – 504 231.

.... Respondent

Appearances:

For the Petitioner : M/s. A. Sarojana, K. Vasudeva Reddy & B. Kiran Kumar, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 22012/48/2014-IR(CM-II) dated 8.8.2014 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 workman. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavrikhani, Karimnagar Distt., in terminating the services of Sri Akula Odelu, Ex. Coal Filler, GDK-1 Inc., RG-I Area with effect from 29.11.1998 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. 32/2015 and notices were issued to the parties concerned.

2. The averments made in the claim statement are as follows:-

It is submitted in the representation of the Petitioner Union that, the workman Sri Akula Odelu was initially appointed on 31.7.1991 as a Badli Filler and by virtue of hard work and sincerity he was confirmed as Coal Filler w.e.f. 1.9.1995. He was regular to his duties and performing his duties upto the satisfaction of all his superiors. While the matters stood thus, he was issued with a charge sheet dated 25.9.1998 alleging that the workman remained

absent during the year 1997, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one enquiry was conducted on 5.10.1998 and the Workman was not given any opportunity to defend his case. Enquiry officer proceeded with a presumption of guilt on the part of the concerned Workman. The reasons pleaded by the concerned workman were not considered by the enquiry officer and enquiry proceedings were treated as mere formality and after obtaining the signatures of the concerned Workman enquiry was closed though there were circular instructions to conduct the enquiry in the language known to the charge sheeted employee, enquiry proceedings were drafted in English and the concerned workman's signatures were obtained without even explaining its contents. Thereafter, a show cause notice was issued to which the Workman has submitted his reply. However, without consideration of the submissions made by the concerned Workman, he was dismissed from service w.e.f. 29.11.1998 vide proceeding No.P.RG.1/32/98/6059 dated 24.11.1998. It is stated that the Workman has categorically stated about his inability to perform his duties regularly during the year 1997, which was only on account of his ill-health and other family problems. But without considering any of his submissions, the Workman was dismissed from service. It is also stated that the action of the Respondent's management in dismissing the Workman from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Workman has rendered 6 years of continuous service in the Respondent's management. The Workman approached the Respondent to consider his case sympathetically, but the Respondent management did not pay any heed to it. Therefore, the Workman was constrained to approach this Tribunal to declare the impugned order issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Workman into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. Respondent filed counter denying the averments of the Petitioner/ Union as under:

It is submitted that the present petition has been filed by the Workman Sri Akula Odelu, to direct the Respondent to reinstate the Workman into service with continuity of service and other attendant benefits and with full back wages, by setting aside the dismissal order dated 24.11.1998. It is submitted that the Workman was dismissed from the services of the Company on proved charge of absenteeism w.e.f. 29.11.1998 vide proceeding No.P.RG.1/32/98/6059 dated 24.11.1998. It is apparently clear that there is an abnormal delay of about 17 years in raising the dispute by the Workman; therefore, the petition is liable to be dismissed on the ground of delay and laches. It is prayed that this Hon'ble Tribunal may be pleased to decide the delay in raising the dispute as a preliminary issue. It is submitted that the delinquent workman was dismissed on proved charge after conducting a detailed domestic enquiry duly following the principles of natural justice. It is submitted that the Workman Sri Akula Odelu, Ex.Coal Filler, Gdk. 1 & 3 Incline of the Respondent Company, was initially appointed in the Company on 31.7.1991 as Badli Filler and later he was appointed as Coal Filler with effect from 1.9.1995. While so, in the year 1997 he had put in just 018 musters during the calendar year 1997 and remained absent to duties unauthorisedly on all other days, for 347 days in the year, which constituted misconduct under Company's Standing Orders No.25.25. Hence, he was issued with a charge sheet bearing No. Gdk.1/6-G/98/2733, dated 25.9.1998 under Company's Standing Orders No. 25.25 for the misconduct committed by him, which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."

The Workman acknowledged the receipt of the charge sheet and submitted his written explanation admitting his absenteeism due to ill-health. His explanation was examined and found to be not satisfactory, hence an enquiry was ordered. An enquiry notice was issued advising the Workman to attend enquiry along with witnesses, if any, to defend his case. It is submitted that the enquiry was conducted on 5.10.1998 adhering to the principles of natural justice. The Workman attended and fully participated in the enquiry and he was given full and fair opportunity to defend his case. Before commencing the enquiry proceedings, the Enquiry Officer had explained the enquiry procedure. The Workman having understood the procedure and at his free will took part in the enquiry proceedings. The Enquiry Officer had offered the opportunity of availing the services of defence assistant and workman took assistance of his co-worker Sri Odela Shankar, B.F., GDK. 6 Incline. The Presenting Officer and the management witnesses deposed their evidence in the presence of the Workman which was duly recorded by the Enquiry Officer and explained to the charge sheeted workman in Telugu. Further, the documentary evidence was produced by the management in the presence of the Workman to substantiate the charge leveled against him in the enquiry and explained in Telugu by the Enquiry Officer. The Workman did not cross examine the management witnesses when the opportunity was afforded to him and voluntarily pleaded guilty of charge leveled against him. In his deposition during the course of enquiry, the Workman submitted that he could not be regular to duties during the year 1997 due to personal problems and ill-health and accepted that he remained absent from duty on all the dates covered in the charge sheet. The Petitioner contended that he remained absent from duty due to Renal Colic with back ache and produced a sick certificate which was found not genuine. In spite of giving opportunity, he failed to establish the causes cited by him for his unauthorized absence from duty by submitting relevant documentary evidence. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the Workman was held to be guilty of the charge levelled against him under Company's Standing Order No.25.25. It is submitted that the Workman was supplied copy of the Enquiry report and proceedings vide letter dated 28.10.1998 wherein he was advised to submit his representation if any, against the findings of the enquiry officer within seven days of receipt of the letter. The Workman acknowledged receipt of the letter along with its enclosures and

submitted his representation dated 18.11.1998. Since the charge framed and proved in the enquiry was grave and serious in nature warranting punishment of dismissal and as there was no extenuating circumstance to take a lenient view, the Workman was dismissed from Company's Services with effect from 29.11.1998. Further, he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the unit authorities about his inability to attend to duties. He did not at least inform or communicate the reasons of his absence to the mine authorities at any point of time, which clearly establish the fact that he was not interested in his job. Therefore, the management was compelled to dismiss the Workman, from the service of the Company with effect from 29.11.1998 on proved charge. It is to submit that in the Respondent Company, employes about 67,578 persons. Naturally among such quantum of employees, few will surely go on authorised leave or report sick and in their places management provides employment to Badlis and it includes workmen, executives and supervisors. Production results will depend upon the overall attendance and performance of each and every individual. They are interlinked and inseparable. In this regard if anyone remains absent without prior leave or without any justified cause the work to be performed gets affected. Such unauthorised absence creates sudden void which at time is very difficult to fill up and there will be no proper planning and already planned schedules get suddenly disturbed without prior notice. That is the reason why the Respondent's company is compelled to take severe action against the unauthorised absentees. It is submitted that the Workman should have been more careful and conscious of his responsibilities towards his family members and towards his job. For the fault and mistakes of the Workman he cannot hold the Respondent company responsible. It is the Workman himself who has to be blamed for this situation which is the result of his negligent behaviour and careless attitude towards his job. Therefore, prayed to dismiss the claim petition as devoid of merits.

4. Workman didn't file any documents in support of his claim in evidence. Whereas Respondent has filed many documents of enquiry proceeding through list dated 16.3.2023. Despite sufficient opportunity Workman did not adduce any arguments and requested to treat the claim statement as his arguments. However, Respondent has filed written arguments.

5. **On the basis of rival pleadings of both the parties, following issues emerge for determination:-**

- I Whether the departmental enquiry held against the Workman is legal and valid?
- II. Whether the claim petition filed by the Workman is bad due to delay and latches?
- III. Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavrikhani, Karimnagar Distt., in terminating the services of Sri Akula Odelu, Ex. Coal Filler, GDK-1 Inc., RG-I Area with effect from 29.11.1998 is justified or not?
- IV. To what relief the Workman is entitled?

Findings:-

6. **Issue No.I:** - The Petitioner workman has conceded the legality and validity of departmental enquiry therefore, the domestic enquiry conducted by the Respondent is held legal and valid by the Tribunal vide order dated 10.4.2023.

Thus, Issue No.1 is decided accordingly.

7. **Issue No.II:-** This issue pertains to the question whether the industrial dispute raised by the Workman is barred by delay and laches. In this context the Learned Counsel for Respondent submitted that the Workman was dismissed from the service of the company on the proved charges of absenteeism w.e.f. 29.11.1998 vide proceeding No.P.RG.1/32/98/6059 dated 24.11.1998. Therefore, it is apparently clear that there is an abnormal delay of 17 years in raising the dispute by the Workman. Therefore, the petition is liable to be dismissed on the ground of delay and latches. Further, it is contended that as per provision contained under section 2A(2) the applicant feeling aggrieved by the order of employer terminating the services of the individual Workman for discharging, dismissing or retrenching he will make an application to the Labour Court or Tribunal before the expiry of 3 years from the date of discharge or dismissal, retrenchment or otherwise termination of services. Whereas in the present case the Workman has raised the industrial dispute with an inordinate delay of 17 years from the date of termination from service i.e., 24.11.1998. Therefore, in view of the above the claim petition is barred by delay and latches.

8. Perused the record. Undisputedly, Workman in the present case has been terminated from service vide order dated 24.11.1998 with effect from 29.11.1998 passed by Disciplinary Authority of the Respondent. Whereas the industrial dispute has been raised in the year 2015 against the said termination order when it has been referred for adjudication vide letter dated 5.5.2015 of Government of India Ministry of Labour, New Delhi. Thus, there is an inordinate delay of about 17 years in raising the industrial dispute in the present matter. However, Workman has not furnished any explanation regarding inordinate delay in raising the dispute against his termination order from the service by the Respondent.

In this context, reference of few decisions of Hon'ble Supreme Court are relevant as discussed hereunder:-

In K RReddy Vs. Industrial Tribunal-II, Hyderabad, Hon'ble Court held:-

"The Supreme Court extensively considered the scope of relevant provisions and precedent decisions and held that there was inordinate, unexplained delay in referring the dispute."

In the case of Assistant Engineer, CAD, Kota and Dhan Kumwar, CA No.6473, 2006 III LLJ, the Hon'ble Apex Court have held:

"workman raising the dispute eight years after termination of service –therefore relief by Labour Court should not have been granted to workman."

In Haryana State Co-operative Land Development Bank and Neelam, 2005 I LLJ, the Apex Court held:

"Though no time limit prescribed for raising industrial dispute, but stale claim, could not be entertained – approaching Labour Court after delay of more than 7 years. Held:- justified refusal of relief in this case."

In the case of Sri Prabhakar Vs. Joint Director Sericulture Department in Civil Appeal decision dated 7.9.15 Hon'ble Apex Court have held:-

"40) On the basis of aforesaid discussion, we summarise the legal position as under:

"An industrial dispute has to be referred by the appropriate Government for adjudication and the workman cannot approach the Labour Court or Industrial Tribunal directly, except in those cases which are covered by [Section 2A](#) of the Act. Reference is made under [Section 10](#) of the Act in those cases where the appropriate Government forms an opinion that 'any industrial dispute exists or is apprehended'. The words 'industrial dispute exists' are of paramount importance unless there is an existence of an industrial dispute (or the dispute is apprehended or it is apprehended such a dispute may arise in near future), no reference is to be made. Thus, existence or apprehension of an industrial dispute is a sine qua non for making the reference. No doubt, at the time of taking a decision whether a reference is to be made or not, the appropriate Government is not to go into the merits of the dispute. Making of reference is only an administrative function. At the same time, on the basis of material on record, satisfaction of the existence of the industrial dispute or the apprehension of an industrial dispute is necessary. Such existence/apprehension of industrial dispute, thus, becomes a condition precedent, though it will be only subjective satisfaction based on material on record. Since, we are not concerned with the satisfaction dealing with cases where there is apprehended industrial dispute, discussion that follows would confine to existence of an industrial dispute. Dispute or difference arises when one party make a demand and other party rejects the same. It is held by this Court in number of cases that before raising the industrial dispute making of demand is a necessary pre-condition. In such a scenario, if the services of a workman are terminated and he does not make the demand and/or raise the issue alleging wrongful termination immediately thereafter or within reasonable time and raises the same after considerable lapse of period, whether it can be said that industrial dispute still exist. Since there is no period of limitation, it gives right to the workman to raise the dispute even belatedly. However, if the dispute is raised after a long period, it has to be seen as to whether such a dispute still exists? Thus, notwithstanding the fact that law of limitation does not apply, it is to be shown by the workman that there is a dispute in praesenti. For this purpose, he has to demonstrate that even if considerable period has lapsed and there are laches and delays, such delay has not resulted into making the industrial dispute seized to exist. Therefore, if the workman is able to give satisfactory explanation for these laches and delays and demonstrate that the circumstances discloses that issue is still alive, delay would not come in his way because of the reason that law of limitation has no application. On the other hand, if because of such delay dispute no longer remains alive and is to be treated as "dead", then it would be non-existent dispute which cannot be referred. Take, for example, a case where the workman issues notice after his termination, questioning the termination and demanding reinstatement. He is able to show that there were discussions from time to time and the parties were trying to sort out the matter amicably. Or he is able to show that there were assurances by the Management to the effect that he would be taken back in service and because of these reasons, he did not immediately raise the dispute by approaching the labour authorities seeking reference or did not invoke the remedy under [Section 2A](#) of the Act. In such a scenario, it can be treated that the dispute was live and existing as the workman never abandoned his right. However, in this very example, even if the notice of demand was sent but it did not evoke any positive response or there was specific rejection by the Management of his demand contained in the notice and thereafter he sleeps over the matter for number of years, it can be treated that he accepted the factum of his termination and rejection thereof by the Management and acquiesced into the said rejection. Take another example. A workman approaches the Civil Court by filing a suit against his termination which was pending for number of years and was ultimately dismissed on the ground that Civil Court did not have jurisdiction to enforce the contract of personal service and does not grant any reinstatement. At that stage, when the suit is dismissed or he withdraws that suit and then involves the machinery under the Act, it can lead to the conclusion that dispute is still alive as the workman had not accepted the termination but was agitating the same; albeit in a wrong forum. In contrast, in those cases where there was no agitation by the workman against his termination and the dispute is raised belatedly and the delay

or laches remain unexplained, it would be presumed that he had waived his right or acquiesced into the act of termination and, therefore, at the time when the dispute is raised it had become stale and was not an 'existing dispute'. In such circumstances, the appropriate Government can refuse to make reference. In the alternative, the Labour Court/Industrial Court can also hold that there is no "industrial dispute" within the meaning of [Section 2\(k\)](#) of the Act and, therefore, no relief can be granted.

41) We may hasten to clarify that in those cases where the Court finds that dispute still existed, though raised belatedly, it is always permissible for the Court to take the aspect of delay into consideration and mould the relief. In such cases, it is still open for the Court to either grant reinstatement without back wages or lesser back wages or grant compensation instead of reinstatement. We are of the opinion that the law on this issue has to be applied in the aforesaid perspective in such matters."

Moreover, in the case of **Chief Engineer (Construction) Vs. Keshav Rao, 2005 JCR 96**, Hon'ble Supreme Court have held that, the delay of a one year and five months in issuing a notice appears to us to be significant. Here, in the present matter workman has not issued any notice or raised dispute against his termination in any forum for a long period of about fourteen years and his claim against dismissal has become stale due to inordinate delay and laches.

9. Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court in the instant case industrial dispute raised by Workman against his termination order dated 24.11.1998 with effect from 29.11.1998 after a lapse of 17 years from the date of his termination without furnishing any reasonable explanation or notice, has become stale and not maintainable. Therefore, the petition filed by the Workman is not maintainable due to inordinate delay and laches and such a dispute has become stale and not maintainable.

This issue is decided against the Workman.

10. **Issue No.III:-** This issue pertains to question whether the action of Respondent management in terminating the services of the Petitioner Workman Sri Akula Odelu, Ex. Coal Filler, GDK-1 incline, RG-1 area with effect from 29.11.1998 is justified or not. In this context, Respondent contended that the delinquent Workman was dismissed from the services of the company on proved charges of absenteeism vide proceeding No.P.RG.1/32/98/6059 dated 24.11.1998 w.e.f. 29.11.1998. The delinquent Workman was dismissed on proved charge after conducting departmental enquiry duly following the principles of natural justice. Further, it is submitted that the Workman Sri Akula Odelu, Coal filler was initially appointed in the company on 31.7.1991 as badli filler and later he was appointed as coal filler w.e.f. 1.9.1995. Further, it is submitted that while he was working at GDK-1 incline, RG-1 Area, he had put in just 018 musters during the calendar year 1997 and remained absent unauthorisedly on all other dates which constituted misconduct under Company's Standing Order No. 25.25. Hence, he was issued with the chargesheet dated 25.9.1998 under Company's Standing Order No.25.25 for habitual absence from duty without sufficient cause. Further, it is submitted that Workman acknowledged the receipt of the chargesheet and submitted his explanation wherein he has submitted that he has put in less musters during the year 1997 purely due to ill-health, viz., suffering from U.T.I.O and he remained absent from duty in the year 1997 and requested to consider his sickness, keep aside the charge sheet and assured to be careful in future and discharge his duties regularly. His explanation was examined and found to be not satisfactory hence an enquiry was ordered.

11. Further, it is submitted that enquiry was conducted on 5.10.1998 adhering to the principles of natural justice. Petitioner workman attended and fully participated in the enquiry and he was given full and fair opportunity to defend his case. Before commencing the enquiry proceedings the Enquiry Officer had explained the enquiry procedure to workman and he was offered the opportunity of availing the services of defence assistant but the Workman did not avail the same. The management witnesses deposed their evidence in the presence of the Workman which was duly recorded by the Enquiry Officer and explained to the charge sheeted Workman in Telugu. Further, documentary evidence produced by the management in the presence of the Workman to substantiate the charge levelled against him in the enquiry and explained in Telugu by the Enquiry Officer. Workman did not cross examine the management witnesses despite opportunity was accorded to him. The Workman has examined himself in defence and in his statement he has stated that he admits the charge levelled against him under Company's Standing Order No.25.25. Further, he voluntarily admit that he remained absent from duty without leave, sick, permission or information, on the dates as mentioned in the chargesheet and he remained absent unauthorisedly due to his ill-health. Witness was cross examined by the Respondent and in his cross examination witness states that regarding sickness he has not informed the Respondent management and he has not submitted any medical certificate in the office. Further, witness states that he has no medical slips, treatment prescriptions or diagnosis bills etc., in support of his statement that he fell sick during the absence period. Further, witness admits that he was suffering from muscles pain and leg pains as per prescriptions. Thus, from the above statement of the Workman recorded during the enquiry it manifests that the Workman has admitted the charge levelled against him and he failed to furnish any explanation regarding his unauthorised absence from duty. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the record of evidence, submitted his report in which the Workman was held to be guilty of the charge levelled against him under Company's Standing Order No.25.25. Workman acknowledged the receipt of the enquiry report by letter dated 28.10.1998 and submitted his representation in detail dated 18.11.1998 stating that he got no other source of earning and assured to be regular to duties. Moreover, workman did not dispute the enquiry

proceedings and findings of the Enquiry Officer. The Disciplinary Authority after going through the entire enquiry proceedings, explanation letter dated 18.11.1998 of the Workman and after evaluating all the evidence on record confirmed the findings of the Enquiry Officer since the charge framed and proved in enquiry was grave and serious in nature warranting punishment of dismissal and as also there was no extenuating circumstances to take a lenient view, the Workman was dismissed from service with effect from 29.11.1998 vide letter dated 24.11.1998. Further, Respondent submitted that the Workman was a chronic and habitual absentee and didn't put in at least 190 attendances as expected from an underground Workman in any of the year. Further, it is submitted that he remained absent from duty without sanctioned leave, sufficient cause and did not bother to communicate to the unit authorities about his inability to attend to duties.

12. In view of the submission made by the Respondent, perused the record of enquiry proceeding. The record of enquiry proceeding goes to reveal that the delinquent Workman was chargesheeted vide chargesheet dated 25.9.1998 under Company's Standing Order No.25.25 for habitual absence from duty without sufficient cause. The workman was chargesheeted for absence from duty without sanctioned leave or sufficient cause during the year 1997. The charge sheet was served upon workman. The delinquent Workman submitted his explanation to the charge sheet and enquiry was conducted and during the enquiry in support of charge two witnesses were examined by the Respondent, i.e., Sri K.V. Subba Rao, Ofg. Office Supdt., and Sri R.C. Malakondaiah, Paysheet Clerk. Sri R.C. Malakondaiah has stated that during the year 1997 January to December the delinquent Workman remained absent from duty without any sanctioned leave or sufficient cause. Despite opportunity to cross examine Workman did not cross examine the Management witnesses. Thus, statement of the management witnesses remained uncontraverted regarding the allegation of the charges against the Workman that he remained absent from duties without sanctioned leave or sufficient cause during the year 1997. Further, delinquent Workman has also examined himself in evidence as witness and in his statement workman Sri Akula Odelu has stated, admitting the charge levelled against him that, he had remained absent from duty on the dates and period mentioned in the charge sheet and he was not granted any leave for these days. Further, he stated that he has not given any intimation to the company about his absence from duty and he has no record to show about his sickness. Further, the CSE was cross examined. Thus, on going through the evidence recorded during the enquiry it is established that the Workman remained absent from duty unauthorisedly without sanction of leave during the year 1997 on the dates as mentioned in the chargesheet. Moreover, he was served with the copy of the documents and enquiry report and he submitted his explanation and did not dispute the findings of the enquiry proceedings and legality of the order of Disciplinary Authority. Thus, keeping in view of the facts and circumstances and evidence available on record and in view of the seriousness of the charge levelled against the delinquent Workman, Disciplinary Authority has passed the order to dismiss the Workman from service of the company with effect from 29.11.1998. Therefore, in view of the above the order of dismissal of the Workman from service does not suffer from any procedural infirmity or illegality or perversity.

13. Although, Petitioner workman has taken the plea that due to his sickness and other family problems he could not be regular to his duties during the year 1997, thus, he also admitted the absent period during the year 1997 as alleged in the chargesheet. As per chargesheet he had put in only 18 days of attendance during the year 1997 and this fact has been admitted by the Workman in his statement recorded during the enquiry. But he has not submitted any document in evidence in support of his plea that he was regularly ill during the absence period and he has gone under treatment for the illness. Further, he failed to furnish any explanation that why he did not intimate about his absence to the Respondent management and also why he did not report sickness at the Respondent's hospital. Therefore, for the want of any evidence in support of the plea, argument of the Petitioner workman of illness is not tenable. He has taken the plea that he could not attend his duty during the year 1997 due to ill-health. Whereas the chargesheet dated 25.9.1998 was issued to the Workman for conducting the enquiry for unauthorized absence from duty during the year 1997. Further, the record of enquiry proceeding goes to reveal that the Workman was served with chargesheet and documents and he participated in the enquiry at every stage of proceedings. He was also accorded the opportunity to cross examine witness but he did not avail it. Therefore, the plea of the Petitioner workman that the termination order has been passed by Respondent in violation of principles of natural justice is not tenable. Thus, the said plea of Workman is not tenable.

14. In this context, the reference of decisions of Hon'ble Supreme Court are relevant wherein Hon'ble Supreme Court have held that, the misconduct of habitual absence from duty unauthorisedly by the employee is a serious and grave nature.

In State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Apex Court had held:-

"Having notices the fact that the first Respondent has absented himself from duty without level on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."

In the case of **North Eastern Karnataka R.T. Corpn. v. Ashappa** decided on 12 May, 2006 wherein, the Apex Court had held:-

"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly.

In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:-

"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."

State of U.P. v. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276],

it was opined that, "the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating: "It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."

The Hon'ble Apex Court in the case of **Management Coal India Ltd. v. Mukul Kumar Choudhary Civil Appeal 5762-5763 of 2009 decided on 24.08.2009 laid down the test of proportionality of punishment and held:-**

"One of the test to be applied while dealing with the question of punishment would be: would any reasonable employer have imposed such punishment in like circumstances? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment."

In the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhai, the 2022 LLR page 126, wherein the Hon'ble Apex Court held:-**

"once the enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."

Therefore, in view of the fore gone discussion and a law laid down by the Hon'ble Apex Court I am of the considered opinion that the dismissal order passed by the Respondent management was proportionate and commensurate with the gravity of the charges hence deserves to be upheld. There is no illegality or impropriety or perversity in the impugned order.

This issue is decided against the Workman and in favour of the Respondent.

15. **Issue No.IV:-** In view of the finding given at Issue Nos. I, II and III the Workman is not entitled for any relief, hence the petition is liable to be dismissed.

This issue is answered accordingly.

AWARD

In view of discussion and finding arrived at Issues No. I, II & III, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavrikhani, Karimnagar Distt., in terminating the services of Sri Akula Odelu, Ex. Coal Filler, GDK-1 Inc., RG-I Area with effect from 29.11.1998 is held justified. The workman is not entitled to any relief as prayed for. Therefore, the claim petition is dismissed as devoid of merits. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 18th day of June, 2025.

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, 4 जुलाई, 2025

का.आ. 1294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्वास्थ्य मंत्रालय सेवाएँ के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (आई डी नम्बर 28/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-20013/01/2025-आई.आर.(सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID No. 28/2014**) of the **Central Government Industrial Tribunal-cum-Labour Court N0.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Ministry of Health Services**, and their workmen, received by the Central Government on **03/07/2025**.

[No. L-20013/01/2025 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II,
NEW DELHI****I.D. No. 28/2014**

Sh. Swatantra Kumar & Ors, S/o Late Sh. Chotey Lal,
R/o 364A, North Loco, Railway Colony,
G.T. Road, Kanpur, UP.

VERSUS

1. Medical Superintendent,
Safdarjung Hospital,
New Delhi.
2. Director General,
Ministry of Health Services,
Through- Secretary,
Government of India,
Nirman Bhawan, New Delhi.

Appearance

For claimant: Satish Sharma, Ld. AR

For respondents: Sh. Chaudhary Shamsuddin Khan, Ld. AR for M-1.

Sh. Atul Bhardwaj, Ld. AR for M-2.

AWARD

1. This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)** for adjudication of the following disputes:

Whether the termination of the services of the applicants w.e.f 09.03.2010 by the Medical Superintendent, Safdarjung Hospital New Delhi is legal and Justified, if not what relief the concerned applicants are entitled thereto with all other details?

2. Claimants namely Sh. Swatantra Kumar, Mohd. Yusuf, Vinod Kumar, Mahesh Kumar and Rita Kumari had stated in the claim statement that they were appointed with the management as Nursing Attendant on daily wage basis at the rate of Rs. 4440+1300 Grade Pay per month plus D.A since 11.12.2009.
3. They were initially appointed as daily wage workers through a regular advertisement in Employment News, with pay aligned to the standard group- D scale for the position. Since 1984, the policy of the hospital had been to regularize eligible casual workers into permanent posts. On 12.09.2007, the hospital wrote to the DG Health Services requesting the regularization of 121 casual workers.
4. On 17.03.2008, the hospital informed that it had 125 sanctioned daily wage positions, with 86 workers granted temporary status after one year of service, and requested regularization for the remaining workers due to the high patient to nurse ratio and the technical nature of the Nursing Attendant posts. The respondents regularly regularized daily wage workers, including nursing attendants, as per the Directorate General of Health Services (DGHS) letter dated 29.2.2008. On 24.3.2008, 47 daily wage workers were regularized with a monthly pay of Rs. 2550/- in the pay scale of Rs. 2550-3200 and other allowances. On 11.6.2008, Respondent No.3 raised concerns about outsourcing nursing attendants, citing issues with suitability, accountability, and control over outsourced workers. On 11.6.2009, Respondent No.3 informed the Ministry of Health that the hospital had 125 daily wage workers, who were regularly appointed through proper procedures, including interviews, advertisements, and employment exchange processes. They requested permission to continue the 70 daily wage workers until they were regularized.
5. On 26.6.2009, Respondent No.3 wrote to the Ministry of Health, highlighting a critical shortage of 150 nursing attendants at the hospital due to the sanctioned strength not being raised since 1989, and requested an extension of the daily wage appointments for the applicants. As a result, their services were extended until 26.4.2010.
6. On 23.10.2009, Respondent No.3 again requested Respondent No.2 to expedite the approval for outsourcing 150 nursing attendants and regularizing 70 daily wage attendants after the superannuation of existing Group D employees. However, Respondent No.2 did not respond. On 13.11.2009, Respondent No.2 instructed the publication of a tender for outsourcing 70 nursing attendants. On 17.11.2009, Respondent No.3 informed Respondent No.2 about the published tender and requested the regularization of 70 daily wage nursing attendants. Their termination is unlawful, arbitrary, and violates the hospital's own policies and Sections 25F, 25G, and 25H of the Industrial Disputes Act, 1947, as they worked over 240 days. They had gone to the conciliation officer, but, it was resulted into failure. Hence, they have filed the present claim.
7. WS had been filed by the management on 02.07.2014. He denied the averment made in the claim statement. He also submitted that present application is liable to be dismissed.
8. After completion of the proceedings, following issues have been framed on 31.10.2014 i.e.-
 - (i) Whether the termination of workmen on 09.03.2010 by management is in violation of Section 25F, G & H of the I.D Act of 1947? If so its effects?
 - (ii) Whether workmen are entitled for regularization as they perform duties for period more than 240 days preceding their termination? If so its effects?
 - (iii) Whether employee and employer relationship exists between management and workmen? If so its effects?
 - (iv) To what relief workmen/claimants are entitled?
9. Evidence of WW1, WW2, WW3 and WW4 i.e. Swatantra Kumar, Mohd. Yusuf, Vinod Kumar, Mahesh Kumar and Rita Kumari and MW1 i.e. Sh. Asharam Meena have been concluded and their examination have also been done. Now, the matter is listed for argument.
10. I have heard the argument on behalf of both the parties at bar. At that time of argument, this tribunal found that this claim petition was filed by the claimants in the year 2014, much beyond the period of limitation prescribed U/s 2-A (3). Before we proceed further, it is necessary to produce the text of section 2-A:

“2-A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.- [(1)] where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any

dispute or difference between that workman and his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.

(2) Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this act and all the provisions of this act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).

11. A perusal of the aforesaid section would go to show that a dispute connected with or arising out of discharge, dismissal, retrenchment or otherwise termination of services of the workman can be directly agitated by workman U/s 2-A of the act and it is not necessary that such dispute should be sponsored by the trade union or a substantial number of workmen. However, what is required is that workman who has been discharged, dismissed, retrenched or terminated as specified in sub-section (1) of section 2-A can make an application directly to Labour Court or Tribunal for adjudication of his individual dispute after expiry of 45 days from the date he has made an application to conciliation officer of appropriate government for conciliation of dispute. Sub-section 3 of section 2-A lay down the time limit for making such application to Labour Court or the tribunal. It provides that such application to Labour Court or tribunal shall be made before expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of services as specified in sub-section-1. This right is available to the workman without any effect upon remedy available in section 10 of the act.
12. Here admittedly, workmen had filed the claim in the year 2014 after more than 4 years of their termination which is beyond the prescribed limit for filing the claim U/s 2(A) of the I.D Act. Hence, claim petition stands dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification as required U/s 17 of the I.D Act. File is consigned to record room.

Date: 14.01.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भावना बिल्डर्स प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नं. II, नई दिल्ली के पंचाट (आई डी नम्बर 83/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था

[सं. एल-20013/01/2025-आई.आर.(सी.एम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID No. 83/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court N0.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Bhayana Builders Pvt.Ltd**, and their workmen, received by the Central Government on **03/07/2025**.

[No. L-20013/01/2025 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

I.D. No. 83/2019

Sh. Pankaj Kumar, S/o Sh. Narendra Mandal,

Address:- Village- Ranganiya, Post- Samukhiya,

District & P.S. Banka, Bihar-813102.

VERSUS

1. Safdarjung Hospital (Sports Injury Center),
Mahatma Gandhi Marg, Safdarjung Campus,
New Delhi, Delhi-110029.
2. **The Director, Bhayana Builders Pvt. Ltd.**
At-7, Factory Road, Near Safdarjung Enclave,
New Delhi-110029.

AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claim of the claimant is that he has been serving with the management-1 through management-2. He was appointed as Plumber Helper for the site in **SIC Safdarjung**, New Delhi (Sports Injury Centre, Safdarjung Hospital Complex, New Delhi) by **M/s Bhayana Builders Pvt. Ltd.** However, this company has changed various names i.e. (i) **M/s Bhawana Builders Pvt. Ltd.** (ii) **M/s Roto Power Projects Pvt. Ltd.** (iii) **M/s AWC Facilities Management India Pvt. Ltd.** and (iv) **M/s Wilburg Facilities Management Services Pvt. Ltd.** from time to time. Whenever the name of the company was changed, the fresh appointment letter and other documents was issued to the claimant. The management had deducted 37% amount from the salary of the workman and other co-workers. In this regard, when the workman raising this question regarding such illegal deductions, on this, it was threatened to the workman by the management and other senior officials that if anyone objected, then he would be expelled/terminated from his job without issuing any notice. On November 2016, after the demonetization, the management had pressurized the workmen and other co-workers to deposit the old currency money in the bank accounts (approx. Rs. 50,000/- to Rs. 1,25,000/-) by giving threats that if the same is not done by him, then he would be expelled/terminated from his job. The management has also promised to give/issue the PF, Bonus, Leave amount, and all other salary benefits, but never issued the same to the workman. Since 17.08.2018, the workman had not been allowed by the management to do the work and on the same date, the management had brought the new staff and expelled out/terminated and not allowed to work since then to the workman and other co-worker etc. Workers including the workman had filed an application U/s 2A of the I.D Act 2010 in the office of ALC (C), New Delhi, against the management **Bhayana Builders Pvt. Ltd.** (Contractor)/Safdarjung Hospital (Principle Employer). He had sent the complaint to the Assistant Labour Commissioner, but, it has yielded no result. Hence, He filed the present claim.

Respondent-1, has been proceeded ex-parte vide order dated 12.10.2023. WS has been filed by the M-2 and he denied the averment made in the claim. He also submitted that claim is liable to be dismissed.

Today, the matter is listed for filing of rejoinder. Neither the workman nor his AR has been appearing since long inspite of providing a number of opportunities.

In these circumstances, when the claimant is not interested in pursuing his claim, this tribunal has no option except to pass the no dispute award. No Dispute Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

Date: 30.01.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी. एल.क प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 27/2021-22) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/15/2022-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 27/2021-22**) of **the Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **03/07/2025**

[No. L-22012/15/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/27/2021-22

Date: 12.06.2025.

Party No.1:

1. The General Manager,
Wani Area of WCL,
Po. Urjagram Tadali,
Distt. Chandrapur (M.S.)- 442406
2. The Sub Area Manager,
Neeljay Sub- Area of WCL,
Po. Bellora,
Distt. Yavatmal (M.S.) 445319.

V/s.

Party No.2:

The Area President,
Koyla Shramik Sabha (HMS),
Qrt. No. 1, Ghugus, Distt,
Chandrapur (M.S.) – 442505.

AWARD

(Dated: 12th June, 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 Wani Area of WCL, and their workman Shri Ramekbal Chauhan, for adjudication, as per letter **No. L-22012/15/2022 (IR(CM-II) dated 18.02.2022**, with the following schedule:-

“Whether the demand raised by Area President of Koyla Shramik Sabha (HMS) against the management of WCL for protection of pay of Shri Ramekbal Chauhan on his selection from Tub-Loader as Dumper Operator (conversion from piece rated to time rated on administrative ground) is legal and justified? If yes, what relief the concerned workman is entitled to?”

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 04.07.2022. No statement of claim and written statement have been filed by the parties respectively till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The demand raised by Area President of Koyla Shramik Sabha (HMS) against the management of WCL for protection of pay of Shri Ramekbal Chauhan on his selection from Tub-Loader as Dumper Operator (conversion from piece rated to time rated on administrative ground) is illegal and unjustified. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क 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 (संदर्भ संख्या 01/2016-17) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/113/2015-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 01/2016-17**) of **the Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **03/07/2025**.

[No. L-22012/113/2015 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

Case No.CGIT/NGP/01/2016-17

Date: 11.06.2025.

Party No.1: The Deputy General Manager,
WCL, Naigaon Sub Area,
Post: Belora, Tah. Wani,
Distt. Yavatmal
Yavatmal (M.S.)

V/s.

Party No.2: Shri Gundeti Madan Narsaiyya through
The Secretary,
Koyala Sharmik Sabha (HMS) Union, Naigaon Branch,
Tah: Wani, Distt. Yavatmal.
Yavatmal (M.S.)-

AWARD(Dated: 11th June, 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, Naigaon Sub Area, and their workman Shri Gundeti Madan Narsaiyya, for adjudication, as per letter **No. L-22012/113/2015 (IR(CM-II) dated 23.03.2016**, with the following schedule:-

"Whether the demands raised by Sh. Gundeti Madan Narsaiyya, applicant for pre-mature retirement justified which amounts to illegal termination and whether the employee is entitled for the benefit of the period from 30.06.2014 to 30.09.2016 for correction in date of birth on the basis of School transfer

certificate or sending his case to Medical Board for determination of his age and the demand supported by the Secretary, Koyla Sharmik Sabha (HMS), Naigaon Branch, Wani, Distt. Yavatmal is just, fair & legal? If yes, to what relief the concern worker is entitled to?"

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 20.03.2020. One application dated 31.07.2019 i.e. IA no. 3 has been moved by the workman/petitioner. But no one is present on behalf of workman/petitioner to press on this application. Hence, this application is hereby rejected being not pressed.

From perusal of record, it is apparent that statement of claim and written statement have been filed by the parties respectively. But petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that, he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The demands raised by Sh. Gundeti Madan Narsaiyya, applicant for pre-mature retirement justified which amounts to illegal termination and whether the employee is entitled for the benefit of the period from 30.06.2014 to 30.09.2016 for correction in date of birth on the basis of School transfer certificate or sending his case to Medical Board for determination of his age and the demand supported by the Secretary, Koyla Sharmik Sabha (HMS), Naigaon Branch, Wani, Distt. Yavatmal is unjust, unfair & illegal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 09/2012-13) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/105/2016-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 09/2012-13**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s. W.C.L.**, and received by the Central Government on **03/07/2025**

[No. L-22012/105/2016 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/09/2012-13

Date: 08.05.2025.

Party No.1:

1. The Sub Area Manager,
Junad O/C Mines, Wani North Area, WCL,
Post Ukni, Tah. Wani,
Yavatmal (M.S.)

2. The Chief General Manager,
Wani Area, Western Coalfields Ltd.,
Post – Urjagram Tadali,
Chandrapur(M.S.)

V/s.

Party No.2:

The Joint General Secretary,
All India SC/ST/Backward Class Employees
Co-ordination Council, Wani,
Yavatmal (M.S.)

AWARD

(Dated: 08th May, 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 Neeljay O/c Mine Area, WCL, and their workman Shri. A.D. Dhotre, for adjudication, as per letter No. L-22012/105/2016 (IR(CM-II)) dated 10.07.2012, with the following schedule:-

"With reference to CIL's Career growth to Personnel with ITI Certificate Holder, Whether management's denial to remove anomaly/pay disparity in respect of Shri A.D.Dhotre, 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. Case is called out. Both the parties are absent. Both parties are not responding and attending the Court since 07/04/2020 i.e. near about more than five years. Although statement of claim and written statement have been filed by the parties respectively. Petitioner has filed his affidavit as evidence but petitioner is not coming to the Court to prove the contents of the statement of claim as well as the contents of the affidavit. No other evidence has been filed by the petitioner to prove his claim. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The management's denial to remove anomaly/pay disparity in respect of Shri A.D.Dhotre, 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 monetary benefit.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 15/2012-13) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/93/2012-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2012-13) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the Management of M/s. W.C.L., and received by the Central Government on 03/07/2025.

[No. L-22012/93/2012 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

Case No.CGIT/NGP/15/2012-13

Date: 08.05.2025.

Party No.1:

1. The Chief General Manager,
Wani Area, Western Coalfields Ltd.,
Post-Urjagram Tadali,
Chandrapur (M.S.)-
2. The Sub Area Manager,
Neeljai O/c Mines, Wani Area,
Western Coalfields Ltd., Post-Neeljai,
Tah-Wani,
Yavatmal (M.S.)

V/s.**Party No.2:**

The Joint General Secretary,
All India SC/ST/Backward Class Employees
Co-ordination Council, Wani,
Yavatmal (M.S.)

AWARD(Dated: 08th May, 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 Wani Area, Western Coalfields Ltd., and their workman Shri. R.D.Naik, for adjudication, as per letter **No. L-22012/93/2012 (IR(CM-II)) dated 01.08.2012**, with the following schedule:-

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

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 07/04/2020 i.e. near about more than five years. Although Statement of Claim and written statement have been filed by the parties respectively. Petitioner has filed his affidavit as evidence but petitioner is not coming to the Court to prove the contents of the statement of claim as well as the contents of the affidavit. No other evidence has been filed by the petitioner to prove his claim. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The management's denial to remove anomaly/pay disparity in respect of Shri R.D. Naik, ITI Certificate Holder at par with his juniors who are drawing more wages in Wani Area of WCL is legal and justified. The workman is not entitled to any monetary benefit.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 16/2017-18) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/130/2016-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 16/2017-18**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **03/07/2025**.

[No. L-22012/130/2016 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/16/2017-18

Date: 08.05.2025.

Party No.1: The Sub Area Manager,
Kolarpimpri Sub Area of WCL,
Wani North Area, At – Pragati Nahgar
Colony, Post – Ukni, Tehsil – Wani,
Distt. Yavatmal (M.S.)

V/s.

Party No.2: Mr. Arvind Ramdas Waghmare, Clerk,
Through The President, Bhariya Koyla Khadan
Mazdoor Sangh, Kolarpimpri Branch,
North Area, Post – Kolarpimpri, Tehsil – Wani,
Distt – Yavatmal (M.S.)

AWARD(Dated: 08th May, 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 Kolarpimpri Sub Area, WCL, Wani North Area, and their workman Shri. Arvind Ramdas Waghmare, for adjudication, as per letter **No. L-22012/130/2016 (IR(CM-II))** dated 20.07.2017, with the following schedule:-

"Whether the action of the Management of Kolarpimpri Sub Area of WCL, Tah: Wani, Dist. Yavatmal for Late promotion of Shri Arvind Ramdas Waghmare, Clerk (Clerk Grade – II to Clerk Grade – I) and demand of recovery on financial loss and service growth due to late promotion represented by the President, Bhartiya Koyla Khaan Mazdoor Sangh (BMS), Kolarpimpri Branch,

Wani North, Tah – Wani, Dist – Yavatmal is just, fair and legal? If yes, to what relief the concerned workman is entitled to?”

2. Case is called out. Shri. R.R. Pimpalkhute has put his appearance on behalf of management/WCL and filed his Vakalatnama today in Court, which is taken on record. None is present on behalf of petitioner.

From perusal of order sheet, it is apparent that both parties are not responding and attending the Court since 27.02.2020 long back. But today, Learned Counsel Shri. R.R. Pimpalkhute is present on behalf of respondent. Statement of claim and written statement have been filed by the parties respectively. Petitioner has filed his affidavit as evidence earlier on 21.01.2020. But petitioner is not coming to the Court to prove the contents of the affidavit as well as contents of statement of claim. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of the Management of Kolarpimpri Sub Area of WCL, Tah: Wani, Dist. Yavatmal for Late promotion of Shri Arvind Ramdas Waghmare, Clerk (Clerk Grade – II to Clerk Grade – I) is just, fair and legal and demand of recovery on financial loss and service growth due to late promotion represented by the President, Bhartiya Koyla Khaan Mazdoor Sangh (BMS), Kolarpimpri Branch, Wani North, Tah – Wani, Dist – Yavatmal is unjust, unfair and illegal. The concerned workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

का.आ. 1301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 22/2021-22) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/13/2022-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th July, 2025

S.O. 1301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 22/2021-22**) of **the Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **03/07/2025**

[No. L-22012/13/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

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

Date: 12.06.2025.

Party No.1:

1. The General Manager,

Wani Area of WCL,

Po. Urjagram Tadali,

Distt. Chandrapur (M.S.)- 442406

2. The Sub Area Manager,

Neeljay Sub- Area of WCL,
Po. Bellora, Tah. Wani, Distt.
Yavatmal (M.S.) 445319.

V/s.

Party No.2:

The Area President,
Koyla Shramik Sabha (HMS),
Qrt. No. 1, Ghugus, Distt,
Chandrapur (M.S.) – 442505.

AWARD

(Dated: 12th June, 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 Wani Area of WCL, and their workman Shri Abdul Alim Sheikh Jamil, for adjudication, as per letter No. L-22012/13/2022 (IR(CM-II) dated 15.02.2022, with the following schedule:-

"Whether the demand raised by Area President of Koyla Shramik Sabha (HMS), after Order dated 26/06/2018 of the Hon'ble High Court of Judicature at Bombay Nagpur Bench at Nagpur in Writ Petition No. 6535/2017 filed by Abdul Alim Sheikh Jamil... Vs... The Superintendent of Mines/Manager W.C.L. Yavatmal, against the management of WCL (General Manager, Wani Area & Sub-Area Manager, Neeljay) over the issue of protection of pay of Shri Abdul Aleem on his selection as Dumper Operator (conversion from piece rated to time rated on administrative ground) is legal and justified? If yes, what relief the concerned workman is entitled to?"

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 04.07.2022. No statement of claim and written statement have been filed by the parties respectively till today. Petitioner has not filed any evidence to prove his case. Petitioner is not coming to the Court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The demand raised by Area President of Koyla Shramik Sabha (HMS), after Order dated 26/06/2018 of the Hon'ble High Court of Judicature at Bombay Nagpur Bench at Nagpur in Writ Petition No. 6535/2017 filed by Abdul Alim Sheikh Jamil... Vs... The Superintendent of Mines/Manager W.C.L. Yavatmal, against the management of WCL (General Manager, Wani Area & Sub-Area Manager, Neeljay) over the issue of protection of pay of Shri Abdul Aleem on his selection as Dumper Operator (conversion from piece rated to time rated on administrative ground) is illegal and unjustified. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1302.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पूर्वोत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (06/2004) प्रकाशित करती है।

[सं. एल-41012/192/2003-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 06/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Purvottar Railway and their workmen.

[No. L-41012/192/2003- IR (B-I)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, LUCKNOW
I.D. No.06 of 2004

Reference No.L-41012/192/2003-IR(B-1) dated 27.11.2003

Mahrajdudd Yadav, S/o Sri Salik Ram

R/o Gram & Post Bada Gaon, Dutt Nagar,

District Gonda through Member Kendriya Karya Samiti

Purvottar Railway Samiti Sangh, 96/196, Purana Ganeshganj, Lucknow

.....Workman

Versus

1. Senior Divisional Electrical Engineer,
Purvottar Railway, DRM Office,
Ashok Marg, Hazratganj, Lucknow;
2. Divisional Personnel Officer,
Purvottar Railway, DRM Office, Ashok Marg,
Hazratganj, Lucknow

----Respondents

Judgment

By means of Reference no. L-41012/192/2003-IR(B-1) dated 27.11.2003, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

क्या पूर्वोत्तर रेलवे, लखनऊ द्वारा कर्मकार श्री महाराज दत्त यादव पुत्र श्री सालिग राम खलासी को सन्दर्भ की तिथि से (19.11.91) से 120 दिन कार्य पूर्ण कर लेने के पश्चात् आने वाली तिथि के स्थान पर 18.11.98 से अस्थायी हैसियत एवं उसके सुविधा लाभ अनुमन्य किया जाना उचित तथा वैधानिक है। यदि नहीं तो कर्मकार कब से व क्या लाभ पाने का अधिकारी है।

In pursuance to the said reference the statement of claim was filed on behalf of workman/applicant before this Tribunal and a I.D. Case No. 6 of 2004 was registered.

In the statement of claim, the workman pleaded that on 25.09.1983 he was engaged as casual labour employee in the office of respondent no. 2 and in the said capacity he worked and discharged his duties till 31.12.1985.

It was further stated that during the period 18.4.1985 to 31.12.1985 the applicant completed 120 days so in view of the said facts and as per Rules & Regulations prevailing in the Indian Railway Establishment Manual, the respondents are under legal obligation to consider and give the applicant temporary status, however, the same was not given rather his services were terminated/retrrenched on 1.1.1986.

Accordingly the workman prayed for the following reliefs:-

सम्बन्धित कर्मकार सन्दर्भादेश की तिथि दिनांक 19.11.1991 से कार्यरत मानते हुए 20.3.92 से चार माह में 120 दिन पूर्ण होने के पश्चात् टेम्परेरी स्टेटस एवं प्राप्त्य हितलाभ अनुमन्य कराये जाने चाहिए जबकि प्रशासन द्वारा न्यायालय के आदेश की अवमानना करते हुए दि० 20.7.98 से नियोजित मानकर 18.11.98 से अस्थायी हैसियत एवं हितलाभ अनुमन्य कराये गये जिससे उसकी पदोन्नति भी प्रभावित हुए एवं उसे आर्थिक हानि वहन करनी पड़ी तथा पदोन्नति लाभ से वंचित रहना पड़ा परिणामतः सम्बन्धित कर्मकार से कनिष्ठ कर्मकार वरिष्ठ होकर खलासी एवं हेल्पर खलासी का पदलाभ पा गये तथा सम्बन्धित कर्मकार को उससे वंचित रहना पड़ा। सेवायोजक के आदेश दिनांक 2.2.99 को निरस्त कर कर्मकार को दिनांक 19.11.91 से बहाल मानते हुए दिनांक 20.3.92 से अस्थायी हैसियत एवं सुविधा लाभ दिलाया जाना तथा वरीयता अनुसार उसकी वरिष्ठता का निर्धारण कराया जाने का आदेश पारित किया जाना न्यायहित में आवश्यक एवं कर्मकार पक्ष द्वारा प्रार्थनीय है।

Thereafter the pleadings between the parties were exchanged.

As per own pleadings taken on behalf of the applicant in the statement of claim that his services which were casual in nature, had been terminated/retrrenched on 1.1.1986.

In view of said averments once as per own case of the workman he was engaged as casual labour during the period 18.4.1985 to 31.12.1985 and without considering his case for giving him temporary status that he had completed 120 days in the last preceding calendar year, his services were terminated.

In view of the said facts once no reference is made on behalf of appropriate government to decide whether the retrenchment/termination of applicant was in accordance with Section 25-F of Industrial Disputes Act 1947.

The reference in question dated 27.11.2003 by virtue of which the present industrial dispute raised and prayer as made by the applicant is being beyond the scope of reference, cannot be considered and decided.

Because, in the case of **Hochtef Gammon v. Industrial Tribunal, Bhubaneswar, Orissa and ors. AIR 1964 SC 1746** wherein it has been held as under:-

"9. In dealing with this question, it is necessary to bear in mind one essential fact, and that is that the Industrial Tribunal is a Tribunal of limited jurisdiction. Its jurisdiction is to try an industrial dispute referred to it for its adjudication by the appropriate Government by an order of reference passed under s. 10. It is not open to the Tribunal to travel materially beyond the terms of reference, for it is well-settled that the terms of reference determine the scope of its power and jurisdiction from case to case. Section 10 itself had been subsequently amended from time to time. Act 18 of 1952 made substantial amendments in s. 10. One of these amendments was that s. 10(1)(d) now empowers the appropriate Government to refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule, or the Third Schedule, to a Tribunal for adjudication. In other words, under s. 10(1)(d), the appropriate Government can refer to the Industrial Tribunal not only a specific industrial dispute, but can also refer along with it matters appearing to be connected with, or relevant to, the said dispute. In that sense, the power of the appropriate Government has been enlarged in regard to the reference of industrial disputes to the Tribunal.

10. Section 10(4) which was also added by the same amending Act provides, inter alia, that the jurisdiction of the Industrial Tribunal would be confined to the points of dispute specified by the order of reference, and adds that the said jurisdiction may take within its sweep matters incidental to the said points. In other words, where certain points of dispute have been referred to the Industrial Tribunal for adjudication, it may, while dealing with the said points, deal with matters incidental thereto, and that means that if, while dealing with such incidental matters, the Tribunal feels that some persons who are not jointed to the reference should be brought before it, it may be able to make an order in that behalf under s. 18(3)(b) as it now stands.

11. Section 10(5) has now conferred power on the appropriate Government to add to the reference other establishments, groups or classes of establishments of a similar nature, if it is satisfied that these establishments are likely to be interested in, or affected by, such dispute. In other words, if industrial dispute is referred to a Tribunal for adjudication, and in the area within the territorial jurisdiction of the appropriate Government there are other establishments which would be affected by, or interested in, such a dispute, the appropriate Government may add them to the said reference either at the time when the reference is initially made, or during the pendency of the said reference proceedings; but in every case, such additions can be made before the award is submitted. Now, if such persons are added to the reference, the industrial Tribunal may in exercise of its powers under s. 18(3)(b) summon them to appear before it."

In the case of **Pottery Mazdoor Panchayat v. Perfect Pottery Co. Ltd. & ors. AIR 1979 SC 1356.**

"5. On July 1, 1967 the respondent purported to close down the business. We say "purported", because whether the business was, truly and in fact, closed or not is a matter on which the parties have joined issue. The case of the appellant is that respondent had closed the place of business and not the business itself. After the closure, or shall we say the 'alleged closure', the Central Government on September 16, 1967, made a reference under Section 10(1)(d) of the Central Act to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, on the following question :

Whether the employers in relation to the Poly Pather Clay Mines of Perfect Pottery Co. Ltd., Jabalpur, were justified in closing down the said mine and retrenching the following 81 workers with effect from July 1, 1967. If not, to what relief are the workmen entitled?

-
- 17. We are, therefore, of the view that the High Court was right in coming to the conclusion that the two Tribunals had no jurisdiction to go behind the references and inquire into the question whether the closure of business, which was in fact effected,, was decided upon for reasons which were proper and justifiable. The propriety of or justification for the closure of a business, in fact and truly effected, cannot raise an industrial dispute as contemplated by the State and Central Acts."*

In the case of **Mahendra L. Jain & ors v. Indore Development Authority & ors 2005 (1) SCC 639** held as under”

“34. Furthermore, the Labour Court having derived its jurisdiction from the reference made by the State Government, it was bound to act within the four-corners thereof. It could not enlarge the scope of the reference nor could deviate therefrom. A demand which was not raised at the time of raising the dispute could not have been gone into by the Labour Court being not the subject-matter thereof.”

Hon’ble Rajasthan High Court in the case of **the Management, M/s. Rambagh Palace Hotel Ltd. V. Sate of Rajasthan 2000 (86) FLR 134** observed as under:

“It is settled law that the Industrial Tribunal can only adjudicate the reference made to it by the Government and cannot substitute its own reference or terms of reference or even cannot go beyond the terms of the reference. It is the function of the Tribunal to answer the reference as is referred to and once the reference has been made on the demand made by the workers/union, it is incumbent on the Labour Court or Industrial Tribunal to decide the same.....”

In **Tarsem Singh vs. Judge, Labour Court & others 2008 (116) FLR 346**, it was held as under:

“8. The Labour Court cannot enlarge the scope of reference nor can it deviate therefrom. It may be observed that the Labour that the Labour Court derives its jurisdiction from the reference made by the appropriate government and, therefore, it is bound to act within the four corners of the reference.

Hon’ble Supreme Court, in the case of **State Bank of Bikaner and Jaipur vs. Om Prakash Sharma 2006 (109) FLR 1203** laid bare the well settled proposition of law and, in the context, categorically held as follows:

“In the instant case, the award of the Labour Court suffers from an illegality, which appears on the face of the record. The jurisdiction of the Labour Court emanated from the order of the reference. It could not have passed an order going beyond the terms of reference. While passing the award, if the Labour Court exceeds its jurisdiction, the award must be held to be suffering from a jurisdictional error. It was capable of being corrected by the High Court in exercise of its power of judicial review. He High Court, therefore, clearly fell in error in refusing to exercise its jurisdiction. The award and the judgment of the High Court, therefore, cannot be sustained “

Hon’ble Apex Court in **Bhogpur cooperative Sugar Mills Ltd. vs. Harmesh Kumar (2008) 2 SCC (L&S) 128** observed as under:-

“The Labour Court derived its jurisdiction from the terms in reference. It ought to have exercised its jurisdiction within the four corners thereof.”

Hon’ble Apex Court in the case of **Osshiair Prasad & others vs Employers in Relation to Management of Sudamdih Coal Washery of M/s. BCCL, Dhanbad 2015 (144) FLR 830** observed as under:

“25. It is thus clear that the appropriate Government is empowered to make a reference under section 10 of the Act only when “Industrial dispute exists” or “is apprehended between the parties”. Similarly, it is also clear that the Tribunal while answering the reference has to confine its inquiry to the question(s) referred and has no jurisdiction to travel beyond the question(s) or/and the terms of the reference while answering the reference. A fortiori, no inquiry can be made on those questions, which are not specifically referred to the Tribunal while answering the reference.”

Thus, in nut shell the position of law on the point in issue can be summarized as under:

Undoubtedly the Labour Court gets its jurisdiction from the reference and it is not like the Civil Court that any one Court, which entertains every suit. The Labour Court cannot go beyond the terms of reference nor it can travel beyond the pleadings and arrogate the power to raise issues which the parties to the reference are precluded to raise. The terms of reference determine the scope of the power and jurisdiction of the Labour Court, from case to case. Whether certain points of dispute have been referred to the Industrial Tribunal for adjudication it may, while dealing with the said points, deal with matters incidental thereto. However, such power cannot be exercised by the Court/Tribunal so as to enlarge materially the scope of reference itself for the reason that the Court/Tribunal derives its jurisdiction from the order of reference passed by the appropriate Government.

Thus as per settled preposition of law undoubtedly the Labour Court gets its jurisdiction from the reference and it is not like the Civil Court that any one Court, which entertains every suit.

The Labour Court cannot go beyond the terms of reference nor it can travel beyond the pleadings and arrogate the power to raise issues which the parties to the reference are precluded to raise.

The terms of reference determine the scope of power and jurisdiction of the Labour Court from case to case.

Whether certain points of dispute have been referred to the Industrial Tribunal for adjudication it may, while dealing with the aforesaid points, deal with matters incidental thereto. However, such power cannot be exercised by the

Court/Tribunal so as to enlarge materially the scope of reference itself for the reason that the Court/Tribunal derives its jurisdiction from the order of reference passed by the appropriate Government. (*see Hochtief Gammon Versus Industrial Tribunal, Bhubaneshwar, Orrisa & others, AIR 1964 SC 1746; Pottery Mazdoor Panchayat Versus The Perfect Pottery Co. Ltd. & another AIR 1979 SC 1356; and Mahendra L. Jain & others Versus Indore Development Authority & others AIR 2005 SC 1252*).

AWARD

For the foregoing reasons the workman/claimant is not entitled for any reliefs as claimed by him as per reference dated 27.11.2003. The reference is answered accordingly.

Justice ANIL KUMAR Presiding Officer

Lucknow.

28th May, 2025

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

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1303.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **भारतीय स्टेट बैंक** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **नागपुर** के पंचाट (01/2022-23) प्रकाशित करती है।

[सं. एल-12025/01/2025- IR(B-I)-82]

सलोनी, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.01/2022-23) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-82]

SALONI, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/Apl./01/2022-23

Date: 27.06.2025.

Party No.1:

1. State Bank of India,
Dy. General Manager, Being the Head of Zonal Office,
Module – I, Zone One, S.V. Patel Road, Nagpur,
Pin – 440001.
2. Assistant General Manager,
State Bank of India, RBO, First Floor,
Dr. JC Kumarrappa Marg, Wardha,
Pin – 442001.
3. Assistant General Manager, (OAD) & Disciplinary Authority(DA),
State Bank of India, Local Head Office, Maharashtra Circle,
Bandra Kurla Complex, Mumbai – 400051.

V/s.

Party No.2:

Nandu S/o Revaramji Sontakey,
Aged About 38 Years, Occ. – Bank Service,
R/o PO – Dhapewada, Taluka – Kalmeshwar,
Distt. – Nagpur, - 441501.

AWARD(Dated: 27th June, 2025)

In exercise of the powers conferred by Section (1) & (2) of Section 2-A of Industrial Disputes (Amendment) Act, 2010 (“the Act” in short), the applicant filed an industrial dispute between the employers, in relation to the management of State Bank of India and the applicant, Nandu S/o Revaramji Sontakey, for adjudication, vide case no. CGIT/NGP/Apl./01/2022-2023, with the following issues framed:-

“The Complaint U/s 33(A)&(B) of the ID Act, 1947 regarding change of Conditions of Service during the pendency of Conciliation proceedings filed by the Complainant ‘Nandu S/o Revaramji Sontakey is just & proper, What relief the applicant is entitled to?”

2. Case called out. Learned Counsel for the respondent/management Shri Dadu Sachdev is present before the Court. None is present on behalf of petitioner. From Perusal of record it is apparent that Petitioner is not responding and attending the Court Since 20/03/2023. No other evidence has been filed by petitioner to prove his case. Petitioner is not coming since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

“The Complaint U/s 33(A)&(B) of the ID Act, 1947 regarding change of Conditions of Service during the pendency of Conciliation proceedings is not proved. The applicant is not entitled to any relief”.

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1304.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (66/2007) प्रकाशित करती है।

[सं. एल-12012/96/2007 - आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.66/2007) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Punjab & Sindh Bank and their workmen.

[No. L-12012/96/2007- IR (B-II)]

SALONI, Dy. Director

ANNEXURE**BEFORE THE PRESIDING OFFICER****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, LUCKNOW**

I.D. No.66 of 2007

Reference No.L-12012/96/2007-IR(B-II) dated 5.12.2007

Triloki Nath Yadav, aged about 32 years,
S/o Sri Ram Abhilakh
R/o Gram Khairatpur, Majre Parvejpur,
Post Domadeh, District Sultnpur

----- Workman

Versus

2. Chief Branch Manager, Punjab & Sindh Bank,
Halwasiya Court, Hazratganj,
Lucknow;

2. Area General Manager
Punjab & Sindh Bank
Lalbagh, Lucknow;

3. General Manager,
Punjab & Sindh Bank
Rajendra Palace, 5th Manzil,
New Delhi

----Respondents

Judgment

By means of Reference no. L-12012/96/2007-IR(B-II) dated 5.12.2007, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

“Whether the action of the management of Punjab & Sindh Bank in terminating the services of Shri Triloki Nath Yadav, Peon w.e.f. 31.10.1998 and who was in service of the Bank from 1995 to 1998 is legal and just? If not, to what relief the concerned workman is entitled to?”

Accordingly an I.D. Case No.67 of 2007 was registered before this Tribunal. On 29.2.2008 Sri Triloki Nath Yadav-workman had filed statement of claim before this Tribunal and the averments stated, in brief, are to the effect that on 25.5.1995 the applicant was engaged as Class-IV employee on daily wages in Udyog Khestra Branch Jagdishpur of Punjab & Sindh Bank at Sultanpur. On behalf of workman/applicant it has been stated that during his engagement as casual employee in Class-IV category, the work of Daftari was also taken from him. On 31.10.1998 the services of workman/applicant were suddenly retrenched without following the provisions of Section 25-F of Industrial Disputes Act 1947.

In view of the said facts the prayer which is made by the workman in the statement of claim is to the effect that order dated 31.10.1998 by which the services were retrenched be set aside and he may be reinstated with all consequential benefits.

Along with the claim statement the workman had also filed the following documents:-

- i) Photocopy of documents towards payment made to the applicant & other documents for the period 25.5.1995 till December 1995 during which he had worked;
- ii) Photocopy of documents towards payment made to the applicant & other documents for the period January 1996 to December 1996 during which he had worked;
- iii) Photocopy of documents towards payment made to the applicant, salary register & other documents for the period January 1997 to December 1997 during which he had worked;

- iv) Photocopy of documents towards payment made to the applicant, salary register & other documents for the period January 1998 to October 1998 during which he had worked;
- v) Photocopy of representation dated 13.3.2006 submitted by the applicant to the Employer for his reinstatement.

Opposite parties in their written statement had taken preliminary objection that workman Sri Triloki Nath Yadav does not fall under the category of 'workman' as given under Section 2(S) of Industrial Disputes Act, so the present case is liable to be dismissed.

On merits it was pleaded on behalf of management that-

- The bank had taken certain work from the applicant as and when required at the Bank premises for which he has already been paid/reimbursed.
- The applicant was working purely casual/temporary basis as such he cannot claim to be a workman under the provisions of ID Act.
- For employment in the bank in any cadre including the sub-ordinate cadre or part time sweepers /full time sweepers, certain procedure has to be followed as per the banks guidelines as well as the Govt. Guidelines and after the selection process the appointment letter was issued to such selected candidates.
- The applicant was neither went through the process nor was issued any appointment letter, whereas he was working as casual labour as and when required at the said branch of the bank.
- The applicant was not working in the capacity of workman in the bank because there is no post as water boy or water supplier in the bank.
- No appointment letter either temporary or permanent was issued to him, as such, he cannot partake the character of workman of the bank thus he does not come within the ambit of workman as defined under Section 2(S) of the Industrial Disputes Act 1947 and no industrial dispute exists between the parties. The claim is liable to be dismissed in limine on this ground alone.
- Jagdishpur branch of the bank is provided with adequate staff strength in all cadres since long and as such there is no scope for even temporary appointment.
- Jagdishpur branch was facing scarcity of drinking water and water for coolers maintained in the premises, as such it was felt necessary to engage collie for supplying water to the office as and when needed.
- The applicant was paid collie charges on voucher for the same on day to day basis. The work taken from the applicant was purely casual in nature and the bank never sited that he should turn out daily and supply water to the office. A fixed sum was being paid as collie charges whenever he brought water to the bank. Would have paid his collie charges and availed his services, since it is a contract for service. The bank is in no way connected to the routine functioning of the bank business.
- It has been held by the Hon'ble Supreme Court that part time engagement of any person does not make him a workman within the meaning of the terms as defined under the I.D. Act. The applicant never worked as a full time employee in any manner on any date.
- The applicant is not a workman and further he did not complete 240 days in a year, hence, the individual is not entitled for notice pay and retrenchment compensation as required by Section 25F of the Act 1947. When the applicant did not complete 240 days in a yea, provisions of Section 25H and 25G of the Act will not be attracted, hence, the applicant will not be entitled for any benefits.

Accordingly, a request has been made by the respondent that the preliminary objection taken by them that claimant does not falls within the definition of workman as given u/s 2 's' of the Act, may kindly be decided first and thereafter mater be considered on merit.

The parties in support of their case have filed documents as well as evidence on affidavit and they were cross examined.

Finding & conclusion:

I have carefully scrutinized the documents which were filed by the parties.

Point-A:

The first point is to be considered that whether the applicant falls within the category of 'workman' or not?

In order to decide the fact that whether the claimant, Sri Vivek Krishna Mishra falls within the definition of 'workman' as provided u/s 2 's' of the Act or not, it would be appropriate to have a glance on the definition of 'workman' as given u/s 2 's' of the Act, which reads as under:

"(s) "workman" means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceeding under this Act in relation to an industrial dispute, but does not include any person employed in the naval, military, or air service of the Crown."

The definition was amended by [Amending Act](#) No. 36 of 1956 which came into force from 29th August, 1956 to read as follows:-

(s) "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory technical or clerical 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 Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; 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*
- (i) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."*

The change brought about by this Amendment was that the persons employed to do "supervisory" and "technical" work were also included in the definition for the first time by this Amendment, although those who were employed in a supervisory capacity were so included in the definition provided their monthly wage did not exceed Rs.500.

The definition of 'workman' was further amended by [Amending Act](#) No.46 of 1982 which was brought into force w.e.f. 21.8.1984 and the same reads as under:-

"(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);
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

A bare perusal of the aforementioned provision clearly indicates that a person would come within the purview of the said definition if he : (i) is employed in any industry; and (ii) performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work.

The Hon'ble the Apex Court in the case of **All India Reserve Bank Employees Association Versus Reserve Bank of India reported in AIR 1966 SC 305** held as under:-

"24. The amending Act of 1956 introduced among the categories of persons already mentioned persons employed to do supervisory and technical work. So far the language of the earlier enactment was used. When, however, exceptions were engrafted, that language was departed from in clause (iv) partly because the draftsman followed the language of clause (iii) and partly because from persons employed on supervision work some are to be excluded because they draw wages exceeding Rs. 500 per month and some because they function mainly in a managerial capacity or have duties of the same character. But the unity between the opening part of the definition and clause (iv) was expressly preserved by using the word 'such' twice in the opening part. The words, which bind the two parts, are not-"but does not include any person". They are -- "but does not include any such person showing clearly that what is being excluded is a person who answers the description " employed to do supervisory work" and he is to be excluded because being employed in a 'supervisory capacity' he draws wages exceeding Rs. 500 per month or exercises functions of a particular character. The scheme of our Act is much simpler than that of the American statutes. No doubt like the Taft-Hartley Act the amending Act of 1956 in our country was passed to equalize bargaining power and also to give the power of bargaining and invoking the [Industrial Disputes Act](#) to supervisory workmen, but it gave it only to some of the workmen employed on supervisory work. 'Workman' here includes an employee employed as supervisor. There are only two circumstances in which such a person ceases to be a workman. Such a person is not a workman if he draws wages in excess of Rs. 500 per month or if he performs managerial functions by reason of a power vested in him or by the nature of duties attached to his office. The person who ceases to be a workman is not a person who does not answer the description "employed to do supervisory work" but one who does answer that description. He goes out of the category of "workmen" on proof of the circumstances excluding him from the category."

Further in the case of **H.R. Adyanthaya & others Versus Sandoz India Ltd. reported in (1994) 5 SCC 373**, the Hon'ble Apex Court held as under:-

"10. It is thus obvious from the decision that the contention on behalf of the workman before the Industrial Tribunal as well as before this Court was that the employee was doing either manual or clerical work, and that not only he had no supervisory duties but he was doing his work under the direction of his superiors and, therefore, he was a workman within the meaning of the definition of workman as it stood then. The dispute in question had arisen prior to 6th January, 1956. The definition of 'workman' at the relevant time included only those persons who were employed to do any skilled or unskilled manual or clerical work.

Hence the relevant contention on behalf of the workman which was negated by this Court. An inference from this decision is also possible, viz., that if the employees' work was mainly manual or clerical, he would have, even as the definition stood then, been covered by it."

(see *C.G. Gupta Versus Glaxo Smith Klein Pharmaceutical Limited* reported in (2007) 7 SCC 171)

And the Hon'ble the Apex Court in the case of ***Chauharya Tripathi & others Versus L.I.C. of India & others*** reported in 2015(7) SCC 263, in Para-7 held as under:-

"7. Keeping in view the question posed at the beginning, we are obligated to make a survey of the authorities that have been pronounced by this Court specifically pertaining to the Development Officers working in LIC. A three-Judge Bench of this Court in *S.K. Verma vs. Mahesh Chandra & Anr.*³, adverted to the definition of 'workman' as originally defined under Section 2(s) of the Act and the substantial amendment that was brought in 1956 in respect of the definition of 'workman' and referred to the decision in *Workmen vs. Indian Standards Institution*⁴ and dwelled upon the hierarchy of officers working in LIC, the duties performed by such officers and 2 (2008) 11 SCC 319 3 (1983) 4 SCC 214 4 (1975) 2 SCC 847 eventually held thus :

"A perusal of the above extracted terms and conditions of appointment shows that a development officer is to be a whole time employee of the Life Insurance Corporation of India. that his operations are to be restricted to a defined area and that he is liable to be transferred. He has no authority whatsoever to bind the Corporation in anyway. His principal duty appears to be to organise and develop the business of the Corporation in the area allotted to him and for that purpose to recruit active and reliable agents, to train them to canvass new business and to render post-sale services to policy-holders. He is expected to assist and inspire the agents. Even so he has not the authority to appoint agents or to take disciplinary action against them. He does not even supervise the work of the agents though he is required to train them and assist them. He is to be the 'friend, philosopher and guide' of the agents working within his jurisdiction and no more. He is expected to stimulate and excite the agents to work, while exercising no administrative control over them. The agents are not his subordinates. In fact, it is admitted that he has no subordinate staff working under him. It is thus clear that the development officer cannot by any stretch of imagination be said to be engaged in any administrative or managerial work. He is a workman within the meaning of s.2(s) of the Industrial, Disputes Act."

(See also : ***Om Carrying Corporation Versus Tilock Narang & others*** reported in 2016(148) FLR 915 & ***T.Boby Francis Versus Lucy Varghese & others*** reported in 2016(149) FLR 866 and ***Jagdish Prasad Sharma Versus Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurugram & another*** reported in 2023 (178) FLR 565)

The Hon'ble Bombay High Court in the case of ***M/s. S.K. International & another vs. Ashok Tanaji Tambe & another*** 2024 (180) FLR 994 has held as under:

"17. On the aspect of determination of status of workmen, within the meaning of Section 2(s) of the ID Act, 1947, the legal position is fairly crystalized. Such determination must be based on the appreciation of the nature of the duties performed by the employee. Nomenclature of the post, which the employee holds, is not of decisive significance. The description of the nature of the duties also does not furnish a surer foundation for determination. Use of grandstanding expressions and management jargon to describe otherwise ordinary and normal functions, is not uncommon. It is, therefore, necessary to correctly appreciate the nature of the core duties discharged by a person whose status is questioned.

18. Section 2(s) of the ID Act, 1947 defines the expression workman to mean any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. In the case of *H.R. Adyanthaya and ors. v. Sandoz (India) Ltd.*, the Constitution Bench of the Supreme Court enunciated that to be qualified to be workman under Section 2(s), the person must be employed to do the work which falls in any of the specified categories, manual, unskilled, skilled, technical, operational, clerical or supervisory. To put it in other words, it is not enough that a person is not covered by any of the four exceptions to the definition. It is also fairly well settled that the burden is on the person, who asserts the status of the workman under Section 2(s) to establish with reference to the dominant nature of his duties that the work which the said person performs falls within one of the specified categories under Section 2(s) of the Act, 1947.

19. In the case of *Burmah Shell Oil Storage and Distribution Company of India Ltd. v. The Burmah Shell Management Staff Association and others*, the Supreme Court adverted to a situation where an employee is entrusted to discharge multifarious duties. In such cases, the Supreme Court held, it would be necessary to determine under which classification the employee will fall for the purpose of finding out whether he does not go out of the definition of "workman" under the exceptions. The principle is now well settled that for this purpose, a workman must be held to be employed to do that work which is the work he is required to do, even though he may be incidentally doing other types of work. The Supreme Court referred to its earlier decision in the case of *Ananda Bazar Patrika (P) Ltd. v. Workmen*", where the principle was enunciated as under:

"3. The question whether a person is employed in a supervisory capacity or on clerical work, in our opinion, depends upon whether the main and principal duties carried out by him are those of a supervisory character, or of a nature carried out by a clerk. If a person is mainly doing supervisory work, but, incidentally or for a fraction of the time, also does some clerical work, it would have to be held that he is employed in supervisory capacity; and, conversely, if the main work done is of clerical nature, the mere act that some supervisory duties are also carried out incidentally or as a small fraction of the work done by him will not convert his employment as a clerk into one in supervisory capacity....." (Emphasis supplied)

20. In the case of *Arkal Govind Raj Rao v. CIBA Geigy and India Ltd.*, another three-Judge Bench of the Supreme Court re-exposed the principle in the following words:

"6. where an employee has multifarious duties and a question is raised whether he is a workman or someone other than a workman the Court must find out what are the primary and basic duties of the person concerned and if he is incidentally asked to do some other work, may not necessarily be in tune with the basic duties, these additional duties cannot change the character and status of the person concerned. In other words, the dominant purpose of employment must be taken into consideration and the gloss of some additional duties must be rejected while determining the status and character of the person....."

21. A useful reference in this context can also be made to a decision of the Supreme Court in the case of *S.K. Maini v. M/s. Carona Sahu Company Ltd. and Anr.* wherein it was enunciated that when an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organisation quite a large number of employees are often required to do more than one of work. In such cases, it becomes necessary to determine under which classification the

employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage (supra)*. In *All India Reserve Bank Employees' Assn. v. Reserve Bank of India*, it has been held by this Court that the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the employee concerned and not some works incidentally done. In other words, what is, in substance, the work which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as defined in Section 2(s) of the Industrial Disputes Act."

Moreover, the Hon'ble Supreme Court by means of judgment dated 2.4.2004 passed in the case of **M/s. Bharat Airtel Limited Versus A.S. Raghavendra passed in Civil Appeal No.5187 of 2023 (2024 INSC 265)** after taking into consider the definition of 'workman' as given under Section 2(s) of the I.D. Act, 1947 held as under:-

"23. The records also show that the respondent, in fact, performed a supervisory role over the managers and was the Assessing Manager of his team, which consisted of Managers in the B-1 & B-2 Levels. Moreover, after adducing the evidence led by both sides, the Labour Court vide a detailed order and discussion, has held the respondent not to be covered under "workman" as per Section 2(s), ID Act. The learned Single Judge has not appreciated the discussion by the Labour Court and the available evidence in their true perspective, relying mainly upon the judgment in *Ved Prakash Gupta (supra)*. In Paragraph 12 of *Ved Prakash Gupta (supra)*, it was held "...It must also be remembered that the evidence of both WW1 and MW1 shows that the appellant could never appoint or dismiss any workman or order any enquiry against any workman. In these circumstances we hold that the substantial duty of the appellant was only that of a Security Inspector at the gate of the factory premises and that it was neither managerial nor supervisory in nature in the sense in which those terms are understood in industrial law. In the light of the evidence and the legal position referred to above we are of the opinion that the finding of the Labour Court that the appellant is not a workman within the meaning of Section 2(s) of the Act is perverse and could not be supported."

24. A bare perusal of the above makes it crystal clear that absence of power to appoint, dismiss or conduct disciplinary enquiries against other employees was not the only reason for the Court to conclude in *Ved Prakash Gupta (supra)* that the appellant therein was a "workman". At this juncture, we may note that although *Ved Prakash Gupta (supra)* was decided by a 3-Judge Bench, in a later judgment by a 2-Judge Bench of this Court in *S K Maini v M/s Carona Sahu Company Limited*, (1994) 3 SCC 510, it was held that "...It should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested to a local manager but such power is given to some superior officers also in the management cadre at divisional or regional level. ..." The judgment in *S K*

Maini (*supra*) is innocent of Ved Prakash Gupta (*supra*), but we do not find any inconsistency in the statement of law laid down in S K Maini (*supra*), given our reading of Ved Prakash Gupta (*supra*) as enunciated hereinabove.

25. That being said, in our considered view, mere absence of power to appoint, dismiss or hold disciplinary inquiries against other employees, would not and could not be the sole criterion to determine such an issue. Holding otherwise would lead to incongruous consequences, as the same would, illustratively, mean that, employees in high-ranking positions but without powers to appoint, dismiss or hold disciplinary enquiry would be included under the umbrella of “workman” under Section 2(s), ID Act. We cannot be oblivious of the impact of our decisions. In this context, reference to the decision in *Shivashakti Sugars Limited v Shree Renuka Sugar Limited*, (2017) 7 SCC 729 is apposite:

“43. It has been recognised for quite some time now that law is an interdisciplinary subject where interface between law and other sciences (social sciences as well as natural/ physical sciences) come into play and the impact of other disciplines on Law is to be necessarily kept in mind while taking a decision (of course, within the parameters of legal provisions). Interface between Law and Economics is much more relevant in today’s time when the country has ushered into the era of economic liberalisation, which is also termed as “globalisation” of economy. India is on 118 [2024] 4 S.C.R. Digital Supreme Court Reports the road of economic growth. It has been a developing economy for number of decades and all efforts are made, at all levels, to ensure that it becomes a fully developed economy. Various measures are taken in this behalf by the policy-makers. The judicial wing, while undertaking the task of performing its judicial function, is also required to perform its role in this direction. It calls for an economic analysis of law approach, most commonly referred to as “Law and Economics”. In fact, in certain branches of Law there is a direct impact of Economics and economic considerations play predominant role, which are even recognised as legal principles. Monopoly laws (popularly known as “Antitrust Laws” in USA) have been transformed by Economics. The issues arising in competition laws (which has replaced monopoly laws) are decided primarily on economic analysis of various provisions of the Competition Commission Act. Similar approach is to be necessarily adopted while interpreting bankruptcy laws or even matters relating to corporate finance, etc. The impress of Economics is strong while examining various facets of the issues arising under the aforesaid laws. In fact, economic evidence plays a big role even while deciding environmental issues. There is a growing role of Economics in contract, labour, tax, corporate and other laws. Courts are increasingly receptive to economic arguments while deciding these issues. In such an environment it becomes the bounden duty of the Court to have the economic analysis and economic impact of its decisions.

44. We may hasten to add that it is by no means suggested that while taking into account these considerations, specific provisions of law are to be ignored. First duty of the Court is to decide the case by applying the statutory provisions. However, on the application of law and while interpreting a particular provision, economic impact/effect of a decision, wherever warranted, has to be kept in mind. Likewise, in a situation where two views are possible or wherever there is a discretion given to the Court by law, the Court needs to lean in favour of a particular view which subserves the economic interest of the nation. Conversely, the Court [2024] 4 S.C.R. 119 M/S Bharti Airtel Limited v. A.S. Raghavendra needs to avoid that particular outcome which has a potential to create an adverse effect on employment, growth of infrastructure or economy or the revenue of the State. It is in this context that economic analysis of the impact of the decision becomes imperative.”

(See: **Vandana Joshi v. Standard Chartered Bank Ltd., Mumbai (2011) (1) Mh.L.J. 415**)

The Hon'ble the Bombay High Court in the case of **Godrej and Boyce Manufacturing Company Ltd. Vs. Shivkranit Kamgar Sanghatana & others 2024 LLR 492** held as under:

"10. Before August 29, 1956, the Industrial Disputes Act's definition of "workman" only included skilled and unskilled manual or clerical workers, excluding those in supervisory, technical roles. However, amendments in 1956 and 1982 expanded the definition to include these categories. The Supreme Court judgments in May and Baker (India) Ltd. v. Workmen AIR 1967 SC 678, Western India Match Co. Ltd. v. Workmen 1963:INSC:130 : AIR 1964 SC 472, and Burmah Shell Oil Storage and Distribution Co. of India Ltd. v. Burma Shell Management Staff Assn. (1970) 3 SCC 378 interpreted the definition in earlier years, focusing on whether the work done by individuals fell within the categories of manual, clerical, supervisory, or technical. These judgments determined the eligibility of individuals as workmen based on the nature of their tasks. Subsequent judgments in S.K. Verma v. Mahesh Chandra (1983) 4 SCC 214] Ved Prakash Gupta v. Delton Cable India (P) Ltd. (1984) 2 SCC 569 and Arkal Govind Raj Rao v. Ciba Geigy of India Ltd. (1985) 3 SCC 371 failed to notice the earlier decisions and adopted a broader interpretation. They held that individuals not fitting the four specified categories could still be considered workmen- however, the judgment in A. Sundarambal v. Govt. of Goa, Daman and Diu (1988) 4 SCC 42 reaffirmed the importance of the earlier precedents, asserting that a person must fall within the defined categories to qualify as a workman. Ultimately, the legal position is crystallized in the case of H.R. Adyanthaya and Ors. Vs. Sandoz (India) Limited reported in 1994 5 SCC 737 wherein the five Judges' bench of Apex Court held that to be considered a workman under the ID Act, an individual must be employed in manual, unskilled, skilled, technical, operational, clerical or supervisory. It is not enough that he is not covered by either of the four exceptions to the definition. It is held that to attract provisions of Section 2(s) of the I.D. Act, the employee must show that he performs any work enumerated in the definition and that he is excluded under the four exceptions as provided in the definition.

11. For the adjudication of the status of a workman, what is required to be seen is an emphasis on the actual work performed by such an employee. In other words, if the nature of duties actually performed predominantly shows that he discharges duties to do the work of any of the categories listed in Section 2(s). He is not covered by exceptions of Section 2(s); it would be decisive of the matter that the employee is a workman, and the designation or salary of the employee would be irrelevant.

12. It is now well settled that the adjudication of the issue as to person working within the meaning of Section 2(s) of the I.D. Act has to be determined with reference to the principle of nature of his duties and functions. The dominant purpose of employees must be taken into consideration, and the gloss of some additional duties must be rejected while determining the status and character of a person. The Tribunal needs to first address itself as to various duties assigned to the employees and then draw a conclusion of law as to whether in the light of duties assigned to him would be whether the employee would be working or not."

The Hon'ble Supreme Court in **Civil Appeal arising out of SLP (C) No. 5660 of 2023 Lenin Kumar Ray v. M/s Express Publicaitons (Madurai) Ltd.** Decided on 21.10.2024 held as under:

"15. The law is well settled that the determinative factor for "workman" covered under section 2(s) of the I.D. Act, is the principal duties and functions performed by an employee in the establishment and not merely

the designation of his post. Further, the onus of proving the nature of employment rests on the person claiming to be a "workman" within the definition of section 2(s) of the I.D. Act.

16. In the present case, there is no specific document adduced relating to the actual work and functions performed by the employee. In the absence of any concrete material to demonstrate the nature of duties discharged by the employee, the employment orders issued by the management will have to be taken into consideration and as per the same, the employee was appointed as Junior Engineer and was promoted as Assistant Engineer, on the administrative side. It is the evidence of M.W.1 that the employee was supervising the work of two junior Engineers, who were working under him, which was also admitted by the employee in his cross examination, as W.W.1. Even according to the employee, the nature of duties and functions discharged by him was of supervisory. As such, applying the pre-amended provision of section 2(s), since the employee was terminated from service on 08.10.2003 and was drawing salary of more than Rs.1,600/-, he does not come within the definition of "workman". Therefore, we hold that the employee is not a "workman" as defined under section 2(s) and is not covered by the provisions of the I.D. Act. In view of the same, the order of the High Court upholding the finding of the Labour Court that the employee was a "workman" within the definition of post-amended section 2(s), is liable to be set aside."

Accordingly, in nutshell it can be said that from perusal of definition of 'workman' indicates that a person would come within the purview of Section 2(s) of the I.D. Act if he is employed in an industry and performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work. Further, the definition also indicates exceptions as to when a person would not be covered in the aforementioned definition. It inter alia states that a person would not be covered under the definition if (i) he is employed in a managerial or administrative capacity or (ii) 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.

Taking into consideration the definition of 'workman' quoted hereinabove and the judgments on the point in issue, the preliminary objections as raised on behalf of respondent that the applicant is not a 'workman' has no force and thus rejected.

Point - B:

Whether there is violation of Section 25-F of the Act while retrenching the services of the applicant Sri Triloki Nath Yadav, it would appropriate to have a glance the following facts:-

"25F. Conditions precedent to retrenchment of workmen:-

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;*
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and*
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette."*

The definition of the term "retrenchment" is quite comprehensive. It covers every type of termination of the service of a workman by the employer for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. The cases of voluntary retirement of the workman, retirement on reaching the age of superannuation, termination of service as a result of non-renewal of the contract of employment or of such contract being terminated under a stipulation contained therein or termination of the service of a workman on the ground of continued ill health also do not fall within the ambit of retrenchment.

In [State Bank of India v. N. Sundara Money \(1976\) 1 SCC 822](#), a three Judge Bench of this Court analyzed [Section 2\(oo\)](#) and held:

"9.Termination for any reason whatsoever' are the key words. Whatever the reason, every termination spells retrenchment. So the sole question is, has the employee's service been terminated? Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced. Maybe, the present may be a hard case, but we can visualize abuses by employers, by suitable verbal devices, circumventing the armor of [Section 25-F](#) and [Section 2\(oo\)](#). Without speculating on possibilities, we may agree that "retrenchment" is no longer terra incognita but area covered by an expansive definition. It means "to end, conclude, cease"

(see also [Punjab Land Development And Reclamation Corporation Ltd., Chandigarh v. Presiding Officer Labour Court, Chandigarh \(1990\) 3 SCC 682.](#))

Reverting to the facts of the present case and from the documents which are filed on behalf of workman mentioned hereinabove and again quoted below:-

- i) Photocopy of documents towards payment made to the applicant & other documents for the period 25.5.1995 till December 1995 during which he had worked;
- ii) Photocopy of documents towards payment made to the applicant & other documents for the period January 1996 to December 1996 during which he had worked;
- iii) Photocopy of documents towards payment made to the applicant, salary register & other documents for the period January 1997 to December 1997 during which he had worked;
- iv) Photocopy of documents towards payment made to the applicant, salary register & other documents for the period January 1998 to October 1998 during which he had worked;
- v) Photocopy of representation dated 13.3.2006 submitted by the applicant to the Employer for his reinstatement.

And from the other materials placed by the parties on record, it clearly established that the workman failed to prove and establish that he has worked continuously 240 days in the last preceding calendar year, so the relief as claimed by the applicant regarding his retrenchment of service, cannot be granted in view of the points as stated hereinabove and the law as laid down by the *Hon'ble Gauhati High Court in the case of Binay Kumar Singh Versus State Bank of India reported in 2024 (182) FLR 78* and the *Hon'ble Himanchal Pradesh High Court in the case of Rakesh Sharma Versus Indian Oil Corporation reported in 2024(182) FLR 89*.

Order

For the foregoing reasons the applicant is not entitled for the reliefs as claimed by him in the present I.D. Case, hence, the claim of the applicant Sri Triloki Nath Yadav is hereby dismissed. The reference is answered accordingly.

Award as above.

Lucknow.

Justice ANIL KUMAR, Presiding Officer

28th May, 2025

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

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, चंडीगढ़-II के पंचाट (संदर्भ संख्या 88/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/07/2025 को प्राप्त हुआ था।

[सं. एल-23012/62/2019-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 88/2019**) of **the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-II** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB and their workmen** received by the Central Government on **04/07/2025**

[No. L-23012/62/2019-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh
(Presided over by Mr. Kamal Kant).**

ID No.88/2019

Registered on:-04.09.2019

Uma Devi W/o Late Sh. Prem Chand S/o Sh. Gokal CHand, R/o Village Tantha (Bharol) PO Tantha, Tehsil Ghumarwin, Distt. Bilaspur, HP, presently residing at Village Bhagwan, PO Barin, Tehsil Baldwara, Distt. Mandi, HP-175033

----- Applicant

Versus

The Bhakra Beas Management Board.

----Management

Present:- None for applicant.

Mr. Naveen Singla, Law Officer for management.

Award : 01.05.2025

Central Government vide Notification No.L-23012/62/2019-IR(CM-II) dated 07.08.2019, under Clause (d) of sub-section (1) and sub-section (2A) 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 action of management of BBMB in not accepting the demand of Smt. Uma Devi & Others (Legal Heirs/Legal representatives of Late Prem Chand) for declaring his

retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?"

1. In this case, after receiving of reference, applicant was duly informed through registered post to appear on 14.11.2019. However, no one appeared on behalf of applicant on many dates. Thereafter, notice was again issued to the workman on 17.11.2022 for 09.01.2023 and applicant appeared on 09.01.2023 and requested a date for filing claim statement. Claim statement was filed by the applicant on 03.03.2023 and later on written statement was filed by the respondents and issues were framed on 27.03.2024 and the matter was fixed for filing affidavit in evidence by applicant, however, no affidavit has been filed till date. The applicant had never appeared in the Court after filing claim statement. Under these circumstances, it is held that applicant is not interested in pursuing the matter as after 03.03.2023, nobody has appeared on behalf of the applicant and even nobody has filed affidavit on behalf of applicant.

2. Since the applicant has neither put their appearance nor has filed any affidavit to prove her case against the respondents, 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.

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

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण -सह-श्रम न्यायालय, चंडीगढ़-II** के पंचाट (**संदर्भ संख्या 63/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/07/2025** को प्राप्त हुआ था।

[सं. एल-23012/106/2018-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 63/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-II** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB and their workmen** received by the Central Government on **04/07/2025**

[No. L-23012/106/2018-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh
(Presided over by Mr. Kamal Kant).

ID No.63/2018

Registered on:-04.12.2018

Debi Singh S/o Sh. Mast Ram, R/o VPO Leda, Tehsil Balh, Distt. Mandi (HP) - 175001.

----- Workman

Versus

1. The Bhakra Beas Management Board, Madhya Marg, Sector 19 B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project/BBMB, Sundernagar Distt. Mandi, Himachal Pradesh.

----Respondents

Present:- None for workman.
Mr. Naveen Singla, Law Officer for respondents.

Award : 01.05.2025

Central Government vide Notification No.L-23012/106/2018 –IR(CM-II) dated 15.11.2018, under Clause (d) of sub-section (1) and sub-section (2A) 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 action of management of BBMB in not accepting the demands of Sh. Debi Singh S/o Sh. Mast Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”

1. In this case, after receiving of reference, workman was duly informed through registered post and Miss Kiran Verma filed authority letter on behalf of workman on 06.02.2019. Claim statement was filed by the AR for workman on 03.06.2019 and later on written statement was filed by the respondents and matter was adjourned for filing replication. However, none appeared on behalf of workman on 03.10.2019, and opportunity for filing replication was closed and the matter was fixed for filing affidavit in evidence by workman, however, no affidavit has been filed till date. Even, no one is appearing on behalf of workman after 01.03.2024. Under these circumstances, it is held that workman is not interested in pursuing the matter as after 01.03.2024, nobody has appeared on behalf of the workman and even nobody has filed affidavit on behalf of workman.
2. Since the workman has neither put his appearance nor has filed any affidavit to prove his case against the respondents, 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.
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

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, चंडीगढ़-II** के पंचाट (**संदर्भ संख्या 59/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/07/2025** को प्राप्त हुआ था।

[सं. एल-23012/146/2018-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 59/2018**) of **the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-II** as shown in the Annexure, in the industrial dispute between the Management of **Ms. BBMB and their workmen** received by the Central Government on **04/07/2025**

[No. L-23012/146/2018-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh
(Presided over by Mr. Kamal Kant).**

ID No.59/2018

Registered on:-04.12.2018

1.Geeta Devi Wd/o Late Sh. Krishan Chand

2.Pawan Kumar S/o Late Sh. Krishan Chand

3.Vipin Kumar S/o Late Sh. Krishan Chand

All R/o Village Burahali, PO Ghangnoo, Tehsil Balh, Distt. Mandi, HP

----- Applicants

Versus

1. The Bhakra Beas Management Board, Madhya Marg, Sector 19 B, Chandigarh through its Chairman.
2. The Chief Engineer, BSL Project, BBMB, Sundernagar Distt. Mandi, Himachal Pradesh.

----Respondents

Present:- None for applicants.

Mr. Naveen Singla, Law Officer for respondents.

Award : 01.05.2025

Central Government vide Notification No.L-23012/146/2018-IR(CM-II) dated 15.11.2018, under Clause (d) of sub-section (1) and sub-section (2A) 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 action of management of BBMB in not accepting the demands of Smt. Geeta Devi & Others, LH/LR of late Krishan Chand, for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?”

1. In this case, after receiving of reference, applicants were duly informed through registered post and Mr. Deepak Azad along with workman appeared in the Court on 06.02.2019 and filed claim statement and later on written statement was filed by the respondents and matter was adjourned for filing replication. However, replication was not filed and opportunity for filing replication was closed on 03.10.2019 and the matter was fixed for filing affidavit in evidence by applicants, however, no affidavit has been filed. Even prior to that, applicants have never appeared in the Court except filing claim statement. Under these circumstances, it is held that applicants are not interested in pursuing the matter as after 01.04.2019, nobody has appeared on behalf of the applicants and even nobody has filed affidavit on behalf of applicants.
2. Since the applicants has neither put their appearance nor have filed any affidavit to prove their case against the respondents, 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.
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

नई दिल्ली, 7 जुलाई, 2025

का.आ. 1308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 68/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/07/2025 को प्राप्त हुआ था।

[सं. एल-22012/45/2013-आई.आर.(सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 7th July, 2025

S.O. 1308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 68/2013**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **07/07/2023**.

[No. L-22012/45/2013–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 2nd day of June, 2025

INDUSTRIAL DISPUTE No. 68/2013

Between:

The Vice President(Sri K Tirupathi)

M/s. Singareni Coal Mines Labour Union(INTUC)

INTUC Bhavan Main Road, Bhupalapalli -506 169

Warangal district. Warangal.

..... Petitioner/union

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Bhupalpally area, bhupalpally-506169

Warangal district. Warangal

.... Respondent

Appearances:

For the Petitioner : M/s. A. Sarojana and K Vasudeva Reddy , Advocates

For the Respondent: Sri Y. Ranjith Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/45/2013-IR(CM.II) dated 30. 5. 2013 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 Limited and their workman. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Com Ltd, Bhupalpally area, Warangal district, in awarding punishment of reversion to a lower stage by reducing four increments/ SPRAs in the present scale of pay with effect from 1. 11. 2007 with cumulative effect in respect of Sri Pantangi Rajam, Trammer, KTK-1 Inc., SCCL, Bhupalapally area, Warangal district(AP) 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.68/2013 and notices were issued to the parties concerned.

2. **The averments made in the claim statement are as follows:**

It is submitted that, the concerned workman was appointed in the year 1983 as Badli Filler and by virtue of his hard work and sincerity, he was confirmed as Coal Filler and later promoted as Trammer. While the workman was working a Trammer at KTK-1 Incline, a charge sheet dt.27-06-2005 was issued alleging that having booked IN muster on 27-06-2005, he did not go to distribution point and instigated other workman not to go to distribution point which resulted in illegal strike. On receipt of the above charge sheet workman has submitted his reply on 30-06-2005 not only denying the charge, but also explained all the factual aspects. However, without considering of any of the submissions made by the concerned workman, an enquiry was initiated in a pre-determined manner. During the enquiry, the concerned workman was not afforded any opportunity, much less valid in nature. It is submitted that, the enquiry officer, the presenting officer and all others know pretty well that, the concerned workman was an illiterate and more specifically he is not aware of English language. As per the circulars issued by the Management, the enquiry has to be conducted in the language known to the workman and has to be explained before commencement of enquiry. However, in the instant case, neither the procedure of enquiry was explained nor the proceedings of enquiry drafter in the language known to the concerned workman. Having typed the proceedings of enquiry in English and the signatures of the concerned workman were obtained without even explaining the contents. As a result of the above, the concerned workman was put to great prejudice which resulted in imposing of penalty. It is submitted that during the enquiry, the workman was neither provided the opportunity to lead the evidence nor he was permitted to cross examine the management witnesses. In fact, the concerned workman was not made aware of the fact that he can avail the services of a defense assistant. As a result of above improper conduct of enquiry, the concerned workman put to great prejudice which resulted in issuance of order of punishment. It is submitted that the charge alleged against the workman itself is not correct, as, the management witness cited the name of the concerned workman, he was implicated in this false case. In fact, the concerned workman need not be present at the common distribution point being conducted by the management witness. Without application of mind, though the concerned workman was not responsible for the charge, he was treated as delinquent and by conducting a farce enquiry he was imposed with a penalty, which is incorrect. As a matter of fact, leaving the other workman, who did not respond to his call, the management witness quoted workman's name and the disciplinary proceedings were initiated against the concerned workman on a pick and choose method. The above action on the part of the Respondents is not only unjustifiable but also discriminatory in nature. As a matter of fact, the concerned workman was directed to work as Jig Trammer at 24 Dip District of 3 Seam. The concerned workman along with other Trammers went underground to carry out their duties as Trammer. The Trammers were not at all on strike whereas the coal fillers were on strike. Therefore, the workman, though narrated all the above factual aspects, which were remained un rebutted during the course of

enquiry, despite, enquiry officer came to a perverse conclusion that, the charge alleged against the concerned workman was held proved. It is no more a *res integra* that, the enquiry officer should act like a judge and he cannot act like a representative of the management. Further, it is the bounden duty of the enquiry officer to analyze the evidence on record and come to an independent conclusion without being influenced by either the presenting officer or by any other management representatives. However, in the instant case, the enquiry officer acted like a representative of the management and proceeded with a preconceived notion, as if, the concerned workman is guilty of charge. A bare perusal of findings of the enquiry officer clearly establish that, they are the outside the scope of proceedings of enquiry. It is submitted that though the presenting officer relied upon several documents to hold the concerned workman as guilty, none of those documents were shown or furnished to the concerned workman before or during the course of enquiry. Even the presenting officer has submitted those documents after the conclusion of evidence of the workman and exclusively relying upon those documents, enquiry officer came to a perverse conclusion that the concerned workman is guilty of charge. Further, it is submitted that though the strict rules of evidence are not applicable to the departmental enquiries, but the departmental enquiries cannot be treated as mere sham, more specifically when the civil rights of the delinquent employees are being deprived, such as reduction of pay. It is submitted that the charge alleged against the concerned workman was the he instigated other workman to go on strike on 27.6.2005. However, there is no evidence to support the charge alleged. Simply because, the management witness stated that the concerned workman did not stop the other workman of 3 Seam from going on illegal strike, it cannot be treated as misconduct. With great respect, the appreciation of evidence of record by the enquiry officer is absolutely hopeless and perverse in nature. Instigating the workmen to go on strike is different than not stopping the workmen from going on illegal strike. It is submitted that while deposing before the enquiry officer, the management witness never stated that he gave a complaint to the management on 27.6.2005. Even in the charge sheet, there was no indication about the alleged complaint. No such document was either pleaded or filed before the enquiry officer till the deposition of the workman. As the enquiry officer has relied upon the said document and the impugned order was issued basing on such perverse findings of the enquiry officer, penalty imposed on the concerned workman is liable to be set aside and all the increments deferred are liable to be restored back along with all consequential benefits. It is submitted that the enquiry officer refers to loss of 340 tonnes of coal worth Rs.3,39,520/- on 27.6.2005 in 3 shifts, there was no evidence to that extent during the enquiry. Having permitted the presenting officer to submit the documents after conclusion of deposition by the concerned workman, the enquiry officer erroneously concludes that "since there is no denial from the workman in this regard and the document submitted by the Presenting Officer to the effect that SCCL Company was declared as Public Utility service and participation in the strike is prohibited vide Cir. No. CRP/Per/IR/E/ISI/357 dt. 05/07.03.05, and also the

Telugu version, which was also displayed on Notice board of the Mine on 13.03.05 and also Form 'N' and Form 'C' regarding commencement and termination of the strike held from 27.06.05 to 29.06.05 have also been sent to the authorities concerned and also a charge sheeted employee confirmed he had also participated in the strike". The above findings of the enquiry officer are wholly perverse in nature. The penalty imposed on the concerned workman basing on such perverse findings is liable to be set aside. Be that as it may, the impugned office order No.BHP/PER/20-D/4053 dated 31.10.2007 issued by the Respondent imposing the punishment of reversion to a lower stage by reducing four increments/SPRAS in the present scale of pay with effect from 1.11.2007 with cumulative effect is without any basis. The impugned order passed by the Respondent is cryptic and does not disclose any reasons, much less valid in nature. It is to humbly submit that any order which affects the civil the rights of the employees should contain the reasons. In the instant case, impugned order does not contain any reasons. Therefore, the impugned order is liable to be set aside on this ground alone. It is submitted that aggrieved by the above penalty imposed by the Respondent, the workman approached the Respondent requesting to restore the increments as he was implicated in the above false case. However, when nothing resulted positively, he has approached the Petitioner union to which the concerned workman was a member. In these circumstances, the concerned workman has no other alternative remedy, except to invoke the jurisdiction of this Hon'ble Court. Hence prayed to set aside the impugned order dated 31.10.2007 duly restoring all the increments deferred pursuant to impugned order.

3. **Respondent filed counter denying the averments of the Petitioner as under:-**

It is submitted that the charge sheeted workman was initially appointed as Badli filler on 15.06.1983, and later he was promoted as Trammer. While he was working as Trammer at KTK-1 Incline, Bhupalapalli Area he was issued with a chargesheet vide Lr.No.KTK.I/BHP/R-007/2782, dated 27.06.2005 under Company's Standing Orders No.25.11, 25.16 and 25.24 for the misconduct committed by him which reads as:-

25(11): Going on illegal Strike either singly or with other workman without giving 14 days previous notice.

25(16): Any breach of the Mines Act, 1952 or any other Act or any Rules or Regulations or by laws there under.

25(24): Sabotage or causing willful damage to work in progress or property of the company.

Further, it is submitted that on 27.6.2005 the workman booked his IN muster and did not go to distribution point for common distribution of No. 1 Seam and No.3 Seam at manway, even though a notice was displayed on the notice board well in advance informing of common distribution from I Shift of 27.6.2005, and demanded for distribution of No.1 Seam and No.3 Seam separately. Further, he has instigated all other workman not to go to distribution point which has resulted in an illegal strike in I shift of 27.6.2005 which continued up to the end of the I shift of 29.6.2005.

The company lost around 343 tones of production output worth Rs.3,39,570/- due to this illegal strike. The above Charge Sheet was acknowledged by him on 15.7.2005 and he has submitted his explanation dated.30.6.2005 which has been found to be not satisfactory. He was issued notice of enquiry advising him to attend the enquiry along with his witnesses. The Enquiry was commenced on 18.10.2005 and continued on 04.01.2006 and finally the enquiry was closed on 28.02.2006. The charge sheeted workman in the case attended and fully participated in the enquiry. It is submitted that the Enquiry Officer after appreciating and analyzing each evidence adduced in the enquiry held that the charges against the workman were duly proved against him under Company's Standing Order No.25(11),25(16),25(24). It is pertinent to mention here that mere participation in a illegal strike itself is a misconduct under Company's Standing Order No.25(11), and the charge sheeted workman himself has deposed in the enquiry that all the trammers including himself returned their Cap Lamps to Lamp Room and gone home in I shift of 27.6.2005 thereby admitting that he has participated in the strike. The workman was supplied with all the documents including enquiry proceedings and enquiry report vide Second Show Cause notice dated 23.7.2007 giving him 7 days time to represent if any against the findings of the enquiry report, the charge sheeted workman acknowledged the said notice and submitted his representation dated 30.7.2007 in English which has been examined and as there were no new points to consider in his representation the Disciplinary Authority after going through the entire enquiry proceedings and after evaluating all the evidence on record concurred with the findings of the enquiry officer, and as the charges framed and proved in the enquiry were grave and serious in nature warranting punishment with that of dismissal, the management has taken a lenient view to give an opportunity to the delinquent workman to improve himself, passed the impugned order No.BHP/PER/20-D/4053, 31.10.2007 imposing the penalty of 'Reversion to a lower stage by reducing four increments/SPRAs in the present scale of pay w.e.f.01.11.2007 with cumulative effect.' in the strike. It is submitted that at the outset the Enquiry Officer explained the enquiry procedure in Telugu and in fact the enquiry proceedings were held in Telugu following all the principle of natural justice. The charge sheeted workman has given his consent to record the proceedings in English while the enquiry proceedings were actually held in Telugu and further explained to him in Telugu before obtaining his signature. Further, the contention of the Petitioner that the workman is illiterate is far from truth. In fact the workman put his signature in all the enquiry proceedings and all other evidences in English, and submitted his explanation dated 30.07.2007 to the show cause notice No. KTKI/BHP/R-008/3776 dated 23.07.2007 in English. The allegation that the concerned workman was an illiterate is denied. It is submitted that all the principles of Natural Justice were followed in the enquiry giving every opportunity to the charge sheeted workman to defend his case, including extending the opportunity of availing a defense assistance which he declined. Further, he refused to cross examine the management witness in the enquiry, as such the contention of the Petitioner that the opportunity of defense assistance and cross examination of

management witness was not given to the workman is denied. Further, it is submitted that workman has instigated all the other workman not to go to distribution point which has resulted in an illegal strike in I shift of 27.6.2005 which continued up to the end of the I shift of 29.6.2005 as such the charge sheet was issued to him. Further, it is to submit that Sri Govind Chandra Murmu, Incharge Overman of 3 Seam has given a written complaint dated 27.06.2005 to Dy.General Manager, KTK.I 6 Incline stating that Sri Panthangi Rajam and one other workman refused to come and took all the workman away from the common deposited by him as distribution point, and the same proof of the same. was a management witness in the enquiry. The charge sheeted workman did not cross examine him in the enquiry; thereby the nexus between the workman and the illegal strike has been clearly established. As such the contention of the Petitioner that the workman was implicated falsely is not correct, hence denied. It is submitted that documentary and oral evidence was produced before the enquiry officer and the copies of documents were supplied to him. Further, the Presenting Officer and the management witness deposed in the presence of the workman but he did not cross examine them. The enquiry officer after appreciating all the evidence adduced in the enquiry came to the conclusion that the charges leveled against the workman as proved in his enquiry report. Further, it is pertinent to mention here that the Petitioner has taken a contradictory and inconsistent plea that the charge sheeted workman has not instigated the strike by stating in the claim statement filed by the Petitioner in this Hon'ble Court that the concerned workman along with other Trammers went underground to carry out their duties and were not at all on strike whereas the Coal fillers were on strike, while the charge sheeted workman in his reply dated 30.06.2005 to the charge sheet and in his statement in the enquiry proceedings stated that he along with other Trammers did not go down the mine, which clearly shows that the statement is false. Therefore, the contention of the Petitioner that the enquiry officer acted like a management representative is denied. It is submitted that the charge sheeted workman was not able to rebut the charges leveled against him nor did he produce any evidence or witness in his defense in the enquiry. It is submitted that the Presenting Officer while deposing his evidence in the enquiry stated that under Public Utility Services the Strike was prohibited in the Company by notification G.O.Rt.No.52 dated 01.03.2005 by Government of Andhra Pradesh, which was displayed on the notice board in Telugu at the mine on 13.03.2005 and that due to the illegal strike production of 343 tonnes was lost amounting to Rs,3,39,570/-, but the workman did not cross examine. Further, Sri Panthangi Rajam the charge sheeted workman himself has deposed in the enquiry that all the trammers including himself returned their Cap Lamps to Lamp Room and gone home thereby it is clear that he has instigated and participated in the illegal strike. As such the contention of the Petitioner that the findings of the enquiry officer are wholly perverse in nature is far from the truth, hence denied. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings and enquiry report came to the conclusion that the charge leveled against the delinquent workman was proved and concurred with the findings of the Enquiry Officer

holding him guilty of misconduct under Company Standing Orders No.25.11, 25.16, and 25.24. Further, though in the ordinary course dismissal from service would have been the appropriate punishment on the basis of the grave and serious charges proved against the charge sheeted workman, the management has taken a lenient view with an intention to give opportunity to the delinquent workman to improve himself, and instead of awarding the extreme penalty has imposed on him the penalty of reversion to a lower stage by reducing four increments/SPRAs in the present scale of pay w.e.f. 01.11.2007 with cumulative effect' Vide Office Order No.BHP/PER/20-D/4053.dated 31.10.2007. Therefore, prayed to dismiss the claim petition.

4. Perused written arguments of Respondent as well as claim of the Petitioner.

5. **On the basis of rival pleadings of both the parties, following issues arise for determination in the present case:-**

I Whether the departmental enquiry held against the Workman is legal and valid?

II. Whether the action of General Manager SCCL, Bhupalpally Warangal district in awarding the punishment of reversion to a lower stage by reducing 4 increments/SPRAs in the present scale of pay with effect frame 1.11.2007 with cumulative effect in respect of Sri Pantangi Rajam, Trammer is justified or not?

III. To what relief the Petitioner is entitled?

Findings:-

6. **Issue No.I:** This issue has been decided vide order dated 2.4.2024 whereas the Petitioner Workman has conceded the legality and validity of the departmental enquiry.

This issue is answered accordingly.

7. **Issue No. II:-** Petitioner-Workman has challenged the imposition of punishment vide order dated 31.10.2007 passed by the Disciplinary Authority, General Manager, Bhupalpally, whereby Workman has been awarded penalty of reversion to a lower stage by reducing four increments/SPRAs in the present scale of pay, with cumulative effect as the Workman has been held guilty of committing misconduct under the Company's Standing Order Nos. 25.11, 25.16, and 25.24 for participating in illegal strike in breach of the Mines Act and for sabotage or causing willful damage to work in progress or to the property of the Company. The Petitioner-Workman, has submitted that the charge alleged against him was that he instigated other workmen not to go to the distribution point, which resulted in the illegal strike on 27.06.2005. However, there is no evidence to support the alleged charge. Simply because the management witness stated that the concerned Workman did not stop the other workmen of 3 Seam from going on an illegal strike, it cannot be treated as misconduct. Therefore, the appreciation of the evidence on record by the Enquiry Officer is absolutely hopeless and perverse in nature. Instigating the workmen to go on strike is different from not stopping the workmen from going on an illegal strike.

8. Further, the Petitioner submitted that the management witness never disclosed during the enquiry that he had given a complaint to the management on 27.06.2005. Even in the charge sheet, there was no indication of the alleged complaint, and no such documents were filed before the Enquiry Officer until the deposition of the Workman. Therefore, the Enquiry Officer erroneously relied upon the documents dated 27.06.2005 to hold the Workman guilty.

9. Further, it is submitted that the Enquiry Officer, in his findings, referred to the loss of 340 tons of coal worth Rs. 3,39,520/- on 27.06.2005 in three shifts. However, there was no evidence to that effect during the enquiry. The Enquiry Officer erroneously arrived at his conclusions, and the findings are wholly perverse in nature. Moreover, the punishment imposed by the Disciplinary Authority—reversion to a lower stage by reducing four increments/SPRAs in the present scale of pay with effect from 01.11.2007, with cumulative effect—is without any basis. The impugned order passed by the Disciplinary Authority is cryptic and does not disclose any reasons, much less valid ones. Therefore, the impugned order is liable to be set aside on this ground alone.

10. On the other hand, the Respondent Counsel contended that the Workman had booked his IN muster and did not go to the distribution point, which resulted in an illegal strike on 27.06.2005 that continued up to the end of the first shift on 29.06.2005. As such, a chargesheet was issued to him. Further, it is contended that Sri Govind Chandra Murmu, In-charge Overman of 3 Seam, had given a written complaint dated 27.06.2005 to the General Manager, KK-1 Incline, stating that Sri Pantangi Rajam and another workman refused to come and took all the workmen away from the common distribution point and management witness has also deposed during the enquiry. Further, it is contended that the chargesheeted Workman did not cross-examine witness during the enquiry, thereby the nexus between the Workman and the illegal strike has been clearly established. It is further contended that the departmental enquiry against the Workman has been conducted in accordance with the principles of natural justice, and both documentary and oral evidence were produced before the Enquiry Officer. The management witness deposed in the presence of the Workman, but he did not cross-examine them. The Enquiry Officer, after appreciating all the evidence adduced in the enquiry, came to the conclusion that the charges levelled against the Workman were proved. It is further contended that in the instant case, the Enquiry Officer, following the principles of natural justice, gave every opportunity to the delinquent Workman to defend his case, and after analysing all the evidence adduced in the enquiry, came to the conclusion that the charges levelled against the delinquent Workman were proved. As such, the contention of the Petitioner that the Enquiry Officer acted in a pre-determined manner is denied, and the Petitioner is put to strict proof of the same. The charges were proved in the enquiry based on the evidence produced, and the chargesheeted Workman was not able to rebut the charges levelled against him, nor did he produce any evidence or witness in his defence during the enquiry. Further, it is contended that the Presenting Officer, while deposing during

the enquiry, stated that under public utility services, the strike was prohibited in the company by Notification dated 01.03.2005 issued by the Government of Andhra Pradesh, which was displayed on the notice board in Telugu at the Mine on 13.03.2005. It is further stated that due to the illegal strike, there was a production loss of 343 tons amounting to Rs. 3,39,570/-, but the Workman did not cross-examine the Presenting Officer. Further, the Workman himself deposed during the enquiry that all the trammers, including himself, returned their cap lamps to the lamp room and went home. Therefore, it is clear that he instigated and participated in the illegal strike. As such, the contention of the Petitioner that the findings of the Enquiry Officer are wholly perverse in nature is far from the truth and hence denied. It is further submitted that the management has taken a lenient view with an intention to give an opportunity to the delinquent Workman to prove himself, and instead of awarding the extreme penalty, has imposed the penalty of reversion to a lower stage by reducing 4 increments/SPRAs in the present scale of pay with effect from 01.11.2007, with cumulative effect.

11. In view of the oral submissions made by either party and on going through the record of the enquiry proceedings, it manifests that the chargesheeted Workman was issued with the chargesheet dated 27.06.2005 containing the charges under the Company's Standing Orders No. 25.11, 25.15, and 25.24, which read as hereunder:

" 1. You are here by charged with the offence noted here under,

on 27.6.2005 in I shift you booked your IN muster and did not go to distribution point for common distribution of No.1 seam and No.3 seam at manway. Even though a notice board was displayed at manway well in advance for common distribution from I shift of 27.6.2005, you have demanded for distribution at No.1 Seam and No.3 seam separately. You have instigated all the workmen not to go to distribution point which resulted in an illegal strike in which you have also participated.

You are also aware that The Singareni Collieries Company Ltd., is declared as public utility service vide notification No.CRP PER IR E 151 357 dated 05 07-03-2005 of Government of India which has been displayed on notice board. In public utility service, the strike without giving required notice is an illegal strike. Therefore, you have violated ID Act, 1947. Due to above strike incited and participated by you, due to which the company lost an output to a tune of 343 tonnes worth Rs.3,39,570/-.

2. Therefore, your above acts amounts to misconduct under Company's Standing Order 25(11), 25(16) and 25(24) which read as follows,

C.S.O 25(11):-Going on illegal strike either singly or with other workmen without giving 14 days previous notice

C.S.O 25(16):- Any breach of the Mines Act, 1952 or any other Act of any rules or regulations or by laws thereunder

C.S.O 25(24):-Sabotage or causing willful damage to work in progress or to property of the company."

12. As regard first charge against the CSE Workman it is alleged that on 27.06.2005, Petitioner booked his IN muster and but he did not go to the distribution point for common distribution of No.1 Seam and No.3 Seam at the manway. Further, it is alleged that CSE workman along with other workmen demanded distribution at No.1 Seam and No.3 Seam separately, and in support of his demand, he instigated all the workers not to go to the distribution

point, which resulted in an illegal strike in which he also participated. In support of the aforesaid charge management has examined witnesses Sri K. Srinivas, Under Manager, Presenting Officer, and Sri Govind Chandra Murmu, Overman, KK-1 Incline.

13. It is settled law that the Presenting Officer cannot be a competent witness during the enquiry in support the charge against the CSE. Therefore, the evidence of the Presenting Officer, Sri K. Srinivas cannot be read in support of charge against the CSE Workman. The other management witness, Sri Govind Chandra Murmu, Overman, who is stated to be present at the spot has deposed that, on 27.6.2005 in first shift he was incharge for 3 Seam and shift Under Manager instructed him that common distribution of both the seams 1 seam and 3 seam are to be conducted at 1 Seam manway. Further, witness states that as per instructions of shift Under Manager he has gone to 3 Seam pit head to inform all the workmen of 3 Seam to come for common distribution to be held at 1 Seam manway and the same was informed to the shift Under Manager Sri K Srinivas. Further, management witness deposed that Manager KTK1 incline informed him to give two names of the workmen working at 3 Seam who are not willing to come for common distribution to be held at 1 Seam manway and as per the instruction of manager the witness has given the name of the CSE Sri P Rajam, Trammer and Sri M.Ramesh coal filler 8A gang. Thus, from the above statement of this witness it reflects that as per instruction of the Manager of KTK 1 incline, he has reported the name of the CSE Workman Sri Pantangi Rajam along with the other Workman Sri M.Ramesh participating in the alleged strike. This witness has nowhere stated that the CSE Workman was involve in instigating other Workman to conduct a strike for demanding distribution at Seam 1. Further, witness states that all the workmen of 3 Seam did not come to the common distribution point at 1 Seam manway and went on illegal strike but the above two persons namely Sri Pantangi Rajam and Sri M. Ramesh did not stop other workmen for going on strike. But the witness did not state under what authority CSE Workman was duty bound to stop workmen from proceeding on strike. Further, management failed to examine any witness in order to prove the fact that the CSE was involved in instigating the Workmen to commit the strike on 27.6.2005. Merely, on the basis of statement of witness that CSE workman did not stop workmen to proceed on strike does not amount any misconduct under Company's Standing Order No. 25.11.

14. Moreover, perusal of the record of enquiry proceedings goes to reveal that the alleged incident of the illegal strike occurred on 27.06.2005 in the first shift and, on the same day, the chargesheet dated 27.06.2005 was served upon the CSE. Whereas, as per record of enquiry, the strike commenced from 27.06.2005 in the first shift and continued upto 29.06.2005 in the first shift. The allegation of the management against the CSE in the chargesheet dated 27.6.2005 that due to said illegal strike CSE was solely responsible for the loss of output in the Company to the tune of 343 tons worth Rs. 3,39,570/- is a vague allegation without any basis and rationale. However, witness Sri

Govind Chandra Murmu has not stated in his statement anything regarding loss of Rs. 3,39,570/- to the company during the strike period attributed to the CSE Workman. Therefore, imputation loss occurred due to CSE Workman is a vague allegation without any justification. None the less, CSE Workman has been held guilty of the charge under Company's Standing Order No. 25.24: for causing willful damage to the work in progress of the company to the tune of Rs. 3,39,570/-, without any basis or evidence. Thus, the finding of the Enquiry Officer in respect of charges framed against the CSE is without any reasoning or evidence on record no suffers from perversity. Moreover, management witness, Sri Govind Chandra Murmu, stated that he had given the names of two persons of Sri Pantangi Rajam and Sri M. Ramesh, Coal Filler as they were not willing to come to the common distribution point at No.1 Seam on 27.06.2005, and these names has been given by him on the instruction of the Manager of KTK-1 Incline. He did not state that he ever gave any complaint against the CSE Workman regarding his alleged participation in the strike. Therefore, in the absence of evidence of said complaint, the charge against the CSE Workman that he participated in alleged strike and caused loss to respondent company as alleged in chargesheet, is not found to be proved. Thus, the finding recorded by the Enquiry Officer that CSE Workman participated in the strike and instigated the other Workmen not to go to work and, he is also responsible for the loss of production of 343 tons of coal worth Rs. 3,39,570/- in the respondent company, is not sustainable for want of relevant evidence. Therefore, the finding given by the Enquiry Officer in his enquiry report holding CSE Workman guilty of charges is illegal and perverse. Consequently, order of punishment passed by the Disciplinary Authority is not sustainable and liable to be set aside.

15. Whereas, it is settled law that, to establish a Workman's participation in an illegal strike, evidence may consist of eyewitnesses, video or photographic proof, attendance records, or admission by the Workman himself. There can also be testimony from co-workmen or supervisors who observed the Workman participating in the strike. Further, absence records of workman can be used to show that the Workman participated in the illegal strike. The Respondent management failed to produce any of the above evidence in the enquiry to prove the charge against the CSE. However, record of the enquiry goes to show that on 27.6.2005 the underground Workmen were on strike and workmen trammers were not on strike on that strike. The CSE Workman during the enquiry, he has no where stated that he was a part of the illegal strike on 27.06.2005, rather, he stated that, as informed by the *Munshi*, the trammers were directed to go down the mine after all the fillers went underground. Thus, from the perusal of material on record of enquiry, it is clear that there is no evidence to prove the charge against CSE Workman that he participated in the illegal strike or instigated the Workmen to commit the strike in the Respondent's premises.

As regards jurisdiction of Tribunal to interfere in the finding of the Enquiry Officer, Hon'ble Supreme Court in the case of **State of Rajasthan vs. Heem Singh, Civil Appeal No.3340 of 2020 dt.29.10.2021** have held as hereunder:-

“33. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy – deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of what the law regards as a perverse

PART J determination of fact. Proportionality is an entrenched feature of our jurisprudence. Service jurisprudence has recognized it for long years in allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have been termed as the two ends of the spectrum. Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review. To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain.”

Further in the case of **Roop Singh Negi vs. Punjab National Bank & Ors. On 19.12.2008, AIR 2008 SC921**, Hon'ble Supreme Court have held:-

“12. In [Moni Shankar v. Union of India and Anr.](#) [(2008) 3 SCC 484], this Court held:

17. The departmental proceeding is a quasi judicial one. Although the provisions of the [Evidence Act](#) are not applicable in the said proceeding, principles of natural justice are required to be complied with. The Court exercising power of judicial review are entitled to consider as to whether while inferring commission of misconduct on the part of a delinquent officer relevant piece of evidence has been taken into consideration and irrelevant facts have been excluded therefrom. Inference on facts must be based on evidence which meet the requirements of legal principles. The Tribunal was, thus, entitled to arrive at its own conclusion on the premise that the evidence adduced by the department, even if it is taken on its face value to be correct in its entirety, meet the requirements of burden of proof, namely -

preponderance of probability. If on such evidences, the test of the doctrine of proportionality has not been satisfied, the Tribunal was within its domain to interfere. We must place on record that the doctrine of unreasonableness is giving way to the doctrine of proportionality.”

Thus, in view of the law laid down by the Hon'ble Supreme Court as discussed above, this court has got jurisdiction to interfere in the perverse finding of the Enquiry Officer as well as the Disciplinary Authority.

Further, in the case of **Workmen of Food Corporation of India vs. Union of India 1997 II LLJ 462 Calcutta High Court** Hon'ble High Court have held:-

“11. In the Gujarat Steel Tubes Mazdoor Sabha (supra), the Supreme Court held that mere participation in a strike which has been declared illegal cannot by itself be said to be a misconduct to justify an order of dismissal. In this

decision the Supreme Court quoted with approval its earlier decision in *Indian General Navigation and Railway Co. Ltd. v. Their Workmen*, (1960-I-LLM 3) wherein it was held that even in case where the strike was declared illegal affecting a public utility service, the "only question of practical importance which may arise would be the kind or quantum of punishment and that, of course, has to be modulated in accordance with the facts and circumstances of each case there may be reasons for distinguishing of the case of those who may have acted as mere dumb-driven cattle from those who have taken an active part in fomenting the trouble and instigating the workmen to join such a strike, or have taken recourse to violence."

12. To determine the question of punishment a clear distinction has to be made between those workmen who not only joined in such a strike, but also took part in obstructing the loyal workmen from carrying on their work, or took part in violent demonstration, or acted in defiance of law and order, on the one hand and those workmen who are more or less silent participators in such a strike, on the other. It is not in the interest of industry that there should be a wholesale dismissal of all the workmen who merely participated in such a strike. It is certainly not in the interest of the workmen themselves. An Industrial Tribunal, therefore, has to consider the question of punishment keeping in view the overriding consideration of the full and efficient working of the industry as a whole. [Section 11A](#) of the Industrial Disputes Act, 1947 lays down that where an Industrial Dispute relating to discharge or dismissal has been referred to a Tribunal for adjudication and in the course of the adjudication proceeding the Tribunal is satisfied that the order of the discharge or dismissal was not justified, it may by its award set aside the order of the discharge or dismissal and direct reinstatement of the workman on certain terms, if any as it may think or may give such other relief to the workman including awarding a lesser punishment in lieu of discharge or dismissal as the circumstances may require."

16. Therefore, in view of fore gone discussion and law laid down by Hon'ble Court as discussed above, the finding of the Enquiry Officer that the CSE has committed misconduct of participating in illegal strike or instigated the other Workmen to commit the strike is illegal and perverse for want of relevant evidence and same is not sustainable. Further, the findings of the Enquiry Officer regarding the loss of output to the tune of 343 tons due to the alleged participation of the CSE Workman in the strike is also without any basis and rationale, and the same is not sustainable in the eye of law. Therefore, I am of the view that the punishment order passed by the Disciplinary Authority in respect of the Petitioner Workman for imposition of reversion by 4 increments/SPRAs with cumulative effect to him is liable to be set aside. Hence, the action of the Respondent management in awarding punishment of reversion to a lower stage by reducing four increments/SPRAs in the present scale of pay w.e.f. 1.11.2007 is not justified.

This point is answered in favour of the Workman and against the Respondent.

17. **Issue No.II:** In view of the fore gone discussion and finding arrived at Issue No.I, this Court is of considered view that the finding of the enquiry officer holding the Workman guilty of the charges under Company's Standing Order No. 25. 11, 25.16, 25.24 is illegal and not justifiable. Therefore, the finding of the Enquiry Officer holding the petitioner as guilty of the aforesaid charges is liable to be set aside and consequently the order dated 1.11.2007 passed by Disciplinary Authority passed against the petitioner Sri Pantangi Rajam, Trammer of imposition of punishment of reversion to a lower stage by reducing four increments/ SPRAS in the present scale of pay with cumulative effect is liable to be set aside.

This Issue is decided in favour of the Workman and against the Respondent.

AWARD

In the result, the claim petition is allowed. The punishment order No. BHP/PER/20-d/4053 dated 31.10.2007 passed by General Manager, M/s. Singareni Collieries Co. Ltd., whereby punishment of reversion to a lower stage by reducing four increments/ SPRAS in the present scale of pay with cumulative effect has been imposed upon Petitioner Sri Panthangi Rajam, Trammer w.e.f. 1.11.2007 is hereby set aside. The Respondent management is directed to restore the increments of Sri Panthangi Rajam, Trammer, from the date of the order of punishment, i.e., 1.11.2007, within one month from the receipt of this award. The Reference is answered accordingly.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 2nd day of June, 2025.

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, 9 जुलाई, 2025

का.आ. 1309.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार 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 (02/2017) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई.आर.(बी-II)-15]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2025

S.O. 1309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.02/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-39025/01/2025- IR(B-II)-15]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/02/2017Present: P.K.SrivastavaH.J.S.(Retd.)

Sanjay Parmar,

Daily Wage Casual Labourer

Bank Of India Branch Khachrod (9112)

Through: Secretary General

Daily Wage Bank Employees Association

F-1, Tripti Vihar, Ujjain (MP)

Workman

Vs

1. Zonal Manager,

Bank of India,

Zonal Office, 2C Shipra Vihar,

Nagjhiri, Ujjain (MP)

2. Branch Manager,

Bank of India

Branch Khachrod (9112)

Management

(JUDGMENT)**(Passed on this 15th day of May - 2025)**

The applicant workman has filed this petition under **Section 2-A (2&3)** of the Industrial Disputes Act, 1947, hereinafter referred by the word 'Act', with a case that he was engaged by the Branch Manager of Khachrod Branch Ujjain in July, 1998 for different intervals as a Daily Wager for cleaning of the Branch and was engaged on 15.07.2006 by the Branch Manager of the Branch on the post of Office Peon and cleaning under his orders. He worked eight hours a day continuously till the day of termination on 22.03.2016 by the Management Bank. He further alleged that the Bank started recruitment process for the post of cleaner/peon. He also submitted an application being a Daily Wager in the process. He was called for interview by Management Bank, vide its letter dated 31.10.2014 which was scheduled on 14.11.2014. He did appear in the interview, but was not selected.

According to the Applicant Workman, he was paid any compensation or notice by those in his disengagement is in violation of Section 25F and 25G of the Act. The workman has thus prayed that, holding his disengagement against law, he be held entitled to be reinstated with back wages and benefits.

In its written reply to the petition, the Management has taken a case that he was not a regularly appointed employee following recruitment process rather he was a Daily Wager who was called for work on as and when required basis. He never worked continuously for 240 days in any year. Being a daily wager who had worked with the Bank for few days, he was called for interview for the post of Peon cum Cleaner in the recruitment process held in 2013-14, but could not be selected. Thereafter, he was never engaged by Management Bank. Management has prayed the dismissal of his petition.

In evidence, the Workman has filed Photocopy documents which he has proved as Exhibit W-1 to W-22. These documents will be referred to as and when required.

The Workman has further filed his affidavit as his examination-in-chief; he has been cross-examined by the Management.

The Management has filed affidavit of its witness Vijay Kumar Maheswari as his examination-in-chief. He was not produced for cross-examination. Management filed affidavit of another witness Prakash Laxman Kewal Ramani, as his examination-in-chief. He was cross-examined by Workman. Management has filed and proved documents relating to recruitment in 2013.14, to be referred to as and when require.

I have heard argument of Learned Counsel for Applicant Workman Shri Arun Patel and Learned Counsel for Management Bank Shri Neeraj Kewat. I have gone through the record as well.

From the perusal of record in the light of rival arguments it comes out that on the basis of being engaged by Management Bank as a daily wager he was given an opportunity in the recruitment process held in 2013-14, and he did appeared in that process, but cannot be selected. There is no dispute between the parties with regard to this factual position. According to the Applicant Workman, the recruitment process was vitiated as it was mala fide or there where irregularities but this process is not challenged before this Tribunal, hence it is not a subject matter of dispute.

Case of the Workman is that, he continued to work even after he was not selected in the recruitment process, and he worked till 22.03.2016 when his services were terminated by Management without notice or compensation as alleged by the Applicant Workman. Management has denied this allegation; hence the burden to proof his continuous appointment from date of closer of recruitment process till date of his alleged disengagement is on Workman.

Section 25B of the Act requires to be reproduced here and is being reproduced as follows:-

25B. Definition of continuous service —

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

- (ii) *two hundred and forty days, in any other case;*
- (b) *for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—*
- (i) *ninety-five days, in the case of a workman employed below ground in a mine; and*
- (ii) *one hundred and twenty days, in any other case.*

The Photocopy documents filed and proved by the Workman relate to his engagement are only up to the period of 2014, there is no document filed or proved by the Applicant Workman which indicates that he continued to Work till 23.03.2016 as alleged by him. Hence, only his statement on oath in support of his this allegation will not be sufficient because the Management has also rebutted these allegations in the statement on oath of its witness. Hence, in the light of above discussion, the Workman is held to have failed in proving his continuous appointment for 240 days, in the year preceding the date of his disengagement.

In the light of above findings, the disengagement of the Workman cannot be held to be unjust or illegal or in violation of Section 25F or 25G of the Act.

On the basis of above discussion and findings, the petition is liable to be dismissed.

ORDER

Petition dismissed.

No order as to cost.

DATE:- 15/05/2025

P. K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 जुलाई, 2025

का.आ. 1310.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (106/2018) प्रकाशित करती है।

[सं. एल-12011/23/2018-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2025

S.O. 1310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 106/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12011/23/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/106/2018

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Dainik Vetan Bhogi Bank Karmchari Sangathan,

F-1, Tripti Vihar, Opp. Engg. College,

Ujjain (M.P.)

Workman

Vs

**The Zonal Manager,
Bank of India,
Kaitha Ujjain (MP)**

Management

(JUDGMENT)

(Passed on this 19th day of May- 2025)

As per letter dated 30/11/2018 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-12011/23/2018 (IR(B-II)) dt. 30/11/2018. The dispute under reference relates to:

“Whether the allegations of the Union that the action of the Management of Bank of India by (i) not giving appointment letter/termination letter (ii) payment was not made as per pay scale/skill wage (iii) Minimum wages not paid (iv) Muster Roll has not been maintained as per Section 25 D of the ID Act (v) Applicants have worked 240 days in a year (vi) After working for 06 days, the wages of weekly off and National Holidays, 26th January, 15th August were deducted, etc. amounts to alleged Unfair Labour Practice? If so, what relief they are entitled to?”

Case of the Workmen as taken by them in the statement of claim filed by them is that, the Management had appointed Workman Jagdish Parihar in the Kathya Branch of the Bank of India, Indore from 23.11.1983 to 1990 and from 23.11.1994 to 04.09.2009 and has practiced unfair labour practice in his case by way of violating the provisions of Desai Award of 1966, Minimum Wages Act, 1948, Payment of Wages Act, 1938, Bonus Act, 1965, and Bonded Labour Abolition Act, 1976. The Workman Union has sought the relief of criminal prosecution as well benefits to the Workman Jagdish Chauhan as mentioned above.

Case of the Workman is mainly that the dispute is not maintainable as it has been heard and decided between the parties in the earlier references details mentioned as follows:

1. Case **R/54/2011** vide notification dated 13.06.2011,

Schedule -

“Whether Shri Jagdish Parihar is a Workman within the provisions of Industrial Disputes Act? Whether his services were terminated without following provisions of law in illegal manner? What relief he is entitled to?”

2. Case **R/12/2012** vide notification dated 14.02.2011,

Schedule -

“Whether the Applicant is a Workman, within the provisions of Industrial Dispute Act? Whether, his services were terminated in violation of Section 33 of I.D. Act, 1947? If yes, when what relief he is entitled for?”

“Whether the Applicant is entitled for regularization in services of non-applicant, if yes, then the benefits if any he is entitled for?”

3. Case **R/100/2012**, vide notification dated 18.09.2012,

Schedule –

“Whether demand of Union for payment of bonus for the period 1995-96 to 2008-09 with respect to Shri Jagdish is just and proper? If yes, what relief the Workman is entitled to?”

It is further the case of the Management that, case No. R/54/2011 which was against termination of services of the Workman Jagdish Chauhan raised on similar grounds in the said dispute has been vide Award dated 10.07.2017. Case R/12/2011 with the allegation of violation of Section 33A of the Act, has also been decided. Management has further pleaded that, the Workman Jagdish Parihar was a daily wager, he was engaged on as and when require basis, for which he was paid his wages. He was neither of permanent nor temporary staff appointed following recruitment procedure, hence, he is not entitled to equal pay or benefits admissible to regular staff.

Both the sides have filed affidavits as their examination-in-chief. They have been cross-examined by their opposite party.

I have heard argument of Learned Counsel for Workman Union Shri Arun Patel, and Shri Neeraj Kewat for Management. I have gone through the record as well.

The reference itself is the issue for determination.

There is Award of R/54/2011 in which the termination of the Workman was counter dispute. This Tribunal recorded a finding that the Workman could not successful prove his continuous engagement with the Bank for 240 days in any year, hence his services were not terminated in violation of the Act.

The Case regarding payment of Bonus is subject matter of different case which is R/100/2012.

Section 11 of the Civil Procedure Code is being reproduced as follows:

11. Res judicata.—No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The expression “former suit” shall denote a suit which has been decided prior to a suit in question whether or not it was instituted prior thereto.

Explanation II.—For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating .

Explanation VII.—The provisions of this section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.

Explanation VIII. —An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as res judicata in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised.

Since, the disputes like non-issuing of appointment/termination letter or non preparation of Muster Roll, were ancillary, issue connected with the dispute of termination which ought to have been raised in the previous case mentioned above. The Workman Union cannot be permitted to raise because it is barred by constructive res judicata. The payment of minimum wages is not supported by any evidence from the side of Workman Union, hence, this allegation is also held not proved.

In the light of above discussion and findings, the reference stands answered accordingly.

No order as to cost.

DATE:- 19/05/2025

P. K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 जुलाई, 2025

का.आ. 1311.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (13/2012) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई.आर.(बी-II)-16]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2025

S.O. 1311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.13/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of Bank of India their workmen.

[No. L-39025/01/2025- IR(B-II)-16]

SALONI, Dy. Director

ANNEXURE

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

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 9th day of June, 2025

INDUSTRIAL DISPUTE L.C.No. 13/2012

Between:

Sri B. Venkati,

S/o B. Lingaiah,

R/o 4-6-422, Medicpally Road,

Ramagundam, Karimnagar district.

.....Petitioner

AND

1. The Chairman and Managing Director,
Bank of India, Mumbai.

2. The General Manager (HRD),
Bank of India,
Star House, Plot No. C-5, “G” Block,
Bandra – Kuria Complex,
Bandra (E), Mumbai.

3. The Zonal Manager,
Bank of India, Zonal Office,
10-1-1199/2, 2nd floor, PTI building,
A.C. Guards, Hyderabad– 500 004.

4. The Deputy Zonal Manager,
Hyderabad zone & Disciplinary Authority
Bank of India, 10-1-1199/2,
2nd floor, PTI building,
A.C. Guards, Hyderabad– 500 004.

5. The Branch Manager,
Jyothinagar branch,
Ramagundam Mandal, Karimnagar District.

....Respondents

Appearances:

For the Petitioner : M/s. G. Vidya Sagar, K. Udaya Sri, P. Sudheer Rao & D. Sunil Kumar, Advocates

For the Respondent: M/s. S. Surya Prakasa Rao, S. Phani Ratna & T. Ranadheer Singh, Advocates

AWARD

Sri B. Venkati, Ex. Sub-staff who was an employee of 4th Respondent has filed this Petition invoking Sec.2 A (2) of the I.D. Act, 1947, seeking for declaring the order dated 26.6.2009 “compulsory retirement with superannuation benefits and consequential order passed by the Appellate Authority dated 11.3.2010/12.3.2010 and reviewing authority order dated 10.6.2010 issued by the Respondent Bank as illegal, arbitrary and to set aside the same and to grant consequential relief of reinstatement to the Petitioner into service duly granting of other

consequential benefits such as, continuity of service, back wages, along with all other attendant benefits. Respondents are contesting this petition by filing their counter.

2. **As can be seen from the contentions of the Petitioner the claim of the Petitioner is briefly as follows:**

It is submitted that the Petitioner joined in service on 1.6.1984 as a Sub-Staff at Jyothinagar Branch of Respondent bank, Ramagundam, Karimnagar district. Subsequently, his services were confirmed in the said post. While so, on 10.6.2006 the Petitioner borrowed an amount of Rs.10,000/- from one Sri Puli Rajaiah who is an employee of M/s. Singareni Collieries Company Ltd., Godavarikhani, and could not repay the same in time. Forcibly, the Petitioner gave a cheque for Rs.12,000/- to Sri Puli Rajaiah without mentioning the date. Subsequently, in the month of November, 2006, the Petitioner refunded Rs.10000/- to Sri Puli Rajaiah, but Sri Puli Rajaiah demanded Rs.2,000/- towards interest. The Petitioner informed to Sri Puli Rajaiah that he will pay the interest amount afterwards and collect his cheque. But Sri Puli Rajaiah has presented the cheque on 11.7.2007 to his account at S.B.H., Singareni Collieries branch, Godavarikhani. On the date of presentation of cheque, the Petitioner has no sufficient funds in the account. It is submitted that as the Branch Manager was on leave on 11.7.2007, the Petitioner informed and requested the Assistant Manager regarding the cheque, to settle the matter with Sri Puli Rajaiah by paying the interest amount of Rs.2000/- and he will collect the bounced cheque issued by him to Sri Puli Rajaiah. The Assistant Manager assured the Petitioner that the matter will be placed before the concerned authorities and it will be settled amicably without any complications. While the Petitioner was working as a Sub-staff at Jyothinagar branch of the Respondent, he submitted a quotation for getting two wheeler vehicle loan (for purchasing two wheeler vehicle [Hero Honda]) on 10.8.2006 for Rs.48,420/- and he got sanction for a sum of Rs.41,150/- vide cheque dated 15.9.2006. While so, the Respondent bank has issued suspension order dt. 24.7.2007/6.8.2007 to the Petitioner suspending him from service alleging that a cheque dated 11.7.2007 for a sum of Rs.12000/- issued by the Petitioner on his clean OD Account in favour of Sri Puli Rajaiah and it was returned by the branch due to insufficient funds. The Petitioner has submitted a detailed explanation on 12.9.2007 denying the charges and further requested to revoke the suspension order. After taking permission from the Branch Manager to settle the matter amicably, the Petitioner met Sri Puli Rajaiah, paid the interest amount of Rs.2000/- and got the bounced cheque. There is no malafide in intention on the part of the Petitioner to give a cheque to Sri Puli Rajaiah without sufficient funds. The Petitioner approached Shreya Consumer Welfare Association, Godavrikhani on 17.5.2007 and gave complaint against M/s Raja Rajeswara Motors, Hero Honda Show Room, NRPC, Krishna Nagar, Jyothi Nagar, Karimnagar District seeking relief from the Respondent therein and arrange to pay the amount of Rs.97,150/- or deliver the vehicle by exempting the cheque amount at the earliest date. The said association, after hearing the parties directed the Respondents therein to pay a sum of Rs.97,150/- jointly and severally to the complainant therein i.e., the Petitioner herein within a period of 15 days from the date of receipt of the order and a reminder was also issued by the association in this regard. It is further submitted that, while so, the Respondents bank have issued charge sheet dated 29.7.2008 alleging that the Petitioner has committed gross misconduct within the meaning of para 2(j) of the bipartite settlement as under:

“5(j) : “doing an act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss.”

The Petitioner submitted his explanation to the charge sheet. But, without considering the explanation submitted by the Petitioner, an enquiry was ordered. The Petitioner participated in the enquiry and requested to drop all further proceedings in the matter. The deposition submitted by the Respondent's witness are false and incorrect. No evidence was adduced before the Enquiry Officer to show that the Petitioner has committed irregularities as alleged in the charge sheet. During the pendency of the enquiry proceeding, Vemula Kanaka Raju, customer of the bank has submitted his affidavit before the Respondents' bank, stating that he is the agent of M/s. Raja Rajeswar Motors, Jyothinagar branch, Ramgundam, he has been entrusted with the invoice of purchase of the vehicle of the Petitioner, he met the Petitioner, he obtained the advanced stamp receipt on plain paper on 20.9.2006 duly signed by the Petitioner authorizing him to receive the vehicle on 21.9.2006. He further stated in his affidavit that he kept silent over that receipt and on suggestion made by the friends of the Petitioner to create another problem to the Petitioner, they took out the revenue stamp receipts and prepared a promissory note worth Rs.50,000/- which is a false one and vague, and the above statement is given with his free will and without coercion and also addressed a letter dt. 9.12.2008 to the Enquiry Officer. The Raja Rajeswar Motors, addressed a letter to the Shreya Consumer Welfare Association, stating that they have received cheque through Sri Vemula Kanaka Raju and they delivered the vehicle to Sri Vemula Kanaka Raju instead of the Petitioner, and further stated that they have rectified the mistake and settled the issue on 20.2.2009 amicably and requested to drop all further proceedings in the matter. The Petitioner lodged a complaint against the show room owner before the Police regarding purchase of vehicle and also submitted representation to the Police after getting his grievance solved. Without considering the facts and circumstances of the case the Enquiry Officer has submitted his report holding the charges levelled against the Petitioner stands proved. No evidence was produced before the Enquiry Officer showing that the Petitioner has committed irregularities as alleged in the charge sheet. Hence, the findings of the Enquiry Officer are perverse. It is submitted that Petitioner has also lodged a complaint before the Circle Inspector of Police, Karimnagar against the Hero Honda Showroom, Karimnagar, stating that said show room has not delivered the vehicle within stipulated time, inspite of receiving the cheque for a sum of Rs.41,150/- and requested the police officials to take necessary action against the proprietor of

the said showroom. After receipt of the same, Petitioner submitted detailed explanation denying the charges leveled against him in the show cause notice. Instead of considering the explanation submitted by the Petitioner to the show cause notice, the Respondents bank have passed punishment order Dt. 26/06/2009 imposing major penalty punishment of compulsory retirement from service with superannuation benefits as would be due otherwise and without disqualification from future employment and the same was received by the Petitioner on 30-6-2009. The punishment imposed on the Petitioner is disproportionate to the gravity of the charges. Hence, the action on part of the Respondents in imposing the major penalty Compulsorily retirement from service is illegal, arbitrary and unjust. It is submitted that aggrieved by the punishment orders Petitioner preferred an Appeal dated 3-7-2009 and the Appellate Authority has not passed any orders in the Appeal submitted by the Petitioner. Again Petitioner has submitted reminder on 7-2-2010 reiterating the facts and the Appellate Authority passed an order dated 12-3-2010 mechanically stating that the Appellate Authority already rejected the appeal vide order dated 11-3-2010. The action on part of the appellate authority in not considering submissions made by the Petitioner for reconsideration of his case for reinstatement into service is illegal, arbitrary and unjust. Again on 11/03/2010 the Zonal Manager & review authority passed an order confirming the punishment order Dt. 26/06/2009. Thereafter Petitioner preferred a mercy application before the Zonal Manager & Appellate Authority explaining the facts and circumstances of the case and requested with the Zonal Manager & Appellate Authority to reconsider his case and drop all further proceedings in the matter, but in vain. It is submitted further that Petitioner approached the National Commission for Scheduled Castes with a request to intervene in the matter, after receipt of Petitioner's representation the Director National Commission for Scheduled Castes addressed a letter to the General Manager Bank of India, Hyderabad. After receipt of said letter the Respondents bank have furnished all the details pertaining to the Petitioner case. On 16/11/2010 the General Manager (HR) addressed a letter to the Director National Commission for Scheduled Castes they are not in a position to reconsider Petitioner's case. It is submitted that again Petitioner has submitted another representation to the Director National Commission for Scheduled Castes with same request to intervene in the matter for his reinstatement into service, after receipt of his representation the Director National Commission for Scheduled Castes addressed a letter to the Chairman & Managing Director, Bank of India, Mumbai enclosing all relevant documents pertaining to the Petitioner's case, and requested to consider the matter. It is submitted that the Disciplinary Authority and Enquiry Officer failed to appreciate the fact that the Petitioner never involved in any such kind of activities. It is submitted that since from the date of punishment order, Petitioner facing severe financial difficulties, Petitioner alone earning member in his family. Petitioner entire family is depending on his salary only. Unless, this Hon'ble Court set aside the punishment orders dated. 26.6.2009 and consequential orders passed by the appellate authority Dt. 11-03-2010/12 03-2010 and reviewing authority Dt. 10-06-2010, direct the Respondents to reinstate the Petitioner into service with all consequential benefits, otherwise he will be put to serious and irreparable loss. It is submitted that Petitioner made an application on 29-03-2012 before the Assistant Commissioner of Labour (Central), Vidyanagar, Hyderabad to intervene in the matter and settle the dispute by reinstating him into service and it ended in failure. Hence, prayed to set aside the impugned order dt.26.6.2009 directing the Respondents to reinstate the Petitioner into service with all consequential benefits.

3. The Respondents filed counter statement as follows:

The Respondents filed counter denying the averments of the claim petition, that it was brought to the notice of the management that the applicant had committed an act of mis-utilization of staff vehicle loan to cause wrongful pecuniary gain to himself and issued cheque to the bank without keeping sufficient funds, including pilferage of bank's documents. He was placed under suspension on 6.8.2007 by Competent authority. A Departmental enquiry has been initiated against the Petitioner as per Bi-partite settlement applicable to sub-staff of the bank. A charge sheet was issued to the Petitioner on 29.7.2008. He submitted his explanation, wherein he denied charge No.1 and admitted charge No.2. Hence, Departmental enquiry was held from 14.8.2008 to 1.9.2008. The Departmental witnesses were examined and the Petitioner was allowed to be represented by Defence Representative who cross examined the management witnesses. After completion of examination of witnesses and marking of documents as exhibits, the Presenting Officer and the Defence representative submitted their written briefs, the Enquiry Officer submitted his report holding the charges proved. The Petitioner acknowledged the receipt of the enquiry report. As such, the Departmental enquiry has been conducted following the principles of natural justice. The applicant was given full opportunity in disciplinary enquiry and he cross-examined the witnesses. The applicant was given opportunity of personal hearing by Disciplinary Authority before imposing punishment. The Respondents followed the procedure prescribed and the applicant was not denied opportunity to present his case. Hence the applicant cannot have any grievance regarding the procedure. The punishment imposed is commensurate with the gravity of the charges and there is no ground for interference by this Hon'ble Tribunal. Hence it is prayed that the claim of the applicant be rejected and LC be dismissed with costs.

4. On the basis of the rival pleadings of either party following issues emerge for determination:-

- I. Whether the departmental enquiry conducted against the Workman is legal and valid?
- II. Whether the action of the Respondent management in imposing the punishment of compulsorily retirement from service with superannuation benefits as would be due otherwise and without disqualification from future employment under class 6(c) of the memorandum of settlement dated 10th April 2002, to the Petitioner

Sri B. Venkati is legal and justified?

III. To what relief if any the Petitioner is entitled?

Findings:-

5. **Issue No.I:-** This issue pertains to the legality and validity of the departmental enquiry. This issue has been decided against the workman vide order dated 14.9.2017 and departmental enquiry has been held legal and valid.

Thus, Issue No.I is answered accordingly.

6. **Issue No.II:-** Now let us examine whether the action of Respondent in imposition of punishment of compulsory retirement of Petitioner from service with superannuation benefits as would be due otherwise and without disqualification from future employment under clause 6(c) of the memorandum of settlement dated 10.4.2002 is legal and justified. In this context, the Learned Counsel for Respondent submitted that the Petitioner has been found guilty of the charges of encash of loan amount granted to him for a specific purpose i.e., purchasing the vehicle but instead of paying to dealer, he encashed the loan amount for himself. Further, it is contended that the Petitioner has also been found guilty of the charge of pilfering official documents and issuing cheque towards repayment of loan which was bounced. Further, Respondent submitted that a memorandum containing the charges was issued to the Workman and enquiry was conducted against the charge sheeted employee and witnesses were examined by the management. Further, it is contended that applicant was allowed to be represented by defence representative, also has cross examined the witness, Presenting Officer and Defence representative submitted written brief and thereafter Enquiry Officer on appreciating the evidence submitted his report dated 13.4.2009 holding the charges proved. Further, it is contended that the Petitioner was given fair opportunity of hearing in domestic enquiry and enquiry report was also served to the charge sheeted employee. The Disciplinary Authority after examining the evidence on record and proofs submitted by the CSE, issued show cause notice to charge sheeted employee, which he submitted reply. CSE through his defence representative was given personal hearing on 23.6.2009 and Disciplinary Authority passed the order of punishment of compulsory retirement of CSE with superannuation benefits and without disqualification from future employment giving cogent reasons for passing such an order. T Respondent submitted that order of punishment awarded to CSE is commensurate with the gravity of the charges, and not liable to interference.

7. Perused the record. Undisputedly, Petitioner Workman was in the service of Respondent bank as sub-staff and he has applied for loan to purchase two Wheeler vehicle and Respondent bank sanctioned the said loan to the Petitioner for a sum of Rs.41,150/- vide cheque No.571966 dated 15.9.2006 drawn on Bank of India. But the evidence recorded during the enquiry reveals that Petitioner did not utilise the said vehicle loan amount for purchasing the vehicle and he withdrawn the said loan amount with collusion of the dealer of the vehicle and thereby committed misconduct under class 5(j) of the bi-partite settlement dated 10.4.2002. The record of enquiry proceeding goes to reveal that the Petitioner was served with chargesheet dated 29.7.2008 containing two heads of the charges reproduced as hereunder:-

“CHARGE-I:-

As per your application dated 31.08.2006, interest free Staff Vehicle Loan of Rs. 41,975/- was sanctioned to you on 15.09.2006 for purchasing a Hero Honda Motorcycle. A quotation dated 10.08.2006 of M/s. Raja Rajeshwari Dealers was submitted by you. The loan was disbursed by issuing Pay Order bearing No. 571966 for Rs. 41,850/- on 15.09.2006 in favour of above dealer for delivering the Hero Honda Motorcycle and registering Bank's lien thereon. You were required to submit registration and invoice to the Bank as required under the extant rules of the Bank. However, you failed to do so despite several reminders. When the matter was taken up with the dealer M/s. Raja Rajeshwari Dealers he informed that you have encashed the Pay Order from their subdealer without taking delivery of the Hero-Honda Motorcycle. In the aforesaid manner, you have misutilised Bank's interest free Staff Vehicle Loan facility in collusion with the aforesaid dealer to derive undue pecuniary advantage to yourself.

CHARGE II:-

You have issued a cheque for Rs. 12,000/- dated 11.07.2007 from your Clean Overdraft A/c favouring Shri Puli Rajaiah. Due to insufficient funds, the said cheque was returned unpaid. The Branch Manager, therefore, reported the matter to the Zonal Office about your issuing of cheques without maintaining sufficient balance. The said communication i.e., IOM dated 14.07.2007, was handed over by Despatch Section of Jyothinagar Branch to a courier agency viz. M/s. ANL Parcel Service along with other mail meant for Zonal Office. When your request for not reporting the matter to Zonal Office was not acceded to by the Branch Manager you approached the said courier agency with ulterior motives, by representing to them that one letter was not meant to be sent/dispatched to Zonal Office and you opened the said closed cover and delivered it back to the courier agency after removing the said IOM dated 14.07.2007 about reporting of your cheque returned to Zonal Office. Thereafter, you have pilfered official documents of the Branch and retained those documents with you unauthorisedly and in the process halted the Branch's attempt to report the matter to Zonal Office of your acts of issuing cheques without maintaining sufficient balance.”

The charge No.II has been admitted by the CSE hence required no further discussion.

8. Further, record of enquiry proceeding goes to reveal that during the enquiry Respondent management has examined the witness and produced the documents exhibits MEx.1 to MEx. 29. Thereafter, on conclusion of the enquiry, Enquiry Officer on going the evidence recorded during the enquiry, submitted his written report to the Disciplinary Authority holding the charges proved against CSE. The Disciplinary Authority issued show cause notice to the charge sheeted employee and extended personal hearing opportunity to the CSE and after hearing passed punishment order imposing the punishment of compulsory retirement of Petitioner from service with superannuation benefits and without disqualification for future employment.

9. Therefore, it manifest from record that charge sheeted employee was given fair opportunity of hearing at every stage of the proceeding which he has availed and he never raised any objection complaining any prejudice caused to him before the Enquiry Officer. Further, he received all the documents filed and relied upon by the Respondent in support of the chargesheet and he also filed reply, cross examined the management witnesses. Further, the Enquiry Officer on appreciating the evidence, on record submitted his reasoned report holding the charges proved against CSE. Thus, in view of the above, no case is made out to hold that departmental enquiry us suffering from any procedural lapses or was conducted in violation of principles of natural justice. Since both the charges were held proved in domestic enquiry against the Petitioner and one cannot possibly hold that charges were simple in nature, in other words that both the charges were of serious nature and no employer would ever allow or tolerate of such offence of an employee while on duty.

10. Petitioner vehemently argued that after sanction of vehicle loan the bank gave him pay order drawn on M/s. Rajarajeshwara Motors, Petitioner went to dealer M/s. Rajarajeshwara Motors and handed over the pay order. As Petitioner was busy in his work in the bank, he requested one customer to follow up for getting specific coloured vehicle with the said dealer, then the dealer informed the Petitioner that specified colour vehicle was not available and they would inform after receipt of stock of desired colour. Petitioner has stated in his explanation that after sometime Petitioner enquired from dealer M/s. Raja Rajeswara Motors, then he came to know that the bank customer has encashed the pay order. Petitioner approached Shreya Consumers Welfare Association Godavarikhani and lodged a complaint against M/s. Raja Rajeswara Motors for mischief played by the Rajarajeshwara Motors. Consumer Welfare Association issued notices to the Respondent dealer and after hearing the parties directed the Respondent dealer vide order dated 17.5.2008 to pay a sum of Rs.97,150/- jointly and severally to the complainant. In spite of receiving the said order M/s. Rajarajeshwara Motors Hero Honda showroom, NRPC, Krishna Nagar, Jyoti Nagar, Karimnagar district did not take any step for payment of the said amount, Respondent bank ordered an enquiry into the alleged incident. In the enquiry Petitioner submitted reiterated version, that has been stated in his explanation to the charge and requested the Enquiry Officer and Disciplinary Authority to drop all further proceedings in the matter. The record of enquiry proceeding reveals that Presenting Officer Mr UV Ramana presented the case on 30.8.2008 and examined Sri T Venkateswarlu, Manager, LB Nagar branch and marked documents as exhibits M1 to M29. Petitioner argued that The deposition submitted by the Respondent management witness are contrary to the record available in the case and the Respondents have not filed any documents to prove their contentions submitted in the depositions adduced before the Enquiry Officer to show that Petitioner has committed irregularities as alleged in the chargesheet. Petitioner contended that he has also lodged a complaint before the Circle Inspector of Police, Karimnagar against the Hero Honda showroom, Karimnagar stating that the said showroom has not delivered the vehicle within stipulated time in spite of receiving the cheque for a sum of Rs.41,150/- and requested the police officials to take necessary action against the proprietor of the said showroom. Further, Petitioner submitted that Sri Vemula Kanakaraju had obtained advance receipt on plain paper on 20.9.2006 earlier from Petitioner with a promise to handover the vehicle to Petitioner on 21.9.2006, and that advance receipt was kept by Sri Vemula Kanakaraju with him and Petitioner requested several times to hand over the same but he prolonged the matter. Further, the Petitioner submitted that Sri Vemula Kana Raju has prepared false promissory note on that receipt, the Enquiry Officer without considering the facts and circumstances of the case has submitted his report holding the charges levelled against the Petitioner stands proved. No evidence was produced before the Enquiry Officer that Petitioner has committed irregularities as alleged in the chargesheet.

11. The perusal of the documents on record would reveal that the Petitioner has obtained a proforma invoice/quotation dated 10.8.2006, from M/s. Rajarajeshwara Motors, Hero Honda showroom, authorised dealer for purchasing two wheeler Splender+ motorcycle in his name and the price of the vehicle therein has been quoted as Rs.41,150/-. Further, record reveals that the Bank of India after sanctioning the vehicle loan has issued the cheque dated 15.9.2006 in the name of authorised dealer Hero Honda showroom, M/s. Rajarajeshwara Motors for Rs.41,150/- and the said cheque has been encashed on 14.10.2006. But Petitioner failed to submit the registration papers of vehicle purchase in terms of loan amount within stipulated time to the Respondent bank. Further, record goes to show that vehicle loan was sanctioned by the bank in the year 2006 for purchasing the Hero Honda Motor Cycle to the Petitioner but he has submitted the registration papers showing that Petitioner has purchased vehicle in the year 2009, after three years of sanctioning the loan and has not submitted any explanation to justify his conduct in view of terms and conditions of sanctioned loan. Therefore, it can safely be concluded that Petitioner has misappropriated the loan amount sanctioned in the year 2006 for purchasing the two Wheeler motorcycle by encashing it. It is a settled law that the bank employee taking a loan for vehicle purchase, but not using the fund for

that purpose and misappropriating them is considered as misconduct. The bank can take disciplinary action against such employee and he could face criminal action u/s. Indian Penal Code and other relevant laws. Moreover the investigation officer finds employee guilty of committing such misconduct of misappropriation the Disciplinary Authority may impose the penalty of termination from employment.

12. The record of enquiry proceeding goes to reveal that there is ample evidence on record to prove the charges of misappropriation of fund of sanctioned loan against the charge sheeted employee.. As regard the jurisdiction of the Tribunal to interfere in the order of the Disciplinary Authority, Hon'ble Supreme Court in the case of **State Bank of Bikaner and Jaipur versus Nemi Chand Nalwaya, in Civil Appeal No. 5861 of 2007, 2011 (4) SCC 584 decided on March 1, 2011, Hon'ble Apex Court have held:-**

"6. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. Courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."

In view of law laid down by Hon'ble Apex Court it safely be concluded that finding recorded by Enquiry Officer holding charges of misappropriation of loan amount is on the basis of evidence and admission of Petitioner on record. Thus, the punishment order does not suffer from any illegality, impropriety or perversity hence, liable to be confirmed.

13. Moreover, as regard seriousness and gravity of charges levelled and proved against Petitioner it cannot be said that the charges of misappropriation of funds by the Petitioner is simple in nature. In other words, it is serious and grave in nature. In this context, the reference of following decisions of Hon'ble Supreme Court are relevant as discussed hereunder:-

Further, in the case of **Disciplinary Authority vs. Nikunj Bihari Patnaik JT 1996 (4) page 457** Hon'ble Supreme Court have held:-

"In the case of a Bank - for that matter, in the case of any other organization - every officer/employee is supposed to act within the limits of his authority. If each officer/ employee is allowed to act beyond his authority, the discipline of the organisation/bank will disappear; the functioning of the Bank would become chaotic and unmanageable. Each officer of the Bank cannot be allowed to carve out his own little empire wherein he dispenses favours and largesse. No organization, more particularly, a Bank can function properly and effectively if its officers and employees do not observe the prescribed norms and discipline. Such indiscipline cannot be condoned on the specious ground that it was not actuated by ulterior motives or by extraneous considerations. The very act of acting beyond authority - that too a course of conduct spread over a sufficiently long period and involving innumerable instances - is by itself a misconduct. Such acts, if permitted, may bring in profit in some cases but they may also lead to huge losses. Such adventures are not given to the employees of Banks which deal with public funds. If what we hear about the reasons for the collapse of Barings Bank is true, it is attributable to the acts of one of its employees, Nick Leeson, a minor officer stationed at Singapore, who was allowed by his superiors to act far beyond his authority. As mentioned hereinbefore, the very discipline of an organization and more particularly, a Bank is dependent upon each of its employees and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and a breach of Regulation 3. It constitutes misconduct within the meaning of Regulation 24. No further proof of loss is really necessary though as a matter of fact, in this case there are findings that several advances and over-drawals allowed by the Respondent beyond his authority have become sticky and irrecoverable. Just because, similar acts have fetched some profit - huge profit, as the High Court characterizes it - they are no less blameworthy. It is wrong to characterize them as errors of judgment. It is not suggested that the Respondent being a Class-I officer was not aware of the limits of his authority or of his powers. Indeed, Charge No.9, which has been held established in full is to the effect that inspite of instructions by the Regional Office to stop such practice, the Respondent continued to indulge in such acts. The Enquiry Officer has recorded a clear finding that the Respondent did flout the said instructions and has thereby committed an act of disobedience of lawful orders. Similarly, Charge No.8, which has also been established in full is to the effect that inspite of reminders, the Respondent did not submit "Control Returns"

to the Regional Office. We fail to understand how could all this be characterized as errors of judgment and not as misconduct as defined by the regulations. We are of the opinion that the High Court has committed a clear error in holding that the aforesaid conduct of the Respondent does not amount to misconduct or that it does not constitute violation of Regulations 3 and 24."

In the case of Divisional Controller, NEKRTC vs. Amaresh, AIR 2006, SC page 2730, wherein Hon'ble Supreme Court of India have held,

“amount misappropriated is not relevant to decide the quantum of punishment and it is always a question of loss of confidence by the management in the employee that matters.”

Further, in the case of Chairman and Managing Director, United Commercial Bank vs. PC Kakkar AIR 2003 SC page 3571, Hon'ble Supreme Court of India have held,

“Bank officer is required to exercise higher standards of honesty and integrity -Defence that there was no loss of profit resulting – not available when delinquent employee acted without authority- High Court setting aside as shockingly disproportionate without indicating reasons – Amounts to denial of justice- fact that co-delinquent is given lesser punishment – can also be no ground for interference.”

Further, in JP Jain Vs. Management of State Bank of India 1982 AIR page 673, Hon'ble Supreme Court have held:-

“the facts of the case are that the Appellant was working as cashier in the Meerut State branch of State Bank of India, the complainant, came to bank to receive his pass book. On receipt of pass book accountholder complained that he had withdrawn only Rs.500/- but there is entry of Rs.1500/- as shown in the passbook. The complainant reported matter to the Supervisor R K Gupta, and necessary documents pertaining to such withdrawal were examined and it was found that the complainant has given a letter of authority to the Appellant workman and authorizing to withdraw the amount Rs.500/-from his account. The said authority letter was for withdrawal of Rs.500/-, but, workman acting as cashier manipulated figure in the letter from Rs.500/- to Rs.1500/- and withdrawn the amount retained Rs.1000/- with him.

In that case enquiry was held and the casual Appellant was dismissed from the job. In the case the alleged misconduct of the Appellant to produce forged documents and withdrew Rs.1500/- instead Rs.500/- and Rs.1000/- in excess of the amount which he was not authorized misappropriated it. In that case Appellant had submitted his confession letter and on the basis of the confession letter and substantial evidence he was terminated from the service and the Hon'ble Apex Court upheld the termination of the Appellant.” Therefore, plea of Petitioner that his letter of admission of guilt is not admissible evidence is not tenable.”

In the case of Darshan Singh Vs. Canara Bank CWP No.10458/ 2003 D.O.D. 6.4.2017 High Court held:

“the Court has rightly observed that oral evidence contrary to documentary evidence and entries has not to be believed this was the case defendant for proof of misconduct on documentary evidence and entries in the Saving Bank Account pass book and ledger folios etc.. The workman admitted that these entries made by him saying that it was made under bonafide mistake. Such act have serious propensities which when made public a bank might loss its reputation and confidence in investing public, not continue employment. It was the case of misappropriation. Even if it is classified as temporary misappropriation or temporary embezzlement both are bad of law. Workman therefore, cannot be absolved simply, by saying that entries were some bonafide mistake. In the opinion of Labour Court no lenience can be shown to the workman. Once the misconduct is proved in the enquiry conducted by employer, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is so harsh as to suggest victimization.”

Similarly, SBI vs Hemant Kumar 2011 (11) SC 1890, Hon'ble Supreme Court have held:-

“11. The second reason assigned by the Tribunal that the Enquiry Officer should have allowed the Respondent the opportunity to lead evidence in rebuttal is also without substance in the overall facts of the case. The Respondent had already tendered two admissions of guilt in writing and one orally before PW.1 and there was hardly anything that could be said on his behalf to repel the charges.

12. We are, therefore, satisfied that the Tribunal's findings are wholly unreasonable and perverse and fit to be set aside. The High Court, unfortunately, did not consider the matter as it should have, in light of the discussions made above. The High Court's order is equally unsustainable. We, accordingly, set aside the order passed by the High Court and the award made by the Tribunal. The appeal is allowed but with no order as to costs.”

14. Further, reference of the case of the **United Bank of India vs. Bachan Prasad Lal Civil Appeal No. 2949 of 2011 date of decision 11.2.2022**, is relevant in this context. The facts of the case are that workman CSE was the bank employee and he fraudulently prepared 9 credit transfer vouchers on various dates on the pretext of payment of interest towards fixed deposits and crediting the whole amount to one saving account opened in the name of one Smt.Asha Devi (admittedly the fake account prepared by Respondent employee). In order to adjust the said amount he manipulated the other book records of the bank using forged signatures. After such nature of allegations stood proved, the disciplinary authority after taking into consideration the record of inquiry and the post held by the Respondent employee, imposed the punishment to employee with the penalty of dismissal from service. In that case Hon'ble Supreme Court have held:-

"11. In our considered view, looking into seriousness of the nature of allegations levelled against the Respondent employee, the punishment of dismissal inflicted upon him in no manner could be said to be shockingly disproportionate which would have required to be interfered with by the Tribunal in exercise of its power under Section 11A of the Act 1947. At the same time, merely because the employee stood superannuated in the meanwhile, will not absolve him from the misconduct which he had committed in discharge of his duties and looking into the nature of misconduct which he had committed, he was not entitled for any indulgence. The Bank employee always holds the position of trust where honesty and integrity are the sine qua non but it would never be advisable to deal with such matters leniently.

12. Consequently, the appeal succeeds and is allowed. The interference made by the Tribunal and the High Court in the impugned judgment is hereby set aside. No costs."

Thus, in view of the law laid down by the Hon'ble Apex Court even a temporary misappropriation of fund of bank by the employee amounts to serious and grave misconduct and once proved such charges against employee deserve the termination of employment. Further, charges can be held proved on the basis of admission made by CSE. In this case, Petitioner has already admitted second charge, hence there is no need for further to discuss here.

15. Thus, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, both the charges misappropriation and pilfering the official documents of bank being serious in nature therefore, the order of punishment of compulsory retirement of the Petitioner passed by Respondent Disciplinary Authority cannot be faulted with neither it can be said to be in anyway disproportionate to the gravity of the charges. Disciplinary Authority has already taken a lenient view in awarding the punishment of compulsory retirement with benefits of superannuation. Therefore, the imposition of said punishment cannot be termed as disproportionate to the gravity of charges and deserve to be upheld. Thus, the punishment order passed by Disciplinary Authority deserves to be upheld and claim petition filed by the Petitioner is devoid of merit he is liable to be dismissed.

This point is decided against the Petitioner and in favour of the Respondent management.

16. Issue No.III:- In view of the discussion and finding at Issues No.I & II, the Petitioner is not entitled for any relief and his petition is liable to be dismissed.

This Issue is answered against the Petitioner.

AWARD

In view of the fore gone discussion and finding given at Issues No. I, II & III, I hold that the action of the Respondent of imposition of punishment of compulsorily retirement from service to the Petitioner Sri B. Venkati, with superannuation benefits as would be due otherwise and without disqualification from future employment under class 6(c) of the memorandum of settlement dated 10th April 2002, is hereby held legal and justified. The petition filed by the Petitioner sans merit, hence, dismissed. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 9th day of June, 2025.

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, 9 जुलाई, 2025

का.आ. 1312.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 घनबाद के पंचाट (47/2012) प्रकाशित करती है।

[सं. एल-12011/98/2011-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2025

S.O. 1312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 47/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.1 Dhanbad* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank their workmen.

[No. L-12011/98/2011- IR(B-II)]

SALONI, Dy. Director

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 Case No. 47/2012

Employer in relation to the management of Punjab National Bank, Patna.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- None..

For the workman. :- None.

State : Jharkhand.

Industry:-Bank

Dated 06/06/2025

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), Government Of India through the Ministry of Labour, vide its Order No.L-12011/98/2011-(IR(B-II)) dated 26/09/2012 has been pleased to refer the following dispute between the employer i.e. management of Punjab National Bank and their workman through Dy. General Secretary, Punjab National Bank Staff Union (Bihar), Patna for adjudication by this Tribunal:

SCHEDULE

“Whether the action the management of Punjab National Bank in forefitting the special functional allowance on temporary transfer of workmen, is legal and justified? What relief the workmen are entitled to?”

2. On receiving order no. L-12011/98/2011-(IR(B-II)) dated 26/09/2012 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 47 of 2012 was registered on 30.10.2012 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of notice, the workmen never appeared before the Tribunal nor any step was taken by him whereas management has appeared previously but later on, failed to appear before the Tribunal. The workmen never appeared before the Tribunal since 30.10.2012.

4. On perusal of the entire case record it is transpires that the workmen never appeared before this Tribunal for a period of 13 years which shows that the workmen have no interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed and a “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 9 जुलाई, 2025

का.आ. 1313.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओरिएंटल बैंक ऑफ कॉमर्स के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (7/2014) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई.आर.(बी-II)-18]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2025

S.O. 1313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 7/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of M/s. Oriental Bank of Commerce and their workmen.

[No. L-39025/01/2025- IR(B-II)-18]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 19th day of June, 2025**INDUSTRIAL DISPUTE L.C.No. 7/2014**

Between:

Smt. A. Lakshmi (Sweeper),

W/o A. Krishna,

H.No.1-3-445/10/G/F,

Muggubasthi, Kavadiguda,

Hyderabad.

.....Petitioner

AND

1. Branch Manager,
M/s. Oriental Bank of Commerce (OBC),
Ground Floor, 9-1-129/1,
Oxford Plaza Building,
Sarojini Devi Road, Secunderabad-500 003.

2. Managing Director,
M/s. Spark Securities & Maintenance Services,
#6-3-1082, Rajbhavan Road,
Somajiguda, Hyderabad.

....Respondents

Appearances:

For the Petitioner : M/s. C. Suryanarayana Rao, C. Sridhar & C. Chakradhar, Advocates

For the Respondent: M/s. K. Raghuram Reddy, Advocate

AWARD

Smt. A. Lakshmi, who worked as Sweeper (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Oriental Bank of Commerce seeking for declaring the oral termination dated 14.5.2013 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

It has been alleged by the Petitioner Workman that she was appointed by M/s. Spark Securities & Maintenance Services on 27.8.2005 as sweeper at Respondent No.2 office and was posted to work at Respondent No.1 office on the initial salary of Rs.2000/- per month. Further, it is alleged that the Petitioner was assigned and allotted the day to day duties by the Manager of first Respondent branch bank OBC, Secunderabad from time to time and from the date

of her posting in the first Respondent branch bank Petitioner was discharging her work with very sincerity and efficiently with due diligence and devotion. Further, it is alleged that on 14.5.2013 Petitioner went to the Respondent No.1 branch to report for her duties at 9:00 AM but the Branch Manager of the first Respondent bank stopped and prevented her from entering and discharging her duties in the bank premises by informing the Petitioner that her services has been orally terminated. Further, the Petitioner was told that she is not required to come for discharging her duties in the branch of the bank. Further, it is alleged that the verbal termination order dated 14.5.2013 of the Petitioner's service is illegal, unjustified and invalid on the ground that there is no written order of termination served on the Petitioner and the Petitioner was not served one month notice nor was paid one month salary in lieu of that notice nor paid retrenchment compensation as per section 25 F of the I.D. Act, 1947. Further, it is alleged that the termination order dated 14.5.2013 is in contravention of the provision contained under section 25 F of the I.D. Act, 1947 and also in contravention of the provision of section 25 H of the Act. Further, it is alleged that the Petitioner had worked continuously for 9 years under the first Respondent and moreover first Respondent used to allot day to day duties to the Petitioner as such Respondent No.2 is only the name sake employer as such alleged contract between the Respondent No.1 and Respondent No.2 is camouflage and sham contract which is not valid in the eye of law. It is further alleged that First Respondent Bank by seeing the sincerity and dedicated and unblemished record of service of the Petitioner, had duly informed and issued the Petitioner with interview letter dated 11.12.2007. The said interview letter issued pertaining is "interview letter for the post of part time sweeper" in First Respondent Bank, Secunderabad. The said interview letter issued to Petitioner is only after carefully perusing his entire service record, satisfaction, performance, character, attitude, honesty, approach and attitude towards co-workers and bank officials and staff and sincerely obeying all the instruction and orders and discharging the duties as directed by the First Respondent branch bank. In the said interview letter, First Respondent bank instructed Petitioner to attend the said interview at Regional Office, Banjara Hills, Hyderabad. It is submitted that, after receipt of the said interview letter, the Petitioner personally attended the said interview which had been conducted for the post of "Part Time Sweeper" on the prescribed date along with relevant records i.e. school certificate, caste certificate, service certificate, employment exchange card. The persons who were having the requisite qualifications and who have studied up to 5 class only the interview letter were sent to them and those persons who have received the interview letter are only eligible for attending the interview conducted for the afore mentioned post by the Regional Office of the First Respondent bank. As per the conditions notified in the interview letter, the concerned officials who conducted the said interview has enquired all the details about the day to day conducting / discharging of the normal duties in the First Respondent bank, on that, the Petitioner have given all the answers correctly and also clearly stated that, the Petitioner was doing all type of duties whatever has been entrusted to her by the said bank officials without any protest. The Petitioner further states that, those persons who have attended to the said interview along with Petitioner for the same post are Kavitha, Masthanamma, Meena, Danamma, Aruna, Sridevi, Rashida etc., all these women are the co-workers of Petitioner as well as they were been deputed and posted by the said Second Respondent Management, whereas, their services were regularized / permanent but surprisingly the Petitioner's services were not regularized for the reasons best known to the First Respondent bank. It is submitted that, after completion of interview till the date of termination of service of the Petitioner, the Petitioner did not receive any communication / letter about the regularization of her service by the Regional Office of the First Respondent Bank nor not known about the status of the interview which was been attended by the Petitioner, whether the Petitioner had been selected or rejected for the said post. The other persons whose names mentioned above had attended the said interview, have been selected by making their services permanent and those persons are presently working in the various branches of the First Respondent bank in /around of Hyderabad and at present they are drawing salary of Rs.12,000/- per month. It is submitted that, after waiting for considerable time and under fond hope that the First Respondent Regional Bank and Branch Bank would regularize the service of the Petitioner duly confirming for the post of part time Sweeper in the First Respondent bank but to no use as there is no other go, on that, the Petitioner gave a representation notice to the First Respondent Regional Bank (OBC), Banjara Hills, Hyderabad vide notice, dated 07-03-2013 by demanding the said Regional Office to regularize the Petitioner's service, the said notice was received by the First Respondent Regional Bank but did not consider the demand at all nor gave any reply to the said notice. It is submitted that, First Respondent bank hatched a preplanned conspiracy to throw the Petitioner out of her service somehow or the other as the First Respondent bore a grudge against the Petitioner, as the Petitioner was always demanding for her rightful benefits i.e., regularization of her service by way of personal notice as well as legal notice on various dates. The First Respondent Branch Manager had illegally and verbally terminated the service of the Petitioner on 14-05-2013 without any prior intimation or notice. The Petitioner got shocked and surprised by the drastic decision of the First Respondent Branch Manager in terminating her service in an arbitrary manner, the Petitioner is having spot less character and does not have any bad remark nor any allegations against the Petitioner whatsoever through her service from the First Respondent bank, There is no written termination order given by First Respondent Branch Manager nor the First Respondent issued the Petitioner with one month prior notice nor in lieu of notice one month salary before terminating the Petitioner from service. The same amounts to unfair trade practices, violation of principles of natural justice, against the provision of I.D.Act, 1947. The said illegal acts adopted against the Petitioner by the first Respondent is nothing but instant termination without following the due process of law. Moreover, preventing and stopping the Petitioner from discharging the duties amounts to termination of service. Therefore, it is prayed that the oral termination order dated 14.5.2013 of the Respondent No.1, Oriental Bank of Commerce -Branch Manager,

Sarojini Devi Road, Secunderabad be set aside and the Respondent No.1 be directed to reinstate the Petitioner into the service with all benefits.

3. Notice served upon both the Respondents. But Respondent No.1 filed counter. Despite the service of notice R2 did not file any counter and thus, case was set ex-parte against R2 vide order dated 17.11.2014.

4. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

The Respondent No.1 has contended in his counter that the present petition is not maintainable in law or on the facts of the case and the same is liable to be dismissed. It is submitted that the Petitioner has admitted in her petition that she was appointed by M/s. Sparks Security and Maintenance Services on 27.8.2005. Admittedly, she was paid wages by M/s. Sparks Security and Maintenance Services. She was accorded the benefit of ESI and Provident Fund by M/s. Sparks Security and Maintenance Services. Her attendance record was maintained by them. Her statutory deductions were made and remitted to statutory agencies by M/s. Sparks Security and Maintenance Services. She has admitted that she was under the supervision and control of M/s. Sparks Security and Maintenance Services. They used to direct duties to her and take disciplinary action, if any. No "industrial dispute" exists between the Petitioner and the Oriental Bank of Commerce. The application is thus liable to be dismissed. The Central Govt. cum Industrial Tribunal does not have the jurisdiction to deal with the present application. The dispute, if any, exists between the Petitioner and her employer, M/s. Sparks Security and Maintenance Services, which is a private agency. They do not come within the purview of Central Govt. The Petitioner was considered for the regular; post of part time sweeper in the Bank in 2007, subject to criteria of age, educational qualifications etc. The Petitioner was found overage and thus rejected. She has not challenged the said rejection and thus it attained finality. The application is thus liable to be dismissed. That the Petitioner submitted forged documents to obtain employment in Bank. Thus she is not entitled to appointment in Bank. The duly attested documents showed her date of birth as 24.05.1966 and as 1976 in her Aadhar card issued on 25.03.2011. She also submitted dubious documents pertaining to her qualification, which were not relied upon. The application is thus liable to be dismissed. That no regularization can be claimed under Sec 2A of the Act. The Petitioner was sometimes deputed to work by M/s. Sparks Security and Maintenance Services in Oriental Bank of Commerce Hyderabad, for cleaning the tiles in toilets of the branch, before the start of the Branch, till the time the regular recruitment takes place, during the period of 2005 to March 2013, ie. during the period of subsistence of contract between the Oriental Bank of Commerce and M/s. Sparks Security and Maintenance Services. Thus, the present application is not maintainable in law. It is submitted that the Petitioner was sent the interview letter as she had applied for the post of part time sweeper in the Bank and not because of her purported dedication or unblemished record, as alleged. She was never allotted any duty by the Bank. The Petitioner never worked full time in the Bank, as alleged. She always worked under the exclusive supervision and control of the Respondent No.2. Further, it is submitted that she was never allotted any duty by the Bank. The Petitioner was considered for the regular post of part time sweeper in the Bank in 2007, subject to criteria of age, educational qualifications etc. The credentials of the documents are verified after the interview. The Petitioner was found overage and thus rejected. She has not challenged the said rejection order and thus it attained finality. The application is thus liable to be dismissed. She has also submitted dubious documents pertaining to her qualification, which were not relied upon. The candidates with authentic credentials were appointed. The Petitioner has herself stated that Kavitha, Masthanamma, Meena, Aruna etc. were appointed. She was duly apprised that she was not eligible for appointment as part time sweeper in the Bank and was aware of the same. No assurance was ever given by the Bank to the Petitioner that her services would be regularized, as alleged. The Petitioner has no right to regular appointment in the Bank, sans her eligibility for the same. Laxmi is the regular appointee of the Bank and the Petitioner cannot claim right on the said appointment. It is unfathomable as which provision of law has been violated by the Bank by making regular recruitments. Laxmi was eligible as well as sent the interview letter. The Petitioner is seeking a back door entry in the Bank. The Petitioner is not eligible for appointment in the Bank. The Petitioner has no merits, as alleged nor is eligible for any benefit, as alleged. Regular recruitments, wherein she has been considered and rejected is neither an unfair trade practice nor any injustice to anyone. The Petitioner has not performed any work in the Bank after the regular recruitments have taken place. The services of the Petitioner were terminated by Respondent No.2. Since she was never appointed by the replying Respondent, no question arises for termination of her services by them. The Petitioner has no right to regular appointment in the Bank, sans her eligibility for the same. There can be no regularization/appointment de hors the policy of the Bank wherein the Petitioner was considered and rejected. The issue was set to rest upon her rejection under the policy of the Bank. The Petitioner is "workman" of the Respondent No.2. The dispute is between Petitioner and Respondent No.2 as they had appointed the workman. Admittedly, she was paid wages by them. She availed the benefit of ESI and Provident Fund from them. Her attendance record was maintained by them. Her statutory deductions were made and remitted to statutory agencies by them. She admitted that she was under their supervision and control and that they used to direct duties to her. Hon'ble CGIT has no jurisdiction to deal with the present case. Since she was never appointed by the Bank, there arises no question of termination of her services by the Bank by one month's notice or any retrenchment compensation. Cleaning tiles of toilets is neither ancillary to Banking nor a perennial nature of job. Intermittently she used to clean the tiles. The contract is thus legal and justified. The dispute is between Petitioner and Respondent No.2 as they had appointed/terminated the workman. Therefore, prayed that the applicant is not entitled for any relief and to dismiss the application with costs.

5. In support of the claim petition Petitioner has examined witness WW1 in oral evidence and also filed documents in evidence Ex.W1 to W19 through the list. Whereas Respondent in oral evidence has filed the chief statement affidavit of MW1 and also filed the documents exhibited Ex.M1 Ex.M3.

6. On the basis of the rival pleadings of both parties and arguments of Learned Counsel for both the parties, the following issues emerge for determination:-

- I. Whether the action of the Respondent No.1 in terminating the services of the Petitioner vide order with effect from 14.5.2013 is illegal and unjustified?
- II. Whether the Petitioner is entitled for appointment in the employment of Respondent No.1 on the ground as alleged in the claim petition?
- III. To what relief if any the Petitioner is entitled for?

Findings:-

7. **Issue No.I:-** It is undisputed that the Petitioner was appointed by the M/s. Spark Securities and Maintenance Services, contractor, Respondent No.2 on 27.8.2005 as a sweeper. The Petitioner witness WW1 herself admitted in her testimony that as per allegation of the Petitioner she was posted for doing the work at the branch of the Bank of the Respondent bank at Sarojini Devi Road, Secunderabad with effect from 27.8.2005 and she has worked continuously upto 14.5.2013 without any break of about 9 years and Respondent No.1 has terminated her from services with effect from 14.5.2013 in contravention of the provision contained under section 25F of the I.D. Act, 1947. In order to corroborate her claim petition witness WW1 in chief affidavit statement has stated that she was appointed by M/s. Spark Securities and Maintenance Services, Contractor, Respondent No.2 on 27.8.2005 as a sweeper and she worked at the branch Bank of the Respondent No.1 M/s. Oriental Bank of Commerce at Sarojini Devi Road, Secunderabad, since 27.8.2005 till her termination with effect from 14.5.2013.

8. Further, this witness was cross examined by the Respondent counsel and in the cross examination WW1 states that Ex.W1 and W2 have been issued by the Respondent No.2 to her. Further, witness states that she has not filed any document to show that Respondent No.1 was giving salary towards her work. Further, witness states that she has not filed any document to show that she was regularly working at the office of the Respondent. The witness in the cross examination stated that,

"I have not filed any document to show that Respondent No.1 was giving me the salary towards my work. I have also not filed any document to show that I was regularly working in the office of the Respondent No.1. I have not filed any documents in this case to show that Respondent No.1 has instructed me to work in the bank and the bank had paid the wages daily to me till the date of my termination. It is not true to suggest that the averments made by me in my chief evidence are not correct."

Thus, from the statement of Petitioner WW1 it manifest that she has not produced any documents in support of her claim that she had worked in the branch Bank of the Respondent No.1 continuously for the alleged period of 9 years. Witness herself admitted that she has not produced any document pertaining to her appointment by the Respondent No.1 or payment of salary. Whatever document has been produced by the Petitioner in support of the claim, Ex.W1 is the alleged posting order which has been issued by the Respondent No.2, the contractor. The contents of this document Ex.W1 goes to reveal that the Petitioner Smt. Akula Lakshmi has been posted by the Manager Recruitment, Sparks Security & Maintenance Services at the office of the Respondent No.1 with effect from 27.8.2005, but the issuing authority of Ex.W1 letter has not been examined by the Petitioner to prove it in support of her claim. Further Ex.W4 is the certificate issued by the Respondent No.2 and Petitioner's claim doesn't find any support from it. Further, the documents Ex.W5 to Ex.W10 do not pertain to the employment with the Respondent, hence, are not relevant to the claim of the Petitioner that she had worked at the Respondent No.1 branch for the alleged period.

9. However, Respondent No.1 in evidence has filed the chief statement affidavit of MW1 and witness in his testimony has specifically stated that Petitioner was appointed by Sparks Securities & Maintenance Services from 27.8.2005 and she was paid by the Respondent No.2 i.e., M/s. Sparks Security & Maintenance Services. Further, MW1 states that workman was accorded the benefit of ESI and Provident fund by M/s. Sparks Security & Maintenance Services and her attendance record was maintained by them. Further, MW1 states that workman stated that she was under the supervision and control of M/s. Sparks Security & Maintenance Services and they used to direct duties to her and also take disciplinary action against her. MW1 categorically stated that there was no employer and employee relationship between the Respondent No.1 and Petitioner workman and hence, there exists no industrial dispute. Respondent witness MW1 has specifically denied the allegation made by the Petitioner. However, despite the sufficient opportunity accorded Petitioner did not cross examine MW1. Therefore, in the absence of the cross examination, the statement in chief of MW1 remained uncontraverted.

10. As regards the allegation of Petitioner that she had worked continuously for 9 years in the branch of Respondent bank and she has been terminated in contravention of the provision of section 25 F of the I.D. Act, 1947, the provision contained under section 25F reads out as follows:-

Section 25F in The Industrial Disputes Act, 1947

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

11. Further, the burden of proof lies on the Petitioner to prove the fact that she has been terminated by the Respondent in contravention of provision contained under section 25 F of I.D. Act, 1947. In this context, the following decisions of Hon'ble Supreme Court are relevant as hereunder:-

In the case of **Manager, R.B.I., Bangalore Vs. S. Mani & others AIR 2005 SC 2179** the Hon'ble Supreme Court have held:-

"BURDEN OF PROOF:

The initial burden of proof was on the workmen to show that they had completed 240 days of service.

In [Range Forest Officer Vs. S.T. Hadimani](#) [(2002) 3 SCC 25], it was stated:

"3In 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.

[See also [Essen Deinki Vs. Rajiv Kumar](#), (2002) 8 SCC 400] In [Siri Niwas](#) (supra), this Court held:

"The provisions of the [Indian Evidence Act](#) per se are not applicable in an industrial adjudication. The general principles of it are, however applicable. It is also imperative for the Industrial Tribunal to see that the principles of natural justice are complied with. The burden of proof was on the Respondent herein to show that he had worked for 240 days in preceding twelve months prior to his alleged retrenchment. In terms of [Section 25-F](#) of the Industrial Disputes Act, 1947, an order retrenching a workman would not be effective unless the conditions precedent therefor are satisfied. [Section 25-F](#) postulates the following conditions to be fulfilled by employer for effecting a valid retrenchment :

(i) one month's notice in writing indicating the reasons for retrenchment or wages in lieu thereof;

(ii) payment of compensation equivalent to fifteen days, average pay for every completed year of continuous service or any part thereof in excess of six months."

Further, in **Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held: -**

"It was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had worked for 240 days in the year preceding the date of his termination. He has filed an affidavit. It is statement which is in his favor and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year."

In the case of Mohan Lal v. Management, BEL 1981 SCC P. 225, Hon'ble Apex Court held, "

Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act, he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."

The Hon'ble Apex Court in this case also laid down the principle of how to count 240 days of service within one year and held:

"Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered service period of 240 days during the period of 12 calendar months for counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained, move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F".

In the case of **GM., BSNL and others V. Mahesh Chand AIR 2008 SC (Supp) 1328**, wherein the Hon'ble Apex Court have held,

"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."

Thus, in view of law laid down by Hon'ble Apex Court as discussed above the initial burden lies upon the Petitioner Workman to prove that she had worked for 240 days continuously in a year just preceding the date of her termination. But Petitioner has not produced any documentary evidence i.e., any appointment letter issued by Respondent No.1 or any salary slip or wage payment slip or attendance register to establish the fact that she had worked in the branch of Respondent bank for the alleged period. Mere filing of the chief statement affidavit of witness is not sufficient to corroborate the claim of the Petitioner as she has alleged in the petition.

12. It is settled the law that the documentary evidence of appointment letter or salary slip or attendance register are required to prove the fact of 240 days in continuous service of the Respondent employment just preceding from the date of termination. Therefore, for the want of aforementioned documentary evidence, the claim of the Petitioner that she was under the employment of Respondent No.1 continuously and had worked for 9 years in the Bank of the Respondent, is not proved and established. Therefore, the claim of the Petitioner that she has been terminated in contravention of the provision contained under section 25 F is not acceptable as she failed to prove the condition precedent as provided under section 25 F for alleged retrenchment. Moreover, MW1 states that Petitioner was never appointed by the Respondent No.1 as such there is no question of termination of her services by the bank by one month's notice nor any retrenchment compensation as she was never appointed by the bank, hence, there arises no question of termination of her services by the bank. Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, this issue is decided against the Workman Petitioner.

13. Issue No.II:- Petitioner has claimed that the Respondent No.1 bank after seeing the sincerity and dedication and unblemished record of service of Petitioner had issued her interview letter dated 11.12.2007 and she appeared in the interview for the post of part time sweeper in the Respondent No.1 bank, Secunderabad, along with her relevant records i.e., school certificate, caste certificate, service certificate, employment exchange card. But the Respondent No.1 did not select her on the basis of interview whereas for the same post other applicants i.e., Kavitha, Mastanamma, Meena, Danamma, Aruna, Sridevi and Rashida etc., have been selected and posted by the Respondent management and their services have been regularised on permanent basis by the first Respondent bank. Petitioner has not received any communication or letter about her regularisation in the services from Respondent No.1 and she has no knowledge of result of her said interview.

14. In this context, Petitioner has examined herself as WW1 and she has reiterated the allegations made in the claim petition. However, in the cross examination WW1 has stated that Ex.W3 has been issued by Respondent No.1 calling her to attend the interview for the post of part time sweeper. It is not true to suggest that she was not selected for the post of part time sweeper in the interview. It is not true to suggest that as because she was not selected she has not produced any documents in that context. Further, witness states that she has been verbally offered to work in the Respondent branch.

15. Per contra, Respondent in this context has filed the chief statement affidavit of MW1 and witness MW1 stated that the Petitioner was considered for regular post of the part time sweeper in the bank in 2007 subject to criteria of age, educational qualifications etc., and on scrutiny of document Petitioner was found overage and thus her candidature was rejected. Further, MW1 states that credentials of documents were verified after the interview and Petitioner was found overaged and thus her candidature was rejected. Further MW1 states that Petitioner has not

challenged the said rejection and thus it has attained finality. Further, MW1 states that the Petitioner has submitted forged documents to obtain employment in the bank and she is not entitled to appointment in bank. Witness further states that the duly attested documents showed her date of birth as 24.3.1966 and in her aadhar card issued on 25.3.2011 it has been shown as 1971. Further, witness states that she has also submitted dubious documents pertaining to her qualification which were not relied upon. MW1 states that candidates with authentic credentials were appointed. The Petitioner has cheated the bank. Further, MW1 stated that Kavitha, Mastanamma, Meena, Aruna etc., were appointed. Petitioner was duly apprised that she was not eligible for appointment as part time sweeper in the bank and she was aware of the same. Further, MW1 states that no assurance was ever given by the bank to the Petitioner that her services would be regularised. Petitioner has no right to regular appointment in the bank sans her eligibility for the same. Further, MW1 states that no right has accrued to the Petitioner to seek appointment /regularization in the bank sans her eligibility for the same. MW1 states that for regular recruitment she has been considered and rejected and it is neither an unfair trade practice nor any injustice to anyone. The Petitioner has not performed any work in the bank after the regular recruitments have taken place. Further witness MW1 states that a notification dated 24.6.2012 was issued in July, 2012 and she has applied for appointment giving her date of birth as 10.1.1983. In the process of 2007, the eligibility education qualification was the 7th fail and during 2012 recruitment process it was 10th fail, and during 2012 recruitment process was 10th pass and 12th fail. Looking into the eligibility, the Petitioner had filed fake documents giving her age differently at different times and dubious declarations of her educational qualifications. Thus, she was not found entitled for regular employment /regularization in the bank. Thus, the statement of this witness goes to reveal that the Petitioner was issued interview letter and she was interviewed but due to disqualification she was not selected for regular post. The perusal of document filed on record reveals that in application date of birth of Petitioner has been shown as 10.1.1983 and in the aadhar card her date of birth has been shown as 24.6.1976. However, the details registered with ESI- date of birth of the Petitioner is shown as 1.7.1974. Thus, there is a discrepancy in the details of date of birth of the Petitioner. The documents filed by the Respondent regarding recruitment of part time sweeper in December 2007 goes to show that date of birth of the Petitioner has been shown as 10.1.1977 whereas in the aadhar card her date of birth was shown as 24.6.1976. However, despite sufficient opportunity granted Petitioner did not cross examine MW1. Therefore, the statement in chief affidavit of the witness MW1 as stated above, remained uncontroverted. Petitioner has not filed any documents in evidence in order to controvert the contention of Respondent regarding discrepancy in the date of birth of Petitioner.

16. Therefore, in view of the above, the claim of the Petitioner that she was eligible for regular appointment in the branch of the Respondent No.1 is not established by cogent and reliable evidence.

This issue is decided against the Petitioner and in favour of Respondent.

17. **Issue No. III:** - In view of the fore gone discussion and finding at Issues No.I & II, the Petitioner is not entitled to any relief and present petition is liable to be dismissed.

This Point is answered accordingly.

AWARD

The claim petition filed by the Petitioner Smt. A. Lakshmi, u/s 2A(2) of I.D. Act, 1947 challenging the alleged termination order dated 14.5.2013 is devoid of merit, hence, dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 19th day of June, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

WW1: Smt. A. lakshmi

Witnesses examined for the
Respondent

MW1: Sri K. Gopala Rao

Documents marked for the Petitioner

- Ex.W1:** Photostat copy of Posting order dt. 26.8.2005 by R2
Ex.W2: Photostat copy of o/c of service certificate dt.20.12.2007 by R2
Ex.W3: Photostat copy of interview letter dt.11.12.2007 by R1
Ex.W4: Photostat copy of school certificate of Petitioner
Ex.W5: Photostat copy of employment exchange card

- Ex.W6: **Photostat copy of caste certificate**
 Ex.W7: **Photostat copy of demand notice dt.7.3.2013 to R1 by Petitioner**
 Ex.W8: Photostat copy of legal notice dt.3.5.2013 to R1 by Petitioner
 Ex.W9: **Photostat copy of postal receipts dt.6.5.2013- 2 nos.**
 Ex.W10: **Photostat copy of acknowledgement card proof of receipt of legal notice**
 Ex.W11: **Photostat copy of o/c of postal complaint dt. 22.5.2013**
 Ex.W12: Photostat copy of reply from postal department dt.30.5.2013
 Ex.W13: **Photostat copy of representation dt.23.5.2013 to ALC(C)**
 Ex.W14: **Photostat copy of conciliation meeting hearing dt.26.6.13**
 Ex.W15: **Photostat copy of conciliation meeting hearing dt. 6.8.13**
 Ex.W16: Photostat copy of conciliation meeting hearing dt. 13.8.13
 Ex.W17: **Photostat copy of conciliation meeting hearing dt. 25.9.13**
 Ex.W18 : Photostat copy of conciliation meeting hearing dt. 21.10.13
 EX.W19: Photostat copy of certificate u/s 2A of I.D. Act, 1947 from o/o ALC(C)

Documents marked for the Respondent

- Ex.M1: Photostat Copy of interview attendance register duly signed by Petitioner
 Ex.M2: Photostat Copy of Aadhar card acknowledgement/resident copy
 Ex.M3: Photostat Copy of details of Petitioner registered with ESIC

नई दिल्ली, 9 जुलाई, 2025

का.आ. 1314.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पंजाब नैशनल बैंक** के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (150/2013) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई.आर.(बी-II)-17]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2025

S.O. 1314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 150/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of **Punjab National Bank** their workmen.

[No. L-39025/01/2025- IR(B-II)-17]

SALONI, Dy. Director

ANNEXURE

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

Present: **Sri Irfan Qamar**

Presiding Officer

Dated the 3rd day of June, 2025

INDUSTRIAL DISPUTE L.C. No. 150/2013

Between:

Sri PJC Bhanudev,

S/o Late P. Appa Rao,

R/o LIG.559, Bharathi Nagar,

Ramachandrapuram,

Medak District.

.....Petitioner

AND

1. The Chairman & Managing Director,
Punjab National Bank,
#7, Bhikaji Cama Place,
New Delhi 110 066.
2. The Deputy General Manager,
Punjab National Bank,
Sayeed Plaza, A.P. Circle,
6-1-73, Sayeed Plaza,
Lakdikapool, Saifabad,
Hyderabad.
3. The Chief Manager,
Disciplinary & Appellate Authority,
Punjab National Bank, Sayeed Plaza,
A.P. Circle, 6-1-73, Sayeed Plaza,
Lakdikapool, Saifabad,
Hyderabad.

....Respondents

Appearances:

For the Petitioner : M/s. G. Vidya Sagar, K. Udayasree & P. Sudheer Rao, Advocates

For the Respondent: M/s. Mannava Sravan Kumar, Govindu Sudha Madhuri, Anudula Ravi Kiran, Masood Ahmed Shaik, Advocates

AWARD

The Petitioner who was an employee of 1st Respondent company has filed this Petition invoking Sec.2 A (2) of the I.D. Act, 1947, seeking for declaring the order dated 30.11.2010 issued by the 1st Respondent as illegal, arbitrary and to set aside the same and to grant consequential relief of reinstatement to Petitioner into service duly granting of other consequential benefits such as, continuity of service, back wages, all other attendant benefits. Respondents are contesting this petition by filing their counter.

2. The averments made in the petition in brief are as follows:

It is submitted that Petitioner joined in service as a Clerk/Cashier on 8.4.1991 at Nizamabad Branch Nizamabad District, he worked in various branches in the Respondent bank. Since the date of his appointment Petitioner have been discharging his duties to the entire satisfaction of his superiors. It is submitted that while Petitioner have been discharging his duties as a clerk/cashier at Miyapur Branch R.R. District, on 25/10/2008, the Respondent bank officials entrusted the work of Computers Terminal Operator. It is submitted that on 02.1.2009 the 2nd Respondent i.e. Chief Manager has addressed a letter to the Branch Manager alleging that Petitioner has committed certain irregularities and advised the Branch Manager to take necessary action, and further advised to issue suspension order to the Petitioner. On the same day the Branch Manager has issued suspension order Dt. 2.1.2009 suspending the Petitioner from service on allegation that Petitioner has committed irregularities while functioning as Clerk/Cashier in the Branch which may result in tarnishing the image of the bank and shortage/loss of the cash to the Respondent bank. After receipt of the same Petitioner has submitted a letter to the Respondent bank stating that he has not committed any irregularities as alleged in the suspension order. The allegation made in the suspension order is false and incorrect. The allegation was made against the Petitioner pertaining to the transaction took place in the month of October, 2008. It is submitted that based on the suspension order Dt. 2.1.2009 after lapse of more than 7 months the Respondent bank has issued Charge Sheet. Dt. 5.8.2009 alleging that Petitioner has created/entered the transactions by misusing the user ID 33150 KIND of Sri. N. Krishnabrahmam Manager between 9:49.37 AM and 9:57 AM on 25.10.2008, and further alleged that Petitioner has withdrawn Rs. 16,000/- from two ATM Hits of Rs. 15,000/- and Rs. 1,000/- through ATM attached to Miyapur Branch. On 25.8.2008, subsequently on the same day i.e. 25.10.2008 the said amount was deposited in the account bearing No. 214900010980700 of one Sri. B. Rajender and it amounts

to gross misconduct in terms of para 5 (i) of Bipartite Settlement Dt. 10-04-2002. The alleged charges levelled against him are false and incorrect, Petitioner has not committed any irregularities as alleged in the charge sheet. It is submitted that after receipt of the Charge Sheet Dt. 5.8.2009 Petitioner has submitted a detailed explanation on 14.8.2009 denying the charges levelled against him. Petitioner clearly stated in his explanation that all the entries were authorized by Manager only. He further stated that Petitioner neither used the user ID of the Manager nor authorized the entries as alleged in the Charge Sheet Dt. 5.8.2009. In this regard it is further submitted that Petitioner is having certain amount in his account, and he availed the same, when it came to the notice of the Petitioner that there was a wrong credit in his account and he adjusted the same, and thus no loss was caused either to the Respondent bank or to any individual. Petitioner further stated in his explanation that he neither have any intention to misappropriate the Respondent bank funds nor defraud the bank, and further requested the Respondent bank to drop all further proceedings in the matter, and requested to permit him to discharge his regular duties. Without considering the said explanation submitted by the Petitioner the Respondents ordered an enquiry into the alleged incident, and Sri. K. Swaminathan Senior Manager, Lalbazar Branch was appointed as Enquiry Officer to conduct a detailed departmental enquiry into the alleged incident and Sri. KRK Reddy Officer was appointed as Presenting Officer. It is submitted that Sri. Rajender, Account Holder bearing No. 214900010980700 submitted certificate Dt. 17.12.2009 to whom so ever it may concern stating that he has handover the cash a sum of Rs. 16,000/- in cash on 25.10.2008 to the Petitioner for depositing in his saving account. Hence based on the above certificates Dt. 17.12.2009 it reveals that Petitioner has not committed any irregularities as alleged by the Respondent bank. It is submitted that in the enquiry the Respondent bank has examined Sri. U.C. Patnaik Senior Auditor as MW1 and marked documents as Ex.P1 to P10, and Sri.B. Rajender account holder was examined as witness on behalf of the defence, and Petitioner has taken defence assistance from Sri. R. Mountbattin, General Secretary of All India Bank Employees Association A.P Unit, Petitioner himself examined in defence and also marked documents as Exhibits D1 & D2. The documents Ex P1 to P10 marked on behalf of the Respondent bank, those documents were not furnished to the Petitioner at the time of conducting the enquiry proceedings. The procedure laid down while conducting demotic enquiry the documents which are going to be marked those documents has to furnish to the delinquent, but in the given case the said rule was not followed. From time to time Petitioner requested the Enquiry Officer as well as the disciplinary authority to furnish Ex. P1 to P10, but inspite of Petitioner's specific request to provide the Log in and Log out time of Sri. N. Krishnabrahmam Manager and ATM video footage from 9:00 am to 11:30 AM of date 25.10.2008, the same were not provided to the Petitioner. The action on part of the Enquiry Officer as well as the disciplinary authority in not furnishing the documents as requested by the Petitioner is in gross violation of principles of natural justice. On this ground alone the entire enquiry proceeding are liable to be vitiated. It is further respectfully submitted that the MW1 has submitted his statement as per the instructions of the Respondent bank only. The statement of MW1 is false and incorrect and no documentary and oral evidence was produced before the Enquiry Officer to show that Petitioner has committed irregularities as alleged by the Respondent bank. Petitioner submitted his statement in the enquiry that he has not committed any irregularities as alleged by the Respondent bank and requested with the Enquiry Officer as well as with the disciplinary authority to drop all further proceedings in the matter. The Enquiry Officer has not taken into consideration the above said facts. The Enquiry Officer has not given reasonable opportunity to the Petitioner to defend his case, the Enquiry Officer has not recorded the defence statement properly, and he has acted as per the directions of the Respondent/management bank, thus acting in a biased manner, and without taking into consideration the material facts available on record, the Enquiry Officer has submitted his report Dt. 15.4.2010 that with regard to 1 charge is proved, but with regard to 2nd charge the Enquiry Officer has given finding that no sufficient evidence to conclude that the cash withdrawn from the ATM by Bhanudev i.e. Petitioner herein was credited to the account of Sri. Rajender. It is further submitted that with regard to 1st charge there is no evidence before the Enquiry Officer to show that Petitioner has committed irregularities as alleged in the charge sheet, hence the findings of the Enquiry Officer are perverse and biased and same is liable to be vitiated. It is further submitted that the statement of MW1 is unreliable. The MW1 i.e. Sri. U.C. Patnaik visited the branch to inspect the records in the Respondent bank the said alleged incident on 3.1.2009 which is a day after suspension of the Petitioner. Thus, his statement cannot be relied on as he is neither an eye witness nor a circumstantial witness nor a cause to the incident. Therefore, he cannot be taken as a valid witness. The MW1 gave his deposition in the departmental enquiry only as per the instructions of Respondent/bank. Therefore, as the MW1 was the only witness examined on behalf of the Respondent bank, hence the enquiry findings are liable to be vitiated as his statement is unreliable as no documents were filed by the MW.1 to substantiate his statement. It is further submitted that Petitioner made representation to the Respondent bank with a request to furnish the details of the system log in & log out record of the Manger Sri. Krishna Brahammam. Inspite of receiving the same the disciplinary authority has not furnished the said documents. At this juncture it is pertinent to mention that, a special assistant Sri. K Raja Rama Mohan Rao was available in the Branch running the day to day transaction of the bank since he is in- charge of discharging the duties of an officer. It is the primary duty of any employee, as per the specific direction of the bank, to logout of the system while leaving the bank. If any employee is negligent of this act then he himself would be held responsible for any consequences which would arise. However, the Respondent bank deliberately did not provided the details of the system log in & log out records as evidence to prove the allegations made against the Petitioner, and that no other officer was available on that day in the branch. Thus, the action on part of the Respondent bank in not furnishing the details of the system log in & log out records amounts to denial of principles of natural justice. It is further submitted that, from time to time Petitioner requested

several times with the disciplinary authority as well as Enquiry Officer to furnish the details of the video footage of the ATM of the branch in the enquiry to verify the facts of the alleged incident. It is common knowledge that, round the clock video recording of an ATM is available to detect, if any unwanted incident takes place. However, the same was not furnished to the Petitioner inspite of his repeated requests. Thus, the enquiry proceedings are liable to be vitiated as no opportunity was given to the Petitioner, which amounts to violation of principles of natural justice and on this ground also the entire enquiry proceedings are liable to be vitiated. The incident of the unauthorized transaction had happened in the year 2008, however, the disciplinary authority finalized the disciplinary proceedings against the Petitioner only in the year 2010. The burden of proving a charge always lies with the Respondent/management, however, in the given case no relevant documents were produced by the disciplinary authority to prove the charge leveled against the Petitioner. Thus, it can be clearly established that, the inordinate delay in holding the enquiry proceedings was done only to provide undue protection to the manager, who had actually authorized the transaction. Later, Respondent officials have issued proceedings dated 21.9.2010 advising the Petitioner to attend personal hearing on 10.10.2010, wherein Petitioner requested the authority to drop all further proceedings in the matter duly submitting detailed statement, stating therein that he has not committed any irregularities as alleged in the charge sheet. Though he has submitted another representation, without considering the facts and circumstances of the case the Chief Manger (Disciplinary Authority) has issued proceedings dated 30.11.2010 imposing the punishment of "compulsorily retired with superannuation benefits i.e., pension and /or provident fund and gratuity as would be due otherwise under the rules are regulations prevailing at the relevant time and without disqualification from future employment" as per para 6(a) of settlement dated 10.4.2002 was proposed to be imposed on the Petitioner. No valid reasons were assigned in the order for imposing such punishment. Petitioner submitted an appeal to the appellate authority which was rejected confirming the punishment order dated 30.11.2010. It is submitted that since the date of punishment order Petitioner has been facing severe financial difficulties. Hence, it is prayed to set aside the punishment order and reinstate the Petitioner into service with all consequential benefits.

3. The Respondents filed counter with the averments in brief as follows:

It is submitted that the management followed the procedure while suspending the workman, issuing charge sheet and while conducting domestic enquiry and scrupulously followed the principles of natural justice. That the service conditions of workman employees in the Respondent Bank are governed by Sastry Award, Desai Award and Bipartite Settlements as amended from time to time. The claimant was served with charge sheet dated 05.08.2009 under provisions of Bipartite Settlement dated 10.04.2002 for lapses/irregularities alleged to have been committed by him while working as Clerk/Cashier at BO:Miyapur Hyderabad. In the aforesaid charge sheet, it was mainly alleged against him that he had created/entered on 25.10.2008 certain transactions (10 in number as detailed in the Charge Sheet) unauthorisedly, using his user ID 90837PJC. It is further alleged that the transactions created/entered by him unauthorisedly were verified by himself, by misusing the user ID 33150NKB of, Shri N. Krishna Brahman, Manager, BO:Miyapur, Hyderabad. The transactions referred in the charge sheet dated 05.08.2009 were carried out by the claimant during the time when Sri Krishna Brahman, whose user ID 33150NKB was used for verification of the unauthorized entries, at the ATM attached to the Branch for loading the cash. The amount so withdrawn by the claimant through two ATM hits of Rs.15000/- and Rs. 1000/- through the ATM attached to the branch on 25.10.2008 was deposited by him in the account of Shri B. Rajender whose account number is 2149000109980700, on the same day. The claimant misappropriated Rs.16000/- by indulging in fraudulent transactions. After considering undated written reply of claimant to the charge sheet dated 05.08.2009, to look into the truth of charges, a departmental enquiry was instituted on 14.10.2009 by appointing Sri K. Swaminathan, the then Senior Manager, BO:Nizamabad (presently Senior Manager, BO:Lal Bazar), Secunderabad as Enquiry Officer and Shri K.RK. Reddy, Officer BO:Miyapur as Presenting Officer. The Enquiry Officer submitted his report vide letter dated 15.04.2010 wherein he held the following charges as proved/partially proved:

- a) The claimant created/entered the transactions mentioned in the charge sheet dated 05.08.2009 unauthorisedly, using his own user ID and these transactions were verified by himself by misusing User ID 33150NKB of Manager Sh. N.Krishna Brahman - proved.
- b) The transactions referred in the charge sheet dated 05.08.2009 were carried out by the claimant during the time when Sh. N.Krishna Brahman whose user ID 33150NKB was used for verification of the unauthorized entries, was away at the ATM attached to the branch for loading the cash -Proved.
- c) The amount was withdrawn by the claimant through two ATM Hits of Rs. 15000/- and Rs. 1000/- through the on 25.10.2008 and deposited in account of Sri B Rajender whose account No. is 2149000109980700, on the same day - Partially Proved.
- d) For Punjab National Bank instituted on 14.10.2009 by appointing Shri K. Swaminathan, the then Senior ATM attached to the Branch for loading the cash - Proved.
- e) The claimant misappropriated Rs.16000/- by indulging in fraudulent transactions - proved.

Accordingly, the Enquiry Officer gave his findings that the charges stood established. A copy of report of findings of the Enquiry Officer was sent to the claimant vide letter dated 28.04.2010 to provide him an opportunity to make his

representation/ submissions in respect of the findings of Enquiry Officer. The claimant made his submissions vide letter dated 08.05.2010 against the findings of Enquiry Officer. Adequate opportunity was provided to the claimant at every stage of enquiry. The findings of the Enquiry Officer are upon the proper assessment of evidence adduced during the enquiry. The Claimant was given adequate opportunity to rebut the charges by producing contra evidence and by cross examination of witness. There is nothing to indicate any prejudice against the claimant and denial of natural justice to him. However, in case this Hon'ble Tribunal comes to the conclusion, for any reason whatsoever, that the enquiry conducted was not fair, in that eventuality the Respondent Bank would like to lead evidence before this Hon'ble Tribunal to prove the allegations leveled against the claimant vide charge sheet dated 5. 8.2009. It is further prayed that the fairness of the departmental enquiry be decided first as a preliminary issue. It is submitted that the workman joined in service as clerk/cashier on 08.04.1991 at Nizamabad Branch, Nizamabad District and worked in various branches in the Respondent bank. But the allegation that since the date of appointment he has been discharging his duties to the entire satisfaction of his superiors is false that he has been discharging his duties as a clerk/cashier at Miyapur Branch, R.R.Dist is correct but the allegation that, on 25.10.2008 the Respondent bank officials entrusted him the work of Computers Terminal Operator is false. On 2.1.2009 second Respondent i.e. Chief Manager addressed at letter to Branch Manager stating that the workman committed irregularities and advised the Branch Manager to take necessary action and advised to issue suspension order and the Branch Manager accordingly issued suspension order as per procedure is, correct. However, the statement of the workman that the allegation made in the suspension order is false and incorrect, is totally false. It is submitted that the bank had issued charge sheet specifically framing charges against the workman. However, the averment that he has not committed any irregularities mentioned in the charge sheet is false. The management submits that after duly considering the submissions made by the workman, it was not found satisfactory and after that only the Respondent bank ordered domestic enquiry by appointing Sri.K.Swaminathan Senior Manager, Lalbazar Branch as Enquiry Officer to conduct a detailed departmental enquiry into the alleged incident and Sri.KRK Reddy, Officer was appointed as Presenting Officer. It is submitted that the account holder gave letter stating that he handed over cash of Rs.16,000/- to workman on 25.10.2008 for depositing into his saving account and this certificate alone is sufficient to say that the workman committed irregularities as mentioned in charge sheet. It is submitted that the documents i.e. Ex. P1 to P10 marked through MW1 were given to him and so far as the supply of ATM video footage is concerned it is also informed that the video footages were preserved only for a period of 90 days and as the request made by the claimant after expiry of the said period of 90 days the same cannot be furnished as they are not available. It is further submitted that the claimant himself participated in the enquiry, cross examined the management witnesses and examined himself as WW1. As such the question of Enquiry Officer not giving reasonable opportunity to the claimant to defend himself does not arise. Further the contention of the claimant that the statement of MW1 is unreliable and cannot be relied as he is neither an eye witness nor circumstantial witness nor cause to the incident and as such he is not a valid witness and he deposed on the instructions of the Bank, is also false. It is submitted that the deposition of Management Witness Shri U.C. Patnaik dated 09.01.2010 is direct evidence and it has nexus and credibility. Shri Patnaik deposed categorically that as per procedure available, the access to ATM cash handling was with two officers of the branch namely Shri K.R.K. Reddy, Officer and Shri N. Krishna Brahman, Manager. Shri K.R.K. Reddy was on leave on that day (25.10.2008). The exhibits P-6 and P-7 indicated that cash was loaded in the ATM during the same period as unauthorised transaction quoted in the charge sheet were entered/ posted/ verified in the Branch. It logically follows from the circumstantial evidence derived out of the deposition of Shri U.C. Patnaik and corroborating his deposition with the documentary evidence P-6 and P-7 that the Shri N.Krishna Brahman, Manager had performed the job of cash loading on 25.10.2008, in absence of his second man Shri K.R.K. Reddy, Officer. Considering the documentary evidence produced in the enquiry, deposition of witness Shri Patnaik and totality of the circumstances of the case, it was proved in the enquiry that password of Shri N.Krishna Brahman was misused to get the captioned transactions authorized. The amount credited to his account (Claimant) unauthorisedly was immediately withdrawn by the claimant through ATM and the circumstances that Shri N.Krishna Brahman's user ID was in Login Status when he was depositing the cash at ATM of the Branch, and the fraudulent transactions crediting the amount in the claimant's account took place during the time Sh. N.Krishna Brahman was away in the ATM loading cash, and connecting all these circumstances, logically leads to the conclusion that the claimant utilized the opportunity to misuse the password of Shri N.Krishna Brahman to verify the unauthorized transactions (as quoted in the charge sheet dated 05.08.2009) which are beneficial to him, and gained pecuniary benefits thereby. The workman himself participated in the enquiry, cross examined the Management witnesses and examined himself as WW1 and as such the question of Enquiry Officer not giving reasonable opportunity to defend his case is denied. Further without proper recording statement and considering material facts the Enquiry Officer submitted report on 15.04.2010 is totally false. It is submitted that the Ex. P1 to P10 marked through MW1 clearly substantiate the charges leveled against the workman and thus he proved the charges. Before discussing the obligations of the persons who logged in the computer, it was moral responsibility of workman not to misuse the user ID of some other employee of the answering bank. Thus non-providing of the login and logout report to the workman has no relevance in the present dispute. It is submitted that the management has given all the opportunities to workman including personal hearing and thus it followed the procedure and after that only action is taken against the workman. Further, the enquiry has been conducted strictly in terms of provisions contained in Bipartite Settlement. Adequate opportunity was provided to the claimant at every stage of enquiry. The findings of the Enquiry Officer are based upon the proper assessment of

evidences adduced during the enquiry. The claimant was given adequate opportunity to rebut the charges by producing contra-evidence and by cross examination of witness. There is nothing to indicate any prejudice against the claimant and denial of natural justice to him. He was inflicted punishment of Compulsory Retirement by the Disciplinary Authority keeping in view the gravity of the charges proved against him in the duly conducted departmental enquiry wherein all reasonable opportunities were afforded to the claimant to present his case. It is submitted that it is a settled proposition that good conduct, discipline and integrity are the backbone of any employee of the Bank dealing with public money and no bank can keep in its employment a person whose conduct is not up to the mark, who is indisciplined and whose integrity is doubtful. The punishment of Compulsory Retirement imposed upon the claimant vide order dated 30.11.2010 of the Disciplinary Authority is commensurate to the gravity of the charges proved against him in a duly conducted enquiry. Thus it is clear that the management acted as per procedure and strictly adhered to the principles of natural justice and also providing all the documents to the workman. Hence, disciplinary authority has imposed the punishment of Compulsory retirement vide order dated 30.11.2010 after going through the enquiry record and submissions made by the claimant. Disciplinary authority had discussed each and every point before proposing the aforesaid punishment to be imposed upon the claimant. The appeal made by the claimant against the order of disciplinary authority was rejected by the appellate authority vide his order dated 21.3.2011. Therefore, prayed to dismiss the claim petition.

4. The Petitioner has submitted written arguments u/s 11A of the Industrial Disputes Act, 1947.

5. On the basis of rival pleadings of both parties and arguments advanced, the following issues arise for determination:-

- I. Whether the departmental enquiry held against the Workman is legal and valid?
- II. Whether the action of the Respondent management in awarding the punishment of compulsorily retired the Workman Sri P.J.C. Bhanudev with superannuation benefits that is pension, PF, gratuity, as would be due otherwise under the rules and regulations prevailing at the time and without disqualification for future employment is legal and justified?
- III. To what relief is the Petitioner entitled for?

Findings:-

6. **Issue No.I:-** This issue has been decided by the Tribunal vide order dated 19.6.2023 and the departmental enquiry has been held legal and valid.

This issue is decided accordingly.

7. **Issue No.II:-** - This issue pertains to whether the imposition of punishment of compulsory retirement with superannuation benefits i.e., pension and /or provident fund and gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from future employment is legal and justified.

8. In this context, the Learned Counsel for Workman has submitted that after receipt of chargesheet dated 5.8.2009 Petitioner Workman had submitted a detailed explanation on 6.10.2009 denying the charges levelled against him. Petitioner clearly stated in his explanation that he had made some entries by mistake in usual /routine manner by using his ID and all entries were authorised by manager only. Further, Petitioner stated that, neither he used the user ID of the Manager nor authorised the entries as alleged in the chargesheet dated 5.8.2009. Further, it is stated that certain amount was there in his account and he availed the same, when it came to notice that there was a wrong credit in his account, he had adjusted the amount and thus, no loss was caused either to the Respondent bank or to any individual. Petitioner further submitted that in his explanation that he neither have any intention to misappropriate the Respondent bank funds nor defraud the bank and further requested the Respondent bank to drop all further proceedings in the matter. Further, it is submitted on behalf of workman that Sri Rajender, account holder bearing account No. 214900010980700 submitted certificate dated 17.12.2009 to whomsoever it may concern stating that he has handed over the cash, a sum of Rs. 16,000/- in cash on 25.10.2008 to the Petitioner for depositing in his saving account. Hence, based on the above certificate dated 17.12.2009, it reveals that Petitioner has not committed any irregularities as alleged by the Respondent bank. Further, it is submitted that the Enquiry Officer has not given reasonable opportunity to the Petitioner to defend his case. The Enquiry Officer has not recorded the defence statement properly and he has acted as per the directions of the Respondent bank. Thus, he acted in a biased manner and without taking into consideration the material facts available on record. Further, it is submitted that there is no sufficient evidence to conclude that cash was withdrawn from ATM by the Workman Petitioner therefore, with regard to first charge there is no evidence before the Enquiry Officer to show that Petitioner has committed irregularities as alleged in the charge sheet hence the findings of the Enquiry Officer are perverse and liable to be vitiated. Further, it is submitted that statement of MW1 who inspected the record in the Respondent bank regarding alleged incident on 2.1.2009 cannot be relied on as he is neither an eyewitness nor a circumstantial witness nor a cause to the incident. Therefore, he cannot be a valid witness. Further, it is submitted that no document was filed by the witness MW1 to substantiate his statement. Respondent bank deliberately did not provide the details of the system log in and logout records as evidence to prove the allegations made against the Petitioner. Thus, the action on

the part of the Respondent bank in furnishing the details of systems log in and logout records amounts to denial of principles of natural justice. On this ground the entire inquiry proceedings are liable to be vitiated. Further, it is submitted that Petitioner requested several times the disciplinary authority as well as Enquiry Officer to furnish the details of the video footage of the ATM of the branch in the enquiry to verify the facts of the alleged incident. But same was not furnished to the Petitioner inspite of repeated requests. Therefore, on this ground the enquiry proceeding is liable to be vitiated as no opportunity was given to the Petitioner which amounts to violation of principles of natural justice. Further, it is submitted that the Petitioner has submitted a detailed representation on 16.10.2010 to the disciplinary authority explaining that facts circumstances of the case and requested to drop all further proceedings in the matter and permit him to perform his regular duties but without considering the facts circumstances of the case the Chief Manager (Disciplinary Authority) has issued the proceeding dated 30.11.2010 imposing the punishment of “compulsorily retired” with superannuation benefits i.e., pension and/or Provident fund and gratuity as would be due otherwise under the rules and regulations prevailing at the relevant time and without disqualification from future employment in terms of para 6(a) of settlement dated 10.4.2002. No valid reasons were assigned in the order in imposing the aforesaid punishment. Therefore, the action on the part of Chief Manager (Disciplinary Authority) dated 30.11.2010 is illegal, arbitrary and unjust. Further, it is submitted that the Petitioner has submitted an appeal to Appellate Authority denying the averments made therein and requested to drop all further proceedings in the matter. However, without considering the facts and circumstances of the case Appellate Authority has passed orders dated 21.3.2011 rejecting the appeal and confirming the punishment order dated 30.11.2010. Therefore, order of Disciplinary Authority as well as Appellate Authority is disproportionate to the gravity of the charge levelled against the Petitioner as the Appellate Authority has not taken into consideration the past service of the Petitioner. Further, it is submitted that in the given case no relevant documents were produced by the Disciplinary Authority to prove the charge levelled against the Petitioner and Disciplinary Authority failed to consider the Petitioner’s statement and hence taken action by way of imposing major penalty of compulsory retirement with superannuation benefits etc., without considering that Petitioner had put in more than 19 years of service in the Respondent bank without any break and remarks whatsoever.

Therefore, the punishment of compulsory retirement with superannuation benefits is disproportionate to the gravity of the charges levelled against the Petitioner.

9. Heard the Learned Counsels for both the parties and perused the material available on record.

10. The Learned Counsel for Respondent contended that the Petitioner Workman was served with chargesheet dated 5.8.2009 with the following charges:-

“While working as Clerk/ Cashier at BO: Miyapur, it is alleged that you have committed the following lapses:

It is alleged that you had created / entered the following transactions unauthorisedly using your user ID 90837PJC. It is further alleged that the transactions created / entered by you unauthorisedly were verified by you, by misusing the User ID 3315ONKB of Shri N.Krishnabrahmam, Manager. The details of these unauthorized transactions are indicated in the table below:-

Date	Amount in Rs.	Debit/ credit	Account No.	Name of Account	User ID	Timings (AM)
25. 10.2008	19566.00	Debit	4632002100000651	TRR College of Engineering & Technology	90837PJC (created)	9.49.37
25. 10.2008	19566.00	Debit	4632002100000651	TRR College of Engineering & Technology	33150NKB (verified)	9.50.7
25. 10.2008	19566.00	Credit	4632003171160	Non Customer Account	90837PJC (created)	9.49.37
25. 10.2008	19566.00	Credit	4632003171160	Non Customer Account	33150NKB (verified)	9.50.8
25. 10.2008	19566.00	Debit	4632003171160	Non Customer Account	90837PJC (created)	9.56.30
25. 10.2008	19566.00	Debit	4632003171160	Non Customer Account	33150NKB (verified)	9.57.15
25. 10.2008	16000.00	Credit	2149020045672	PJC. Bhanudev	90837PJC (created)	9.56.30
25. 10.2008	16000.00	Credit	2149020045672	PJC. Bhanudev	33150NKB (verified)	9.57.16

25. 10.2008	3566.00	Credit	4632002100000651	TRR College of Engineering & Technology	90837PJC (created)	9.56.30
25. 10.2008	3566.00	Credit	4632002100000651	TRR College of Engineering & Technology	33150NKB (verified)	9.57.16

All the above transactions were made by you between 9.49.37 AM and 9.57.16 AM on 25.10.2008 during which time Shri N. Krishnabrahmam whose user ID has been used by you for verification of unauthorized entries created/entered by you was engaged in loading cash in ATM attached to the Branch outside the premises. Hence, it is clearly evident that you had misused the password of Shri N. Krishnabrahmam, Manager for verifying the fraudulent entries created by you for pecuniary benefits. Subsequently, you had withdrawn Rs 16000/- from your above mentioned account by two ATM Hits of Rs 15000/- and Rs 1000/- through ATM attached to Miyapur Branch on 25.10.2008 and the entire amount thus withdrawn from ATM had been deposited by you in the account: 2149000109980700 of one Shri B.Rajender on the same day. Thus, you had misappropriated Rs 16000/- by indulging in fraudulent transactions indicated above. The aforesaid lapses alleged to have been committed by you constitute a gross misconduct in terms of para 5(6) of Bipartite Settlement dated 10.04.2002."

The nature of allegation against the Petitioner was making transactions authorisedly using his userID 90837PJC and he created /entered unauthorisedly the transactions which was verified by him by misusing the user ID 33150NKB of Sri N. Krishnabrahmam, Manager. Further, the CSE Workman who was posted as cash clerk cum cashier at branch of Miyapur of Punjab National Bank on 25.10.2008 has deposited the amount of Rs.19566/- from the account of the account holder TRR College of Engineering & Technology at 9.49.37 AM and that amount was transferred by the charge sheeted Workman into the non-customer account on the same date at 9:49.37AM. Further, that an amount of Rs.16,000/- through transfer from the non customer account by the Workman in his own account and that amount was withdrawn by the Workman through ATM withdrawal. Thus, he has misappropriated the fund of the bank by indulging in fraudulent transaction. The nature of allegation against the CSE Petitioner crediting the amount in his own account from the other account holder is serious in nature, after such nature of allegation stood proved, the Disciplinary Authority, after taking into consideration the record of enquiry has passed the punishment order of compulsory retirement with superannuation benefits.

11. The perusal of the record reveals that the CSE Workman was given fair opportunity of hearing at every stage of proceedings which he availed and he never raised any objection complaining of causing any nature of prejudice before Enquiry Officer. Further, he received the documents filed and relied upon by the Respondent in support of the charge and he filed reply and cross examined management witness and also examined witness in defence. Thus, he attended the proceeding at every stage. The Enquiry Officer after appreciating all the evidence recorded during the enquiry has submitted his reasoned report finding the CSE Workman guilty of the charges. Thus, in view of the above no case is made out showing that the domestic enquiry suffers any procedural lapses or violation of principles of natural justice, thereby causing any prejudice to the rights of the Workman. Further, record of the enquiry proceeding goes to reveal that the management has examined MW1 who has conducted vigilance inquiry on the incident and he has deposed in oral testimony and also proved the documents in evidence in support of the charge. The witness states as hereunder:-

"As per document P-1, it is seen that Sri Bhanudev has entered the debit transaction of Rs. 19566/- in the account number 4632002100000651 of TRR College of Engg. and Technology vide transaction No. M 3795 at 9.49 a.m. on 25.10.2008.

As per document P-2, it is seen that Sri Bhanudev has entered the credit transaction of Rs. 19566/- to the account number 4632003171160 (Non Customer Inter Branch Fund) vide transaction number M 3795 at 9.49 a.m. on 25.10.2008.

From document P-3, it is seen that Sri Bhanudev entered the debit transaction of Rs. 19566/- in the account number 4632003 17 1160 (Non Customer Inter Branch Fund) vide transaction number M 5033 at 9.55 a.m. on 25.10.2008.

From document P-4, it is seen that Sri Bhanudev entered the credit transaction of Rs. 16000/- to the account number 2149000209945672 (his own account) vide transaction number M 5038 at 9.56 a.m. on 25.10.2008.

From document P-5, it is seen that Sri Bhanudev entered the credit transaction of Rs. 3566/- to the account number 4632002100000651 of TRR College of Engg. and Technology vide transaction No. M 5038 at 9.56 a.m. on 25.10.2008.

It is seen from document P-6 and P-7 that Sri Krishnabrahmam was in the ATM room for loading cash from 9.39 to 9.59 a.m. on 25.10.2008.

It is seen from document P-8 that Sri Bhanudev has withdrawn cash of Rs. 16000/- on 25.10.2008 from the ATM

attached to BO: Miyapur between 10.31 a.m. and 10.33 a.m. from his account number 2149000209945672.

The Presenting Officer has further submitted the following documents:

P-9 > is a document from which it is seen that HO declined to provide data of user log status of user ID 33150NKB and user ID status 33150NKBDB for date 25.10.2008.

P-10 > is the Spl. Investigation report dated 10.01.2009 of Sri U C Patnaik. In his report Sri Patnaik has stated that Sri Bhanudev has defrauded the customer, Sri TRR College of Engg. and simultaneously put the bank to a loss of Rs. 16000/-. The report also states that Sri Bhanudev admitted to doing the unauthorized/fraudulent transaction on 25.10.2008 while being questioned by Sri KRK Reddy, Bank official on 02.01.2009."

Thus, there is ample documentary and oral evidence on record in support of the charge holding the CSE Workman guilty of the charges.

12. As regards the plea of the Workman that there is no sufficient evidence on record, in this context it is settled law that question of adequacy of evidence or reliable nature of evidence will not be agreed for interfering with the finding in the Departmental Enquiry unless such findings are based on no evidence or where they are clearly perverse.

In State of Bikaner & Jaipur Vs. Nemi Chand Nalwaya in Civil Appeal No.5861/2007 AIR 2011 SC 1931 dated 1.3.2001 is relevant wherein the Hon'ble Apex Court have held:-

"6. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic Enquiry, nor interfere on the ground that another view is possible on the material on record. If the Enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. Courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations."

Further, in the case of State of Rajasthan Vs. Heem Singh, Civil Appeal No.3340/2020, (supra) Hon'ble Apex Court have held:-

33. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The judge does not assume the mantle of the disciplinary authority. Nor does the judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject.....That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary Enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

In the case of State of Haryana versus Rattan Singh 1977 ACC page 491 while dealing with the standard of proof/ Evidence applicable in domestic enquiry Hon'ble Supreme Court have held:-

"4. It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the [Indian Evidence Act](#) may not apply. Ail materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the [Indian Evidence Act](#). For this proposition it is not necessary to cite decisions nor text books, although we have been taken through case law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Of course, fairplay is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good. However, the courts below mis-directed themselves, perhaps, in insisting that passengers who had come in and gone out should be chased and brought before the tribunal before a valid finding could be recorded. The 'residuum' rule to which counsel for the

respondent referred, based upon certain passengers from American jurisprudence does not go to that extent nor does the passage from Halsbury insist on such rigid requirement. The simple point is, was there some evidence or was there no evidence not in the sense of the technical rules governing regular court proceedings but in a fair common-sense way as men of understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record. We find, in this case, that the evidence of Chamanlal, Inspector of the flying squad, is some evidence which has relevance to the charge leveled against the respondent. Therefore, we are unable to hold that the order is invalid on that ground. "

Thus, in view of the principle laid down by the Hon'ble Supreme Court as discussed above the Tribunal has got no jurisdiction to reassess the evidence lead in the domestic enquiry nor to interfere on the ground that another view is possible on the material on record. In the present case enquiry has been fairly and properly held and findings are based on evidence. It is not the case that the finding of the Enquiry Officer is based on no evidence or suffers from perversity. Therefore, there is no ground in the present matter to interfere in the finding recorded by the Enquiry Officer and also to set aside punishment order passed by Disciplinary Authority on the basis of that finding.

13. Further, as regards the plea of the Petitioner that the imposition of punishment is disproportionate to the charge levelled against the Petitioner, in this context Hon'ble Supreme Court in the case of **Om Kumar vs. Union Of India 2001 (SCC) 2 386** have held:-

"The question of quantum of punishment in disciplinary matters is primarily for the disciplinary authority to order and the jurisdiction of the High courts under Article 226 of the Constitution or of the Administrative Tribunals is limited and is confined to the applicability of one or other of the well known principles known as "Wednesbury principles". Further, it is held in the Wednesbury case, (1948)1 KB 223 it was said when a statute gave discretion to an administrator to take a decision, the scope of judicial review would remain limited. Lord Greene further said that interference was not permissible unless one or the other of the following conditions was satisfied namely, 1) the order was contrary law, or 2) relevant factors were not considered, or 3) irrelevant factors were considered, or 4) the decision was one which no reasonable person could have taken."

Further in the case of **BC Chaturvedi vs. Union of India 1995(6) SCC 749** in paragraph 18 Supreme Court have held:-

"18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."

Further, in the case of **General Secretary, South Indian Cashew Factory Workers Union vs Kerala State Cashew Development, 2006 LLR page 657** Hon'ble Supreme Court have held that if the enquiry is fair and proper and in the absence of any allegation of victimization, the Labour Court had no jurisdiction to interfere in the order of punishment.

Further, reference of the case of the **United Bank of India vs. Bachan Prasad Lal Civil Appeal No. 2949 of 2011 date of decision 11.2.2022**, is relevant in this context. The facts of the case are that workman CSE was the bank employee and he fraudulently prepared 9 credit transfer vouchers on various dates on the pretext of payment of interest towards fixed deposits and crediting the whole amount to one saving account opened in the name of one Smt. Asha Devi (admittedly the fake account prepared by Respondent employee). In order to adjust the said amount he manipulated the other book records of the bank using forged signatures. After such nature of allegations stood proved, the disciplinary authority after taking into consideration the record of inquiry and the post held by the Respondent employee, imposed the punishment to employee with the penalty of dismissal from service. In that case Hon'ble Supreme Court have held:-

"11. In our considered view, looking into seriousness of the nature of allegations levelled against the Respondent employee, the punishment of dismissal inflicted upon him in no manner could be said to be shockingly disproportionate which would have required to be interfered with by the Tribunal in exercise of its power under [Section 11A](#) of the Act 1947. At the same time, merely because the employee stood superannuated in the meanwhile, will not absolve him from the misconduct which he had committed in discharge of his duties and looking into the nature of misconduct which he had committed, he was not entitled for any indulgence. The Bank employee always holds the position of trust where honesty and integrity are the sine qua non but it would

never be advisable to deal with such matters leniently.

12. Consequently, the appeal succeeds and is allowed. The interference made by the Tribunal and the High Court in the impugned judgment is hereby set aside. No costs."

Further, the reference of the **SBI vs Hemant Kumar 2011 (11) SCC 355**, is relevant therein workmen worked in the appellant bank as cashier cum clerk and it was discovered that the Respondent had been indulging in misappropriation of money by making fictitious entries and manipulations in the bank's ledgers. The departmental enquiry was conducted against the Workman and Enquiry Officer submitted his report holding the Respondent guilty of all the charges. The appeal was also dismissed. CSE workman preferred appeal against the order of Disciplinary Authority and during the pendency of the appeal CSE workman submitted a letter admitting his guilt in writing, presumably hoping that a lenient view would be taken in the appeal but the appeal was also dismissed. The matter was referred for adjudication to the Tribunal and Tribunal set aside the dismissal order of the bank employee and ordered for reinstatement with full back wages. In that case Supreme Court have held:-

"11. The second reason assigned by the Tribunal that the Enquiry Officer should have allowed the Respondent the opportunity to lead evidence in rebuttal is also without substance in the overall facts of the case. The Respondent had already tendered two admissions of guilt in writing and one orally before PW.1 and there was hardly anything that could be said on his behalf to repel the charges.

12. We are, therefore, satisfied that the Tribunal's findings are wholly unreasonable and perverse and fit to be set aside. The High Court, unfortunately, did not consider the matter as it should have, in light of the discussions made above. The High Court's order is equally unsustainable. We, accordingly, set aside the order passed by the High Court and the award made by the Tribunal. The appeal is allowed but with no order as to costs."

14. At this juncture it would be pertinent to mention the **para 5(j) of the bipartite settlement dated 10.4.2002** which provides,

"5. By the expression "gross misconduct" shall be meant any of the following acts and omissions and the part of an employee:

Para(j):- doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss;"

Para 6 of the bipartite settlement provides,

"6. An employee found guilty of gross misconduct may:

(a) be dismissed without notice; or

(b) be removed from service with superannuation benefits i.e., pension and/or Provident fund and gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from future employment; or

(c) be compulsorily retired with superannuation benefits i.e., pension and/or Provident fund and gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from future employment; or"

Thus, the Petitioner Workman has been found guilty of committing misconduct and has been awarded the punishment as per the **bipartite settlement para 6(c)** and there is no illegality or infirmity and perversity in the impugned order of punishment.

15. Moreover, the record of enquiry goes to reveal that the Petitioner has submitted his written reply dated nil in response to the chargesheet dated 5.8.2009 and in his reply he has admitted that he has made some entries by mistake in usual and routine manner by using his ID and all entries were authorised by Manager, he had neither used the user ID of the Manager nor authorised the entries as alleged. Further, he stated that as the balance was available in his account he has availed the amount and when it came to his notice that there was a wrong credit in his account he had adjusted the amount. Further, he stated that he had not done any fraudulent transaction and there is no loss either to the bank or to anybody as the amount was appropriated. Thus, in his reply to the chargesheet he has admitted that on 25.10.2008 at a given time in the charge sheet he has created and entered the transaction unauthorisedly using ID of the Manager as detailed in the charge sheet. Thus, in view of the documentary and oral evidence on record and also admission of the Petitioner Workman, it is established that workman has committed gross misconduct as described in Para 5(j) of Bipartite Settlement and there is no illegality or infirmity in the punishment order passed by the Respondent bank.

16. Thus, in view of the law laid down by the Hon'ble Apex Court as discussed above, in the present matter there is ample evidence on record apart from admission made by CSE in support of the charge against the Petitioner and disciplinary authority has rightly imposed the punishment of "compulsorily retired with superannuation benefits i.e., pension and /or provident fund and gratuity as would be due otherwise under the rules are regulations prevailing at the relevant time and without disqualifications from future employment" by taking lenient view. In the facts and circumstances of the case in my considered opinion the punishment imposed upon workman is not disproportionate and rather commensurate to the gravity of charges levelled against CSE workman.

This issue is decided accordingly against the Petitioner workman and in favour of the Respondent.

17. **Issue No.III:-** In view of the fore gone discussion and finding arrived at Issue No.II, the Petitioner has been found guilty of committing misconduct under Para 5(j) of Bipartite Settlement and has rightly been punished with order of “compulsorily retired with superannuation benefits i.e., pension and /or provident fund and gratuity as would be due otherwise under the rules are regulations prevailing at the relevant time and without disqualifications from future employment”. Therefore, he is not entitled for any relief and his petition is liable to be dismissed.

This issue is answered accordingly.

AWARD

In view of the fore gone discussion and finding arrived at Issue Nos.II & III, I am of the considered view that the action of the Respondent in imposing the punishment of “compulsorily retired with superannuation benefits i.e., pension and /or provident fund and gratuity as would be due otherwise under the rules are regulations prevailing at the relevant time and without disqualifications from future employment” to the Petitioner Sri PJC. Bhanudev is legal and justified. Hence, the Petitioner is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner deserves to be dismissed as devoid of merits. Therefore, the petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 3rd day of June, 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