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प्राधिकार से प्रकाशित
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सं. 36] नई दिल्ली, सितम्बर 14—सितम्बर 20, 2025, शनिवार/भाद्र 23—भाद्र 29, 1947
No. 36] NEW DELHI, SEPTEMBER 14—SEPTEMBER 20, 2025, SATURDAY/BHADRA 23—BHADRA, 29, 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)

जल शक्ति मंत्रालय

(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1647.—केंद्रीय सरकार ब्रह्मपुत्र बोर्ड अधिनियम, 1980 (1980 का 46) की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के पूर्ववर्ती जल संसाधन मंत्रालय की अधिसूचना संख्या का.आ. 2313 तारीख 18 दिसम्बर, 2005 भारत के राजपत्र, भाग-II, खण्ड 3, उपखण्ड (ii) तारीख 17 जून, 2006 द्वारा प्रकाशित किया गया था, के अनुसरण में और भारत सरकार के पूर्ववर्ती सिंचाई मंत्रालय की अधिसूचना संख्या का.आ. 926(अ) तारीख 28 दिसम्बर, 1981, भारत के राजपत्र, भाग-II, खण्ड 3, उपखण्ड (ii) तारीख 29 दिसम्बर, 1981 में प्रकाशित किया गया था, का अधिक्रमण करते हुए, ब्रह्मपुत्र बोर्ड की स्थापना करती है जिसमें निम्नलिखित सदस्य शामिल होंगे, अर्थात :-

(क) धारा 4 की उपधारा (3) के खंड (क) के अधीन सदस्य:-

(i) अध्यक्ष, ब्रह्मपुत्र बोर्ड, बसिस्था, गुवाहाटी-781029;

(ii) उपाध्यक्ष, ब्रह्मपुत्र बोर्ड बसिस्था, गुवाहाटी-781029;

(ख) धारा 4 की उपधारा (3) के खंड (ख) के अधीन सदस्य:-

(i) महाप्रबंधक, ब्रह्मपुत्र बोर्ड, बसिस्था, गुवाहाटी-781029

(ii) वित्तीय सलाहकार, ब्रह्मपुत्र बोर्ड, बसिस्था, गुवाहाटी-781029

(ग) धारा 4 की उपधारा (3) के खंड (ग) के अधीन सदस्य:-

(i) सचिव, जल संसाधन विभाग, असम सरकार, दिसपुर, गुवाहाटी- 781006;

(ii) सचिव, जल संसाधन विभाग, अरुणाचल प्रदेश, ईटानगर-791113;

(iii) सचिव, जल संसाधन विभाग, मेघालय सरकार, शिलांग;

(iv) सचिव, जल संसाधन विभाग, मणिपुर सरकार, इंफाल-795001;

(v) सचिव, जल संसाधन विभाग, मिजोरम सरकार, आइजोल;

(vi) सचिव, जल संसाधन विभाग, नागालैंड सरकार, कोहिमा-797001;

(vii) सचिव, लोक निर्माण विभाग (जल संसाधन) त्रिपुरा सरकार, कुंजाबन, अगरतला-799006;

(viii) सचिव, सिंचाई एवं जलमार्ग विभाग, पश्चिम बंगाल सरकार, जलसंपदा भवन, विधान नगर, कोलकाता-700091;

(ix) सचिव, जल संसाधन एवं कल्याण तथा ग्रामीण विकास विभाग, सिक्किम सरकार, गंगटोक, सिक्किम – 737102;

(x) वित्तीय सलाहकार, उत्तर पूर्वी परिषद, शिलांग-793001

(घ) धारा 4 की उपधारा (3) के खंड (घ) के अधीन सदस्य:-

(i) अपर सचिव (प्रशासन) अथवा संयुक्त सचिव (प्रशासन), जल शक्ति मंत्रालय, जल संसाधन, नदी विकास और गंगा संरक्षण विभाग, श्रम शक्ति भवन, रफी मार्ग, नई दिल्ली-110001;

ii. संयुक्त सचिव (प्राकृतिक संसाधन प्रबंधन), कृषि एवं किसान कल्याण मंत्रालय, कृषि, सहकारिता एवं किसान कल्याण विभाग (प्राकृतिक संसाधन प्रबंधन प्रभाग);

iii. संयुक्त सचिव एवं वित्तीय सलाहकार, जल शक्ति मंत्रालय, जल संसाधन, नदी विकास और गंगा संरक्षण विभाग, श्रम शक्ति भवन, रफी मार्ग, नई दिल्ली-110001;

iv. संयुक्त सचिव (हाइड्रो), विद्युत मंत्रालय, श्रम शक्ति भवन, नई दिल्ली-110001;

v. संयुक्त सचिव, पूर्वोत्तर क्षेत्र विकास मंत्रालय, विज्ञान भवन, एनेक्सी, मौलाना आज़ाद रोड, नई दिल्ली – 110011;

vi. आयुक्त (ब्रह्मपुत्र और बराक), जल संसाधन, नदी विकास और गंगा संरक्षण विभाग, द्वितीय तल, ब्लॉक नंबर 3, सीजीओ कॉम्प्लेक्स, नई दिल्ली-110003;

vii. मुख्य अभियंता, भारतीय अंतर्देशीय जलमार्ग प्राधिकरण, ए-13, सेक्टर-1, नोएडा

viii. सलाहकार (जल संसाधन और भूमि संसाधन), नीति आयोग, योजना भवन, संसद मार्ग, नई दिल्ली-110001

(इ) धारा 4 की उपधारा (3) के खंड (इ) के अधीन सदस्य:-

- i. सदस्य (नदी प्रबंधन), केंद्रीय जल आयोग, सेवा भवन, आर.के. पुरम, नई दिल्ली- 110066;
 - ii. मुख्य अभियंता (ब्रम्हपुत्र एवं अन्य बराक संस्था), केंद्रीय जल आयोग, रेबेका विले, बारिक प्वाइंट के समीप, टेम्पल रोड, लोअर लाचुमियर शिलांग – 793001;
 - iii. मुख्य अभियंता (ब्रम्हपुत्र एवं अन्य बराक संस्था), केंद्रीय जल आयोग, अदाबारी, गुवाहाटी - 781126;
 - iv. मुख्य अभियंता, तीस्ता बेसिन संगठन, केंद्रीय जल आयोग, जीई-2, पहली मंजिल, सेक्टर-III, साल्ट लेक, कोलकाता - 700 106;
 - v. निदेशक, पूर्वोत्तर क्षेत्रीय जल तथा भूमि प्रबंधन संस्थान
 - vi. निदेशक, केंद्रीय जल और विद्युत अनुसंधान स्टेशन
 - vii. सदस्य (जल विद्युत योजना एवं विकास), केंद्रीय विद्युत प्राधिकरण, सेवा भवन, आर.के. पुरम, नई दिल्ली- 110066;
 - viii. महानिदेशक, मौसम विज्ञान, भारतीय मौसम विज्ञान विभाग, लोधी रोड, नई दिल्ली-110003;
 - ix. उप महानिदेशक, भारतीय भूवैज्ञानिक सर्वेक्षण, उत्तर पूर्वी क्षेत्र, श्याला बिल्डिंग, नॉग्रिम हिल्स, पी.ओ. बॉक्स-11, शिलांग-793003
2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[फा. सं. ए-50013/48/2025-ई-III]

रवि रंजन, अवर सचिव

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

New Delhi, the 15th September, 2025

S.O. 1647 .—In exercise of the powers conferred by sub-section (3) of section 4 of the Brahmaputra Board Act, 1980 (46 of 1980) and in pursuance of the notification of the Government of India, in the erstwhile Ministry of Water Resources, vide number S.O.2313 dated the 18th December, 2005 published in the Gazette of India, Part- II, Section 3, sub-section (ii) dated the 17th June, 2006 and in supersession of notification of the Government of India, in the erstwhile the Ministry of Irrigation notification vide number S.O 926 (E) dated the 28th December, 1981 published in the Gazette of India, Part-II, Section-3, Sub-section(ii), dated the 29th December, 1981, the Central Government hereby establishes the Brahmaputra Board consisting of the following members, namely:-

(A) Members under clause (a) of sub-section (3) of section 4:-

- (i) Chairman, Brahmaputra Board, Basistha, Guwahati-781029;
- (ii) Vice Chairman, Brahmaputra Board Basistha, Guwahati-781029.

(B) Members under clause (b) of sub-section (3) of section 4:-

- (i) General Manager, Brahmaputra Board, Basistha, Guwahati-781029;
- (ii) Financial Adviser, Brahmaputra Board, Basistha, Guwahati-781029.

(C) Members under clause (c) of sub-section (3) of section 4:-

- (i) Secretary, Water Resources Department, Government of Assam, Dispur, Guwahati- 781006;
- (ii) Secretary, Water Resources Department, Arunachal Pradesh, Itanagar-791113;
- (iii) Secretary, Water Resources Department, Government of Meghalaya, Shillong;
- (iv) Secretary, Water Resources Department, Government of Manipur, Imphal-795001;
- (v) Secretary, Water Resources Department, Government of Mizoram, Aizawl;
- (vi) Secretary, Water Resources Department, Government of Nagaland, Kohima-797001;

- (vii) Secretary, Public Work Department (Water Resources), Government of Tripura, Kunjaban, Agartala-799006;
- (viii) Secretary, Irrigation and Waterways Department, Government of West Bengal, Jalasampad Bhawan, Bidhan Nagar, Kolkata – 700091;
- (ix) Secretary, Water Resources and Welfare and Rural Development Department, Government of Sikkim, Gangtok, Sikkim – 737102;
- (x) Financial Adviser, North Eastern Council, Shillong-793001.

(D) Members under clause (d) of sub-section (3) of section 4:-

- (i) Additional Secretary(Admn) or Joint Secretary(Admn), Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001;
- (ii) Joint Secretary (Natural Resource Management), Ministry of Agriculture and Farmers Welfare, Department of Agriculture, Cooperation and Farmers Welfare (Natural Resource Management Division);
- (iii) Joint Secretary and Financial Adviser, Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001;
- (iv) Joint Secretary (Hydro), Ministry of Power, Shram Shakti Bhawan, New Delhi-110001;
- (v) Joint Secretary, Ministry of Development of North Eastern Region, Vigyan Bhawan, Annexe, Maulana Azad Road, New Delhi – 110011;
- (vi) Commissioner (Brahmaputra and Barrak), Department of Water Resources, River Development and Ganga Rejuvenation, 2nd Floor, Block No. 3, CGO Complex, New Delhi-110003;
- (vii) Chief Engineer, Inland Waterways Authority of India, A-13, Sector-1, NOIDA.
- (viii) Adviser (Water Resources and Land Resources), NITI Ayog, Yojana Bhawan, Sansad Marg, New Delhi-110001.

(E) Members under clause (e) of sub-section (3) of section 4:-

- (i) Member (River Management), Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi- 110066;
- (ii) Chief Engineer (Brahmaputra and Other Barak Organization), Central Water Commission, Rebekka ville, Near Barik Point, Temple Road, Lower Lachumiere Shillong – 793001;
- (iii) Chief Engineer (Brahmaputra & Other Barak Organization), Central Water Commission, Adabari, Guwahati – 781126;
- (iv) Chief Engineer, Teesta Basin Organisation, Central Water Commission, GE-2, 1st Floor, Sector-III, Salt Lake, Kolkata – 700106;
- (v) Director, the North Eastern Regional Institute of Water and Land Management;
- (vi) Director, the Central Water and Power Research Station;
- (vii) Member (Hydro Power Planning and Development), Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi- 110066;
- (viii) Director General of Meteorology, Indian Meteorological Department, Lodhi Road, New Delhi-110003;
- (ix) Deputy Director General, Geological Survey of India, North Eastern Region, Shylla Building, Nongrim Hills, P.O. Box-11, Shillong-793003.

2. This notification shall come into force from the date of their publication in the Official Gazette.

[F. No. A-50013/48/2025-E-III]

RAVI RANJAN, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 10 सितम्बर, 2025

का.आ. 1648.—कारखाना अधिनियम, 1948 (1948 का 63) की धारा 2 के खंड (द) के पहले प्रावधान के खंड (iii) द्वारा प्रदत्त शक्तियों के अनुसरण में, केंद्रीय सरकार नीचे दी गई तालिका के कॉलम (2) में निर्दिष्ट अधिकारियों को एनएलसी इंडिया लिमिटेड (एनएलसीआईएल) के संबंधित कारखाने या कार्यशाला के "अधिष्ठाता" के रूप में नियुक्त करती है,

जो उक्त तालिका के कॉलम (1) में निर्दिष्ट है, जिसका पंजीकृत कार्यालय नंबर 135, ईवीआर पेरियार हाई रोड, किलपौक, चेन्नई -600 010 में है, अर्थात:

कारखाने का नाम (सौर ऊर्जा परियोजना)	अधिष्ठाता के रूप में नियुक्त किए जाने वाले अधिकारी का पदनाम
एनएलसीआईएल 50 मेगावाट सौर ऊर्जापरियोजना, खनित भूमि, खान-II, नेयवेली	उप महाप्रबंधक/महाप्रबंधक/मुख्य महाप्रबंधक

2. एनएलसी इंडिया लिमिटेड के अध्यक्ष-सह-प्रबंध निदेशक को एतद्वारा ऐसे अधिकारियों को संबंधित पदों पर नामित करने के लिए अधिकृत किया जाता है, जिन्हें उपर्युक्त निर्दिष्ट कारखानों के अधिष्ठाता के रूप में नामित किया गया है।

[फा. सं. 38026/1/2013-सीए-II]

प्रदीप राज नयन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 10th September, 2025

S.O. 1648.—In pursuance of the powers, conferred by clause (iii) of the first provision to clause (n) of Section 2 of the Factories Act, 1948 (63 of 1948), the Central Government hereby appoints officers specified in column (2) of the Table below as “Occupier” of the respective factory or workshop of NLC India Limited (NLCIL), specified in column (1) of the said Table having its registered office at No.135, EVR Periyar High Road, Kilpauk, Chennai-600 010, namely:

Name of the Factory (Solar Power Project)	Designation(s) of Officer to be appointed as Occupier
NLCIL 50 MW Solar PowerProject, Mined-out land, Mine-II, Neyveli	Deputy General Manager/General Manager/Chief General Manager

2. The Chairman-cum-Managing Director of NLC India Limited is hereby authorized to nominate by name such officers to the respective positions, who are designated as occupiers of the factories, as indicated above.

[F. No. 38026/1/2013-CA II]

PRADEEP RAJ NAYAN, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 8 सितम्बर, 2025

का.आ. 1649.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स श्रीराम सीमेंट वर्क्स के प्रबंधन के संबंध में नियोजकों और श्री राजेंद्र कुमार बेरागी (मृतक), श्रीमती लीला बाई (पत्नी), श्रीमती रंकी वासुदेव (बेटी), श्रीमती टीना बेरागी (बेटी), श्रीमती नितु बेरागी (बेटी)। श्री दीपक बेरागी (पुत्र) के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेन्स नं.-(केन्द्रीय) 07/2005 (सीआईएस-132/2014)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.09.2025 को प्राप्त हुआ था।

[सं. एल-29012/37/2004-आईआर(एम)]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 8th September, 2025

S.O. 1649.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 07/2005 (CIS-132/2014)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Shriram Cement Works and Shri Rajendra Kumar Beragi (Death), Smt. Leeta Bai (Wife),**

Smt. Rinki Vasnav (Daughter), Smt. Tina Beragi (Darghter), Smt. Nitu Beragi (Daughter). Shri Deepak Beragi (Son) which was received along with soft copy of the award by the Central Government on 08.09.2025.

[No. L-29012/37/2004-IR(M)]

SALONI, Dy. Director

अनुलग्नक

न्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी— संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)—07 / 2005(सीआईएस—132 / 2014)

(सीएनआर—आरजेकेटी060001312005)

दिनांक स्थापित: 01.10.2005

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश

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औद्योगिक विवाद अधिनियम, 1947

मध्य

राजेन्द्र कुमार बैरागी पुत्र श्री नन्द किशोर बैरागी (मृतक)

द्वारा विधिक प्रतिनिधि

1. श्रीमती लीला बाईपत्नी स्व. श्री राजेन्द्र बैरागी
2. श्रीमती रिकी वैष्णव पुत्री स्व. श्री राजेन्द्र बैरागी
3. श्रीमती टीना बैरागी पुत्री स्व. श्री राजेन्द्र बैरागी
4. श्रीमती नीतू बैरागी पुत्री स्व. श्री राजेन्द्र बैरागी
5. दीपक बैरागी पुत्र स्व. श्री राजेन्द्र बैरागी

निवासी 1—के—22, रंगबाड़ी योजना, कोटा (राज.) द्वारा जिला सचिव, एआईटीयूटी, कृष्ण मुरारी यादव, 5 जी 12, महावीर नगर तृतीय, कोटा

.....प्रार्थीगण

एवं

जनरल मैनेजर, मैसर्स श्रीराम सीमेंट वर्क्स, डी.एस.सी.एल., श्रीराम नगर, कोटा (राज.)

.....अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

श्री दिनेश राय द्विवेदी

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री वी.के. जैन

::अधिनिर्णय::

दिनांक: 09.04.2025

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक आदेश दिनांक 01.06.2004 के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ निम्नानुसार प्राप्त हुआ।

"Whether the General Manager, M/s Shriram Cement Works, DSCL, Kota in terminating the services of Shri Rajendra Prasad S/o Nand Kishore w.e.f. 11/07/2002 is legal and justified? If not, to what relief the workman concerned is entitled and from which date?"

2—उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेंट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रार्थी श्रमिक किसान था उसके पिता नंद किशोर की भूमि निमोदा ग्राम में स्थित थी, प्रतिपक्षी ने अपनी माईन्स स्थापित करने हेतु प्रार्थी श्रमिक के पिता से सम्पर्क किया तथा उनसे यह वादा किया कि उनके पुत्र को उनके उद्योग में नौकरी दी जाएगी। जिस पर प्रार्थी श्रमिक के पिता ने अपनी भूमि प्रतिपक्षी को देने के लिए सहमति दी और कब्जा भूमि का प्रतिपक्षी को सौंप दिया। प्रार्थी श्रमिक को प्रतिपक्षी औद्योगिक संस्थान श्रीराम सीमेंट वर्क्स कोटा में दिनांक 17.12.1987 को जूनियर ऑपरेटर के पद पर

नियोजित कर लिया। उसी दिन दिनांक 17.12.1987 को प्रार्थी को ड्यूटी जॉइन करने के साथ ही उस की सेवाएं श्रीराम सीमेंट वर्क्स, कोटा में प्रारंभ हो गई। प्रार्थी को एक नियुक्ति पत्र दिनांक 08.11.1988 क्रमांक एससीडब्ल्यू/एचआरडी दिया जिसके अनुसार प्रार्थी को दिनांक 30.09.1989 तक प्रावेशन पर रखा जाना था। प्रतिपक्षी द्वारा दिनांक 01.01.1990 को को एक टिकट फॉर परमानेंट वर्कमैन नम्बर डब्ल्यू टी 58156 जारी कर स्थाई श्रमिक घोषित कर दिया गया। प्रतिपक्षी के पत्र दिनांक 30.10.1993 पीएसएल नम्बर 58156 के द्वारा दिनांक 01.10.1993 से प्रार्थी श्रमिक को ऑपरेटर माइनिंग ऑपरेशन के पद पर पदोन्नत कर दिया। इस पदोन्नति के पश्चात भी प्रार्थी का कार्य वही रहा जो कि वह इस पदोन्नति के पूर्व का रहा।

प्रतिपक्षी संस्थान द्वारा दिनांक 11.06.2002 एक नोटिस क्रमांक एच आर डी डब्ल्यू आर एस/पी एस एल 58156/01817 जारी कर प्रार्थी को सूचित किया कि वह नीमोदा लाइम स्टोन माइन्स में नियोजित है, जो कि एक पृथक अण्डरटेकिंग है जो कि माइनिंग गतिविधियां करता है। लाइमस्टोन की गुणवत्ता एवं ऑपरेशनल इशूज के कारण नीमोदा लाइमस्टोन माइन्स में उत्पादन अलाभकर एवं तकनीकी रूप से असाध्य हो गया है। जिसके कारण नीमोदा लाइमस्टोन माइन्स के अण्डरटेकिंग को बन्द करने का निर्णय लिया गया है। यथानुसार आपको औद्योगिक विवाद अधिनियम की धारा 25 FFF के अन्तर्गत अण्डरटेकिंग को बन्द किए जाने हेतु एक माह का नोटिस दिया जाता है। आपको सूचित किया जाता है कि नोटिस की अवधि की समाप्ति पर माइनिंग ऑपरेशन के बन्दीकरण के फलस्वरूप अण्डरटेकिंग के बन्द हो जाने से आपकी सेवाओं की कोई आवश्यकता नहीं रहेगी तथा आपकी सेवाओं की समाप्ति हो जाएगी, आपको औद्योगिक विवाद अधिनियम की धारा 25 FFF के अन्तर्गत मुआवजा अदा किया जाएगा। इस के पश्चात प्रार्थी दिनांक 10.07.2002 तक प्रतिपक्षी की सेवा में रहा। दिनांक 11.07.2004 से प्रार्थी को ड्यूटी पर नहीं लिया गया। इस प्रकार प्रार्थी की सेवाएं समाप्त कर दी गयीं। इस प्रकार प्रार्थी को सेवा से पृथक किया जाना/ड्यूटी पर नहीं लिया जाना, प्रार्थी की प्रतिपक्षी संस्थान के प्रबन्धन द्वारा की गयी छंटनी है। प्रार्थी को जनरल मेनेजर श्रीराम सीमेंट वर्क्स, श्रीराम नगर, कोटा राजस्थान ने श्रमिक को श्रीराम सीमेंट वर्क्स कोटा में जूनियर आपरेटर के पद पर नियुक्त किया था और श्रमिक ने श्रीराम सीमेंट वर्क्स कोटा में ही ड्यूटी ज्वाइन कर कार्य प्रारंभ किया। बाद में प्रार्थी को प्रतिपक्षी द्वारा अपने औद्योगिक संस्थान की नीमोदा लाइमस्टोन माइन्स पर नियुक्ति पत्र की शर्त सं० 3 (बी) के तहत अप्रैल 1987 में स्थानान्तरित कर दिया गया। प्रार्थी की सेवाएं समाप्त किए जाने के पूर्व के एक वर्ष में प्रतिपक्षी औद्योगिक संस्थान में प्रतिदिन औसतन 100 से अधिक श्रमिक/कर्मचारी कार्यरत थे। जिसके कारण प्रतिपक्षी संस्थान पर औद्योगिक विवाद अधिनियम 1947 का चेप्टर 5 (बी०) तथा धाराएं 25 एन एवं 25 औद्योगिक विवाद अधिनियम लागू होती है। जिसके अनुसार किसी भी श्रमिक को छंटनी किए जाने के पूर्व समुचित सरकार से अनुमति प्राप्त किया जाना औद्योगिक विवाद अधिनियम 1947 की धारा 25 एन के अन्तर्गत आवश्यक है। प्रार्थी को छंटनी किए जाने के पूर्व प्रतिपक्षी ने ऐसी अनुमति प्राप्त करने के लिए कोई आवेदन समुचित सरकार को प्रस्तुत नहीं किया गया और उसके द्वारा कोई अनुमति प्राप्त नहीं की गयी। इस धारा के अन्तर्गत छंटनी के पूर्व किसी भी श्रमिक को तीन माह का नोटिस दिया जाना चाहिए था, प्रार्थी को केवल मात्र एक माह का नोटिस दिया गया। औद्योगिक विवाद अधिनियम 1947 की धारा 25 एन के अन्तर्गत प्रार्थी को छंटनी के पूर्व अथवा छंटनी के समय मुआवजा दिए जाने का भी प्रावधान है। किन्तु प्रार्थी को कोई मुआवजा भी अदा नहीं दिया गया। प्रतिपक्षी ने प्रार्थी की सेवाएं समाप्त करने से पूर्व प्रतिपक्षी औद्योगिक संस्थान में कार्यरत श्रमिक कर्मचारियों की कोई वरिष्ठता सूची प्रकाशित नहीं की और प्रार्थी से कनिष्ठ श्रमिकों जैसे भूपेन्द्र सिंह गौड़, PSL No- 58160,

2. जगदीश प्रसाद खाती PSL- No- 58166, 3. कंवर लाल, PSL- No 58133 4. देवेन्द्र सिंह सिसोदिया, PSI- No- 58164 5. तेजमल. PSL- No- 58158 6. राजेन्द्र सिंह चौहान. PSL- No 58097 7. किशन लाल, PSL No 58155 आदि को नीमोदा लाइमस्टोन माइन्स से स्थानान्तरित कर क्रमांक 1 से 6 तक के श्रमिकों का श्रीराम सीमेंट वर्क्स, कोटा फैक्ट्री में तथा (क्रमांक 7) किशन लाल को श्रीराम फर्टिलाइजर्स एण्ड केमिकल्स कोटा में पदस्थापित कर दिया। प्रार्थी के इन श्रमिकों से वरिष्ठ होते हुए भी उसे छंटनी कर दिया। उक्त वर्णित श्रमिक अभी भी प्रतिपक्षी औद्योगिक संस्थान में नियोजित है। औद्योगिक विवाद अधिनियम 1947 की धारा 25 ओ के अन्तर्गत प्रतिपक्षी औद्योगिक संस्थान के प्रबन्धन द्वारा यह आवश्यक था कि यह इस औद्योगिक संस्थान या इसके किसी भाग या इसके किसी अण्डरटेकिंग का बन्दीकरण करने के पूर्व समुचित सरकार से बन्दीकरण की अनुमति प्राप्त करता। प्रतिपक्षी ने ऐसी अनुमति प्राप्त करने के लिए कोई आवेदन समुचित सरकार को प्रस्तुत नहीं किया गया और उसके द्वारा कोई अनुमति प्राप्त नहीं की गयी। प्रतिपक्षी द्वारा प्रार्थी को श्रीराम सीमेंट वर्क्स, कोटा में ही नियोजित किया था। वह अपनी सेवाओं के अन्त तक इसी औद्योगिक संस्थान में नियोजित था। प्रार्थी को तथा अन्य श्रमिकों को नीमोदा लाइम स्टोन माइन्स पर काम करने के दौरान भी वेतन आदि का भुगतान श्रीराम सीमेंट वर्क्स कोटा द्वारा ही बैंक के माध्यम से दिया जाता था। नीमोदा लाइम स्टोन माइन्स से प्राप्त लाइम स्टोन की क्वालिटी के बारे में ए०सी०सी० कम्पनी से सर्वे कराया गया था, जिसकी रिपोर्ट के आधार पर उक्त माइन्स में लाइम स्टोन की क्वालिटी एवं मात्रा बिल्कुल सही एवम् उचित है। प्रतिपक्षी ने आज भी उक्त माइन्स की लीज को सरेण्डर नहीं किया है और लीज समाप्त नहीं कराई है। माइन्स की लीज को सरेण्डर नहीं किया जिससे ही स्पष्ट है कि प्रतिपक्षी ने बिना किसी कारण के जानबूझकर मनमाने एवम् अवैध तरीके से नीमोदा लाइमस्टोन माइन्स नीमोदा को बन्दीकरण करना प्रदर्शित किया है। प्रतिपक्षी कम्पनी के प्रबन्धक सार्वजनिक रूप से इस प्रकार की घोषणाएँ करते रहे हैं कि उनके यहा कभी भी किसी श्रमिक को छंटनी नहीं किया गया है। सरप्लस होने पर वे श्रमिकों को उचित प्रशिक्षण देकर कंपनी में ही अन्य नियोजन प्रदान करते हैं। किन्तु प्रार्थी के मामले में ऐसा कुछ नहीं किया गया। प्रार्थी को किसी वैकल्पिक नियोजन का कोई प्रस्ताव नहीं दिया गया। प्रार्थी को प्रतिपक्षी द्वारा सेवा से पृथक किया जाना/ड्यूटी पर नहीं लिया जाना छंटनी किया जाना उचित एवं वैध नहीं है क्योंकि प्रार्थी को सेवा से पृथक किये जाने/ड्यूटी पर नहीं लिये जाने/छंटनी किए जाने के पूर्व प्रतिपक्षी द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25 एन की पालना नहीं की गयी। प्रतिपक्षी द्वारा उनके औद्योगिक संस्थान के कथित अण्डरटेकिंग नीमोदा लाइमस्टोन माइन्स के बन्दीकरण के पूर्व समुचित सरकार से अनुमति प्राप्त न करके प्रतिपक्षी द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25 ओ की पालना नहीं की गयी। प्रार्थी से कनिष्ठ श्रमिकों के नियोजन में रहते हुए भी प्रार्थी को छंटनी करके प्रतिपक्षी द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25 जी की पालना नहीं की गयी। प्रतिपक्षी ने कुछ कनिष्ठ श्रमिकों को कथित अण्डरटेकिंग नीमोदा लाइमस्टोन माइन्स के बन्दीकरण के पूर्व फैक्ट्री में स्थानान्तरित करके तथा प्रार्थी को छंटनी करके अनुचित श्रम आचरण किया है। प्रार्थी की छंटनी औद्योगिक विवाद अधिनियम 1947 की धारा 25 एफ के प्रावधानों के विपरीत है। प्रार्थी को सेवा से पृथक करना अनुचित श्रम आचरण है तथा अनुचित एवं अवैधानिक है। प्रार्थी पूर्व में एम० ई० सी० खेतडी कॉपर प्रोजेक्ट में सेवारत था जहाँ से उस की नौकरी छुड़ाकर प्रतिपक्षी ने उसे अपने यहाँ बुलवाया और 15 वर्षों की सेवा एवम् 51 वर्ष की आयु में प्रार्थी को मनमाने व अवैध रूप से सेवा से पृथक कर दिया। जो कि उसके साथ घोर अन्याय एवम् अनुचित श्रम आचरण है। वर्तमान परिस्थितियों में प्रार्थी इस आयु में अन्यत्र कहीं भी रोजगार पाने में समर्थ नहीं है और उसे रोजगार प्राप्त होने की कोई संभावनायें नहीं रह गयी हैं। ऐसी परिस्थितियों में प्रार्थी व उसके परिवार के सामने भूख मरने के अलावा अन्य कोई मार्ग शेष नहीं रह गया है। प्रार्थी ने अन्य दस श्रमिकों के साथ उसे सेवा से पृथक किए जाने के विरुद्ध माननीय राजस्थान उच्च न्यायालय, पीठ जयपुर में एक एकल पीठ सिविल रिट याचिका सं० 3785/2002 प्रस्तुत की थी, जिसे माननीय राजस्थान उच्च न्यायालय ने दिनांक 30.1.2003 को निर्णित करते हुए निर्देश दिया था कि श्रमिकों के पास वैकल्पिक उपाय उपलब्ध है तथा विवादित बिन्दु रिट याचिका में निर्णित नहीं किये जा सकते। इस कारण रिट याचिका खारिज की जाती है। तदुपरांत प्रार्थी तथा उसके साथी श्रमिकों ने उक्त निर्णय के विरुद्ध राजस्थान उच्च न्यायालय, पीठ जयपुर की खण्ड पीठ में एक अपील संख्या 419/2003 प्रस्तुत की। जिसका निर्णय करते

हुए माननीय खण्ड पीठ ने अपीलार्थीगण को समझौता अधिकारी के समक्ष अपना विवाद प्रस्तुत कर नियमानुसार कार्यवाही करने का निर्देश दिया तथा निर्देशित किया कि समझौता अधिकारी एक वर्ष की अवधि में कार्यवाही पूर्ण करे। इस कारण उसका निर्णय की प्रतिलिपि दिनांक 24.04.2003 को प्राप्त होने पर प्रार्थी ने अपना विवाद दिनांक 14.05.2003 को सहायक श्रम आयुक्त एवं समझौता अधिकारी (केन्द्रीय) कोटा के समक्ष प्रस्तुत किया। प्रार्थी उस की सेवाएं समाप्त किए जाने के पूर्व वैकल्पिक नियोजन प्रदान करने तथा बाद में भी प्रतिपक्षी से पुन सेवा में लेने की प्रार्थना निरन्तर करता आ रहा है। प्रार्थी लगातार अपने विवाद को चलाता रहा है और प्रार्थना की है कि प्रार्थी को पिछले सम्पूर्ण वेतन सहित सेवा में बहाली का अनुतोष प्रदान किया जावे।

3-अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि प्रार्थी को दिनांक 26.03.87 को नीमोदा लाइम स्टोन माइन्स पर जूनियर ऑपरेटर (माइनिंग ऑपरेशन) के पद पर नियुक्त किया एवं प्रार्थी का स्थानान्तरण श्रीराम सीमेंट वर्क्स कोटा से नीमोदा लाइमस्टोन माइन्स, में किया गया जो अपने आप में एक स्वतंत्र उपक्रम है। नीमोदा लाइम स्टोन माइन्स जो कि Mining Activities का कार्य करती है और एक Separate Undertaking है, के Operational issues, Financially unviable and technically non feasible कारणों के कारण नीमोदा लाइम स्टोन को हमेशा के लिये बंदीकरण करने का निर्णय लिया जिस पर नीमोदा लाइम स्टोन माइन्स ने अपने नोटिस दिनांक 11.06.2002 के द्वारा प्रार्थी को सूचित किया कि प्रार्थी की सेवायें औद्योगिक विवाद अधि० की धारा 25 FFF के तहत एक माह का नोटिस देकर अण्डर टेकिंग के बंदीकरण के फलस्वरूप समाप्त की जा रही है। इस नोटिस के द्वारा यह भी सूचित किया गया कि प्रार्थी को औद्योगिक विवाद अधिनियम की धारा 25 FFF के अन्तर्गत देय Compensation अदा कर दिया जावेगा। उपरोक्त दिया गया नोटिस विधि के अन्तर्गत दिया गया नोटिस है अतः वैध है। प्रार्थी निमोदा लाइम स्टोन माइन्स पर दिनांक 10.07.2002 तक सेवा में रहा है। नीमोदा लाइम स्टोन माइन्स अपने आप में एक स्वतंत्र उपक्रम है। नीमोदा लाइम स्टोन माइन्स माइन्स एक्ट के प्रावधानों के तहत कार्य करती है। नीमोदा लाइम स्टोन माइन्स प्रतिपक्षी संस्थान का विभाग नहीं है। नीमोदा लाइम स्टोन्स माइन्स में मात्र 15 श्रमिक नियुक्त थे। इस कारण औद्योगिक विवाद अधिनियम का चेप्टर VB प्रस्तुत प्रकरण में लागू नहीं होता है। प्रस्तुत प्रकरण में औद्योगिक विवाद अधिनियम की धारा 25 FFF के प्रावधान लागू होते हैं। नीमोदा लाइम स्टोन्स के बंदीकरण करने के लिये कानून के अन्तर्गत वांछित समस्त औपचारिकताओं को पूर्ण किया गया है। औद्योगिक विवाद अधिनियम की धारा 25-एन के प्रावधान प्रस्तुत प्रकरण में प्रासंगिकता नहीं रखते हैं। औद्योगिक विवाद अधिनियम की धारा 25-एन प्रस्तुत प्रकरण में लागू नहीं होती हैं। नीमोदा लाइम स्टोन्स में कार्यरत समस्त श्रमिकों की सेवायें बंदीकरण के फलस्वरूप समाप्त की गई हैं। अतः औद्योगिक विवाद अधिनियम की धारा 25 G व 25 H की अवहेलना का कोई प्रश्न ही पैदा नहीं होता है। नीमोदा लाइम स्टोन्स के बंदीकरण करने के लिये कानून के अन्तर्गत वांछित समस्त औपचारिकताओं को पूर्ण किया गया है। नीमोदा लाइम स्टोन माइन्स ने कानून के अन्तर्गत वांछित सभी औपचारिकताओं को पूर्ण कर दिया है एवं In-fact नीमोदा लाइम स्टोन माइन्स का बंदीकरण किया गया है। नीमोदा लाइम स्टोन माइन्स के बंदीकरण किये जाने के कारण नोटिस दिनांक 11.06.2002 में स्पष्ट रूप से वर्णित किये गये हैं। नीमोदा लाइम स्टोन माइन्स संस्थान के नोटिस बोर्ड पर लगाये गये नोटिस में भी बन्दीकरण के कारणों का स्पष्ट रूप से उल्लेख किया गया है। निमोदा लाइम स्टोन माइन्स की लीज को राज्य सरकार को सरेण्डर किया जा चुकी है। प्रार्थी की सेवायें उचित रूप से नीमोदा लाइम स्टोन माइन्स के बंदीकरण के फलस्वरूप समाप्त हुई हैं। माननीय सर्वोच्च न्यायालय ने अपने न्यायिक दृष्टान्त AIR 1995 SC 1163 में यह अधिनिर्णित करवाया है कि कम्पनी की किसी एक युनिट के बंदीकरण के फलस्वरूप श्रमिकों को यह अधिकार प्राप्त नहीं हो जाता है कि वह कम्पनी की दूसरी युनिट में जो कि कार्यशील है में नियोजन प्राप्त कर सकें। प्रस्तुत प्रकरण में औद्योगिक विवाद अधिनियम की धारा 25-ओ लागू नहीं होती हैं। प्रार्थी को औद्योगिक विवाद अधिनियम की धारा 25 FFF के तहत नीमोदा लाइम स्टोन माइन्स संस्थान के बंदीकरण के फलस्वरूप सेवा समाप्ति का एक माह का नोटिस दिया गया था एवं तदुपरान्त प्रार्थी को उसे कानूनी रूप से देय कम्पनसेशन 58,340/- का डिमांड ड्राफ्ट हाइड्रॉली क्षेत्रीय ग्रामीण बैंक, नीमोदा हरि जी का दिनांक 15.07.2002 को रजिस्टर्ड ए०डी० द्वारा भेजा गया था। जो इस रिमार्क के साथ कि 'बार-बार घूमने पर भी पाने वाला न मिलने से वापिस की गई' नीमोदा लाइम स्टोन माइन्स को दिनांक 24.07.2002 को वापिस प्राप्त हो गया एवं तदुपरान्त दिनांक 26.07.2002 को प्रार्थी को पुनः कम्पनसेशन का ड्राफ्ट रजिस्टर्ड ए०डी० पत्र द्वारा भेजा गया जो नीमोदा लाइम स्टोन माइन्स को इस रिमार्क के साथ कि 'प्राप्तकर्ता ने लेने से इंकार होने पर वापिस की' दिनांक 02.08.2002 को वापिस प्राप्त हुआ। प्रार्थी को उसके वेतन एवं उपाजित अवकाश की राशि उसके द्वारा लिये गये ऋण समायोजन के पश्चात 14642/- रुपये बनती थी इसे दिनांक 02.08.2002 को हाइड्रॉली क्षेत्रीय ग्रामीण बैंक के डिमाण्ड ड्राफ्ट द्वारा भेज दिया गया जो इस रिमार्क के साथ कि 'पानेवाले ने लेने से मना किया' द्वारा दिनांक 07.08.2002 को वापस प्राप्त हो गया। प्रार्थी अपना कम्पनसेशन वर्तमान में भी अपने नियोजक नीमोदा लाइम स्टोन माइन्स से प्राप्त कर सकता है। इसलिए प्रार्थी का क्लेम प्रार्थना पत्र खारिज किए जाने योग्य है।

4-साक्ष्य में प्रार्थी पक्ष की ओर से स्वयं व अप्रार्थी की ओर से जयदीप चारण के शपथ-पत्र प्रस्तुत हुए जिनसे परस्पर जिरह की गयी। उभयपक्ष की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गयी जिसका यथासमय उल्लेख किया जावेगा।

5-अप्रार्थी की बहस सुनी गई, जो कि उनकी ओर से प्रस्तुत अपने अभ्यावेदन के अनुरूप ही रही है। प्रार्थी की ओर से लिखित बहस प्रस्तुत कर अंकित किया कि प्रतिपक्षी निमोदा लाइम स्टोन माइन्स में काम कर रहे 15 श्रमिकों को छंटनी कर दिया गया इनमें से 13 श्रमिकों ने प्रतिपक्षी से हिसाब प्राप्त कर लिया दोनों प्राथिर्ज्ञयो ने अपनी छंटनी को चुनौती दी। निमोदा लाइम स्टोन माइन्स एक अण्डरटेकिंग नहीं है क्योंकि धारा 25 एमएफएफ आई डी एक्ट में जिस शब्द अण्डरटेकिंग का उपयोग किया है वह एक व्यापक शब्द है। वास्तविकता यह है कि श्रीराम सीमेंट वर्क्स एक अण्डरटेकिंग है और नीमोदा लाइम स्टोन माइन्स उसके एक विभाग मात्र है उसमें पिछले एक वर्ष में 100 से अधिक श्रमिक नियोजित थे इस कारण से वह प्रकरण पर आई डी एक्ट का चेप्टर 5वी प्रभवी होगा, जिसके कारण यह मामला धारा 25 एफएफएफ आई डी एक्ट के अंतर्गत बंदीकरण का नहीं है अपितु धारा 25 एन आई डी एक्ट का है इस कारण छंटनी किए जाने के पहले नियोजक को राज्य सरकार से अनुमति प्राप्त करनी चाहिए थी उसके द्वार इयह अनुमति प्राप्त नहीं की गयी है इस कारण छंटनी अवैध है। निमोदा लाइम स्टोन श्रीराम सीमेंट का एक भाग है वहां केवल श्रीराम सीमेंट के लिए उत्पादन होता था कोई अलग प्रबंधन नहीं था, कोई अलग बैलेंसशीट नहीं थी न ही कोई अलग से क्रय विक्रय किया जाता था, कर्मचारियों का वेतन तक श्रीराम सीमेंट द्वारा ही दिया जाता था और इनसब के बिना कोई संस्थान अण्डरटेकिंग नहीं हो सकता। प्रार्थी की यह भी साक्ष्य है कि उससे कनिष्ठ श्रमिकों को उक्त छंटनी के पूर्व नीमोदा लाइम स्टोन से श्रीराम सीमेंट के अन्य विभागों में स्थानांतरित किया गया है इससे भी स्पष्ट है कि निमोदा लाइम स्टोन कोई अण्डरटेकिंग नहीं था, ऐसे में धारा 25 जी के प्रावधानों का उल्लंघन किया गया है। अंत में प्रार्थीगण को श्रमिक के समस्त परिलाम दिलाये जाने के संबंध में निवेदन किया गया। अपने कथनों के समर्थन में निम्नलिखित न्यायिक दृष्टांत प्रस्तुत किये, जिनका ससम्मान अवलोकन किया गया तथा उनसे मार्गदर्शन प्राप्त किया गया:-

1- AIR 1979 SC 170 Avov Services Production Agencies (P) Ltd. Vs. Industrial Tribunal, Haryana

2- 1964 AIR SC 645 Management of R.S. Madhoram and Sons Agencies (P) Ltd. Vs. Its Workmen

3- AIR 1980 SC 1454 Workmen of Sudder Workshop of Jorehaut Tea Co. Ltd. Vs. Management of Jorehaut Tea Co. Ltd.

अप्रार्थी की बहस सुनी गई, जो कि उनकी ओर से प्रस्तुत अपने अभ्यावेदन के अनुरूप ही रही है। अपने कथनों के समर्थन में निम्नलिखित न्यायिक दृष्टांत प्रस्तुत किये, जिनका ससम्मान अवलोकन किया गया तथा उनसे मार्गदर्शन प्राप्त किया गया:-

1- AIR 1995 SC 1163 Hindustan Steel Works Construction Ltd. Vs. H.S.W.C. Ltd. Employees Union Hyderabad.

6-हस्तगत प्रकरण में मुख्यतः यही देखा जाना है कि क्या प्रार्थी श्रमिक को अप्रार्थी नियोजक जनरल मैनेजर, मैसर्स श्रीराम सीमेंट वर्क्स, डीएससीएल, कोटा द्वारा दिनांक 11.07.2002 को सेवा से पृथक किया जाना वैध है अथवा नहीं ?

इस संबंध में प्रार्थी श्रमिक की ओर से साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत हुआ है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है एवं जिरह में यह कथन किया है कि जब उसकी सेवाएं समाप्त हुई थी तब वह निमोदा लाइम स्टोन में काम करता था। यह बात सही है कि निमोदा लाइम स्टोन में कार्यरत बंदीकरण के दिन जो श्रमिक कार्यरत थे उन सभी श्रमिकों की सेवाएं बंदीकरण के फलस्वरूप समाप्त हो गई थी। यह सही है कि बंदीकरण की सूचना नोटिस बोर्ड पर लगाई गई थी। यह भी सही है कि व्यक्तिगत रूप से उसके घर पर नोटिस की सूचना भिजवाई गई थी। यह बात सही है कि निमोदा लाइम स्टोन में 15 श्रमिक कार्य करते थे। यह बात सही है कि 15 श्रमिकों में से 13 श्रमिकों ने अपना हिसाब कर लिया था। उसे पता नहीं है कि निमोदा लाइम स्टोन को माइनिंग लीज राज्य सरकार को पुनः समाप्त कर ली जा चुकी है या नहीं। प्रदर्श एम. 1 नोटिस बोर्ड पर लगाया गया था। प्रदर्श एम. 2 नोटिस बोर्ड पर लगाया गया था परंतु प्रदर्श एम. 3 की उसे जानकारी नहीं है। प्रदर्श एम. 4 उसे प्राप्त नहीं हुआ। प्रदर्श एम. 5 पर ए से बी पता उसका ही है जो सही है। लाइम स्टोन बंद होने के बाद वह कोटा आ गया था। प्रदर्श एम. 6 उसे प्राप्त नहीं हुआ। प्रदर्श एम. 7 पर उसका पता अंकित है जो सही है। प्रदर्श एम. 8 पत्र उसे प्राप्त नहीं हुआ। उसे नहीं मालूम कि माइन्स चलाने के लिए जो लाईसेंस की आवश्यकता होती है वह प्रतिपक्षी ने सरेण्डर कर दिये या नहीं। न्यायालय की पत्रावली पर प्रतिपक्षी के जवाब स्टेटमेंट ऑफ क्लेम को उसने नहीं देखा है। उसके अधिवक्ता ने बताया था कि वह अपना कम्पनसेशन प्राप्त कर सकता है। उसे जहां काम मिलता है वहां पर छोटा मोटा काम कर लेता है।

अप्रार्थी की ओर से साक्ष्य में जयदीप चारण का शपथ पत्र प्रस्तुत किया गया है जिसमें उसने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की और जिरह में यह कथन किया है कि यह बात सही है कि वह अभी श्रीराम सीमेंट वर्क्स में काम कर रहा है। श्रीराम सीमेंट वर्क्स डीसीएम श्रीराम लिमिटेड का एक यूनिट है वह डीसीएम श्रीराम लिमिटेड में कार्यरत है। वह कम्पनी में श्रीराम सीमेंट वर्क्स का और दूसरी इकाईयों का भी काम देखता है। यह बात सही है कि प्रदर्श डब्ल्यू. 1 में कहीं भी अंकित नहीं है कि प्रार्थी माइंस में काम करेगा। प्रदर्श डब्ल्यू. 2 में अंकित है कि श्रमिक माइनिंग विभाग में जूनियर ऑपरेटर के पद पर कार्य करेगा। यह बात सही है कि प्रदर्श डब्ल्यू. 2 श्रीराम सीमेंट वर्क्स ने जारी किया है। यह बात सही है कि प्रदर्श डब्ल्यू. 3 के जरिये श्रमिक को पदोन्नति दी गई थी। प्रदर्श डब्ल्यू. 4 श्रीराम सीमेंट वर्क्स द्वारा भी जारी किया गया है। प्रदर्श डब्ल्यू. 5 नोटिस श्रीराम सीमेंट वर्क्स द्वारा जारी किया गया था और यह नोटिस छंटनी के लिये नहीं होकर अण्डरटेकिंग निमोदा लाइम स्टोन माइंस निमोदा को बंद करने के लिये जारी किया था। यह बात सही है कि इसके द्वारा यह भी कहा गया था कि जिससे श्रमिक की सेवाएं समाप्त हो जायेगी। लाइम स्टोन माइंस, श्रीराम सीमेंट की अण्डरटेकिंग था, यह एक स्वतंत्र इकाई थी। यह बात सही है कि प्रदर्श डब्ल्यू. 2 में माइनिंग विभाग श्रीराम सीमेंट वर्क्स का ही एक विभाग था। यह बात गलत है कि श्रमिक को प्रदर्श डब्ल्यू. 5 से पहली बार जानकारी हुई हो कि निमोदा माइन्स अलग अण्डरटेकिंग हो। उसे जानकारी नहीं है कि प्रार्थी की जमीन को एक्वायर करके उसके बदले उसको नौकरी दी हो। क्लोजर का नोटिस देने से पूर्व कम्पनी ने कोई वरिष्ठता सूची नहीं निकाली। यह बात सही है कि भूपेन्द्र गौड़, जगदीश प्रसाद खाती, कंवर लाल, देवेन्द्र सिंह सिसोदिया, तेजमल, राजेन्द्र सिंह चौहान और किशन लाल को निमोदा माइंस से फेक्ट्री में स्थानांतरित किया था जो क्लोजर के पहले किया था जो कि रोटेशन के आधार पर केपेबिलिटीज के आधार पर किया गया था। प्रार्थी को पहले एक बार नोटेशन के आधार पर स्थानांतरित किया गया था। यह सही है कि प्रार्थी व उपरोक्त कर्मचारियों का नियोजक प्रबंधक श्रीराम सीमेंट वर्क्स था, मैनेजर लाइम स्टोन नहीं था अभी श्रीराम सीमेंट में 104 वर्कर काम कर रहे हैं। इसके अलावा पर डे कॉन्ट्रैक्ट लेबर काम करती है, कॉन्ट्रैक्टर लेबर की संख्या करीबन लगभग 100 हो जाती है। सन 2002 में क्या स्थिति थी अभी याद नहीं है। उस समय काम करने वाले कर्मचारियों की संख्या याद नहीं है। वह यह नहीं कह सकता कि सन 2002 में सीमेंट वर्क्स में काम करने वाले प्रतिदिन कर्मचारियों की संख्या 200 होती थी या नहीं।

7-पत्रावली पर आयी उभयपक्षकारान की साक्ष्य में अप्रार्थी नियोजक श्रीराम सीमेंट की ओर से यह प्रत्यक्ष रूपसे स्वीकारोक्ति रही है कि प्रार्थी श्रमिक द्वारा अप्रार्थी के नियोजन में दिनांक 17.12.1987 को जूनियर ऑपरेटर के पद पर कार्य करना आरम्भ किया जिसके पश्चात अप्रार्थी नियोजक द्वारा उसका स्थानांतरण निमोदा माइन्स में कर दिया गया जो कि अप्रार्थी नियोजक की ही अण्डरटेकिंग कम्पनी है, जिसे अप्रार्थी नियोजक द्वारा निमोदा माइन्स को अलाभकर व तकनीकी रूप से असाध्य हो जाने के फलस्वरूप बंद कर दिया गया और अप्रार्थी नियोजक द्वारा प्रार्थी को दिनांक 11.07.2002 से पृथक किये जाने के संबंध में पत्र/नोटिस दिनांक 11.06.2002 को जारी किया गया। प्रार्थी का अपनी बहस में यह कथन रहा है कि अप्रार्थी नियोजक को इस सेवापृथकता के संबंध में 3 माह पूर्व नोटिस दिया जाना चाहिए था इसके अतिरिक्त प्रार्थी-श्रमिक को अप्रार्थी नियोजक के यहां उसे मर्ज किया जाना चाहिए था क्योंकि प्रार्थी-श्रमिक अप्रार्थी नियोजक के अधीन कार्यरत कर्मचारी था इसके अतिरिक्त निमोदा माइन्स जो कि अप्रार्थी नियोजक की सम्बद्ध फर्म है के बंदीकरण से पूर्व अधिनियम की धारा 25 एन की पालना की जानी चाहिए थी जो नहीं की गयी है। इसके विपरीत अप्रार्थी नियोजक का मुख्य रूप से यही कथन रहा है कि अण्डरटेकिंग फर्म निमोदा माइन्स के यहां केवल मात्र 13 कर्मचारी कार्यरत थे इस कारण से उक्त फर्म के बंदीकरण हेतु धारा 25 एफएफएफ की पालना किया जाना आवश्यक था ना कि धारा 25 एन की पालना किया जाना, ऐसे में अण्डरटेकिंग फर्म निमोदा माइन्स के बंदीकरण की कार्यवाही पूर्णतया विधिक रूप से की गयी है और इसी के तहत अप्रार्थी की ओर से 1 माह का नोटिस भी जारी किया गया है और प्रार्थी श्रमिक को देय राशियों का भुगतान किये जाने हेतु चैक व पत्र रजिस्टर्ड जारी किये गये हैं जो कि उनके द्वारा प्राप्त नहीं किये गये हैं।

हस्तगत प्रकरण में यह स्वीकृत स्थिति है कि प्रार्थी श्रमिक द्वारा अप्रार्थी के नियोजन में दिनांक 17.12.1987 को जूनियर ऑपरेटर के पद पर कार्य करना आरम्भ किया तथा जिसे प्रदर्श डब्ल्यू. 2 श्रीराम सीमेंट वर्क्स, कोटा के फार्म नम्बर ए के जरिये टिकिट फॉर परमानेन्ट के रूप में टिकिट संख्या डब्ल्यू टी 58156 जारी कर श्रमिक को जूनियर ऑपरेटर के रूप में परमानेन्ट किया गया तथा जिसके पश्चात प्रार्थी श्रमिक को अप्रार्थी श्रीराम सीमेंट वर्क्स, कोटा द्वारा प्रदर्श डब्ल्यू. 3 के जरिये दिनांक 10.10.1993 को ऑपरेशन माइन्स ऑपरेशन के पद पर पदोन्नत किया गया तथा प्रार्थी श्रमिक को 10 वर्षों की कम्पनी के प्रति समर्पित सेवा के उपलब्ध में दीर्घ सेवा प्रशस्ति पत्र भी दिनांक 27.04.1998 को जारी किया गया जो कि प्रदर्श डब्ल्यू. 4 के रूप में प्रदर्शित है। अप्रार्थी नियोजक द्वारा उसका स्थानांतरण निमोदा माइन्स में कर दिये जाने जो कि अप्रार्थी नियोजक की ही अण्डरटेकिंग कम्पनी है, जिसे अप्रार्थी

नियोजक द्वारा निमोदा माईन्स को अलाभकर व तकनीकी रूप से असाध्य हो जाने के फलस्वरूप बंद कर दिये जाने और अप्रार्थी नियोजक द्वारा प्रार्थी को दिनांक 11.07.2002 से पृथक किये जाने के संबंध में पत्र/नोटिस दिनांक 11.06.2002 को जारी किये जाने का तथ्य भी निरपेक्ष रूप से स्वीकार किया गया है और इस संबंध में उभयपक्षकारान के मध्य कोई विवाद नहीं है।

8-विवाद की जो स्थिति उत्पन्न होती है वह इस जगह जाकर होती है कि निमोदा माईन्स व श्रीराम सीमेन्ट वर्क्स कम्पनी, कोटा दो पृथक पृथक नियोजक है अथवा निमोदा माईन्स श्रीराम सीमेंट के अन्तर्गत ही एक संस्थान है। ऐसे में सर्वप्रथम न्यायाधिकरण के समक्ष यह प्रश्न उभरकर आता है कि निमोदा माईन्स, अप्रार्थी नियोजक श्रीराम सीमेंट वर्क्स, कोटा द्वारा नियंत्रित फर्म है अथवा स्वतंत्र फर्म है जो कि अपने अधीनस्थ कार्यरत कर्मचारियों के संबंध में स्वयं निर्णय ले सकती है और निमोदा माईन्स फर्म के बंदीकरण के संबंध में समस्त प्रकार के निर्णय व निष्पादन की कार्यवाही कर सकती है।

इस संबंध में जब हम पत्रावली पर आयी साक्ष्य का अवलोकन करते हैं कि प्रार्थी श्रमिक की नियुक्ति श्रीराम सीमेन्ट वर्क्स द्वारा अपनी फर्म में जूनियर ऑपरेटर के पद पर प्रदर्श डब्ल्यू 1 के जरिये दिनांक 08.11.1988 को किया जाना, जिसके पश्चात प्रदर्श डब्ल्यू 3 के जरिये प्रार्थी श्रमिक की पदोन्नति ऑपरेटर माईन्स ऑपरेशन के पद पर दिनांक 30.10.1993 को किया जाना, प्रदर्श डब्ल्यू 4 के जरिये जो दीर्घ सेवा प्रशस्ति पत्र दिनांक 27.04.1998 को श्रीराम सीमेन्ट वर्क्स, कोटा द्वारा जारी किया जाना तथा इसके पश्चात अप्रार्थी द्वारा प्रार्थी श्रमिक का स्थानांतरण श्रीराम सीमेन्ट वर्क्स कोटा से निमोदा लाईम स्टोन माईन्स में कर दिये जाने का कथन अपने जवाब स्टेटमेंट में किया है और अप्रार्थी की ओर से प्रत्यक्ष रूप से उपरोक्त सभी तथ्य स्वीकृत तथ्य है। ऐसे में उक्त समस्त तथ्य प्रार्थी श्रमिक के संबंध सीधे रूप से अप्रार्थी नियोजक श्रीराम सीमेन्ट वर्क्स के साथ जोड़ता है। अप्रार्थी नियोजक द्वारा यह अंकित किया है कि निमोदा माईन्स अपने आप में एक स्वतंत्र उपक्रम है। जब हम यहां अप्रार्थी के द्वारा कथित उक्त कथन की ओर आकृष्ट होते हैं परंतु पत्रावली का अवलोकन करते हैं तो पाते हैं कि निमोदा माईन्स अपने आप में स्वतंत्र उपक्रम है तो एक स्वतंत्र उपक्रम में अप्रार्थी नियोजक श्रीराम सीमेन्ट वर्क्स द्वारा स्थानांतरण किस प्रकार से कर दिया गया, यह एक चौकाने वाला बिन्दु है क्योंकि स्थानांतरण हमेशा एक उपक्रम के अधीन चल रहे विभिन्न संस्थानों/विभागों/प्रतिष्ठानों में ही किया जा सकता है, जो अपने आप में एक स्वतंत्र उपक्रम है वहां स्थानांतरण संभव नहीं है। ऐसे में अब तक के परीशीलन से निमोदा माईन्स जहां पर अप्रार्थी द्वारा प्रार्थी का स्थानांतरण होना कथित किया गया है एक स्वतंत्र उपक्रम होना प्रमाणित नहीं होता है।

निमोदा माईन्स एक स्वतंत्र उपक्रम की परिभाषा में आता हो इस संबंध में जब हम साक्ष्य का अवलोकन करते हैं तो अप्रार्थी की ओर से निमोदा माईन्स के बंदीकरण के पश्चात प्रार्थी श्रमिक को जो निमोदा माईन्स के बंदीकरण के संबंध में तथा प्रार्थी श्रमिक की सेवाओं की आवश्यकता न होने तथा प्रार्थी की सेवा समाप्ति के संबंध में जारी नोटिस दिनांक 11.06.2002 को जारी किया गया है वह पत्र प्रदर्श डब्ल्यू 5 एवं प्रदर्श एम. 2 श्रीराम सीमेन्ट वर्क्स के लेटर पेड पर जारी किया गया है जिस पर जारी करने वाले अधिकारी के हस्ताक्षर भी श्रीराम सीमेन्ट वर्क्स के सीनियर वाईस प्रेसीडेंट के होना प्रकट है। इसके अतिरिक्त प्रदर्श एम. 3 जो कि श्रीराम सीमेन्ट वर्क्स के लेटर पेड पर जारी किया गया है जिसमें प्रार्थी जो कि निमोदा माईन्स में कार्यरत था, को अधिनियम की धारा 25 एफएफएफ के जरिये मुआवजा राशि निमोदा माईन्स के कार्यालय से दिनांक 15.07.2002 को प्राप्त करने का अंकन किया गया है और उक्त पत्र/नोटिस पर भी जारीकर्ता सीनियर वाईस प्रेसीडेंट, श्रीराम सीमेन्ट वर्क्स के ही हस्ताक्षर होना प्रकट है। इसके अतिरिक्त प्रार्थी श्रमिक को उसकी मुआवजा राशि उसके पते पर जरिये डाक रजिस्टर्ड प्रदर्श एम. 4 के जरिये भिजवाया गया है, उक्त पत्र भी श्रीराम सीमेन्ट वर्क्स के लेटर पेड पर जारी किया गया है और जारीकर्ता सीनियर वाईस प्रेसीडेंट होना प्रकट है। इसके अतिरिक्त अप्रार्थी नियोजक की ओर से प्रदर्श एम. 8 प्रार्थी को जारी किया गया है जिसमें प्रार्थी श्रमिक के अवकाश खाते के पेटे देय राशि का भुगतान करने के संबंध में पत्र जारी किया गया है, जो कि श्रीराम सीमेन्ट वर्क्स के लेटर पेड पर जारी किया गया है और उस पर जारीकर्ता के रूप में जनरल मैनेजर के हस्ताक्षर होना प्रकट है। उक्त सभी दस्तावेज वे दस्तावेज हैं जिनके द्वारा प्रार्थी श्रमिक से सम्बद्ध रूप में पत्राचार किया गया और उन सभी में श्रीराम सीमेन्ट वर्क्स जारीकर्ता रहा है और उस पर जारीकर्ता के रूप में श्रीराम सीमेन्ट वर्क्स के अधिकृत वाईस प्रेसीडेंट व जनरल मैनेजर के हस्ताक्षर होना प्रकट है जो कि सीधे रूप में प्रार्थी श्रमिक व अप्रार्थी नियोजक का संबंध स्थापित करती है और किसी प्रकार का पत्राचार प्रार्थी श्रमिक को नियुक्त करने तथा सेवा पृथक करने के संबंध में निमोदा माईन्स की ओर से नहीं किया गया है जिसे कि अप्रार्थी नियोजक द्वारा स्वतंत्र ईकाई होना कथित किया है जो कि मुख्य रूपसे प्रश्नगत बिन्दु है।

9-माननीय राजस्थान उच्च न्यायालय में प्रार्थी श्रमिक व अन्य कर्मचारियों द्वारा एस.बी. सिविल रिट पिटीशन संख्या 3785/2022 दायर की गयी थी जिसमें माननीय राजस्थान उच्च न्यायालय द्वारा निर्णय पारित कर दिनांक 30.01.2003 को यह आदेश दिया गया कि निमोदा माईन्स श्रीराम सीमेन्ट वर्क्स का अनन्य भाग है अथवा नहीं, इस अवधारणीय प्रश्न को याचिका के माध्यम से उत्तरित नहीं किया जा सकता अपितु इस संबंध में पक्षकारान को संबंधित समझौता अधिकारी के समक्ष प्रकरण को रखना चाहिए तथा समझौता अधिकारी के द्वारा यदि किसी प्रकार का समाधान नहीं निकाला जा सकेगा उस परिस्थिति में असफल वार्ता प्रतिवेदन को रेफ़रेंस के जरिये अधिकरण के समक्ष अधिनियम हेतु प्रेषित किया जाना उचित है।

इसके अतिरिक्त प्रदर्श एम. 11 जो कि भारत सरकार के श्रम विभाग द्वारा जारी पत्र है जिसमें श्री बी एस राठौड़, माईन्स मैनेजर, निमोदा माईन्स, श्रीराम सीमेन्ट वर्क्स, श्रीराम नगर, कोटा के नाम से पत्राचार किया गया है जो कि दर्शाता है कि निमोदा माईन्स श्रीराम सीमेन्ट का ही उपक्रम है। इसके अतिरिक्त प्रदर्श एम. 19 राजस्थान सरकार के खनिज विभाग का पत्र है जिसमें खनिज लाईम स्टोन हेतु खनन पट्टा जारी किया गया है वह भी श्रीराम फर्टिलाइजर्स एंड केमीकल्स को जारी किया गया है, जो कि निमोदा माईन्स व श्रीराम सीमेन्ट वर्क्स व श्रीराम फर्टिलाइजर्स केमीकल्स लि. की आपस में सम्बद्धता प्रकट करता है और निमोदा माईन्स को एक पृथक उपक्रम के रूप में दर्शित नहीं करता है। इसके अतिरिक्त प्रदर्श एम. 20, एम. 21, एम. 22, एम. 23, एम. 24, एम. 25, एम. 26, एम. 27, एम. 28, एम. 29, एम. 30, एम. 31, एम. 32, एम. 33 एवं एम. 34 जो कि श्रीराम सीमेन्ट वर्क्स के अधीन ही संचालित निमोदा माईन्स को होना दर्शित करते हैं क्योंकि उक्त निमोदा माईन्स के बंदीकरण, लाईसेंस निरस्तीकरण, अदेय प्रमाण पत्र इत्यादि की समस्त कार्यवाही श्रीराम सीमेन्ट वर्क्स के द्वारा ही की गयी है। इस प्रकार से निमोदा माईन्स एवं श्रीराम सीमेन्ट वर्क्स का आपस में सम्बन्ध होना तथा निमोदा माईन्स एक पृथक एवं स्वतंत्र ईकाई होना प्रमाणित नहीं रहता है और ना ही यह प्रमाणित रहता है कि श्रीराम सीमेन्ट वर्क्स का निमोदा माईन्स पर किसी प्रकार का कोई नियंत्रण न हो। अप्रार्थी की ओर से जो साक्षी साक्ष्य में प्रस्तुत हुआ है उसने अपने आपको डिप्टी मैनेजर डीसीएम होना प्रकट किया है जबकि यदि निमोदा माईन्स एक स्वतंत्र ईकाई रही होती तो निमोदा माईन्स में तत्समय कार्यरत कर्मकार जो इस तरह की साक्ष्य देने हेतु सक्षम हो को पेश किया जाता, इस तरह से साक्षी का स्वयं डिप्टी मैनेजर डीसीएम के पद पर होकर हस्तगत प्रकरण में साक्ष्य देना निमोदा माईन्स का डीसीएम के साथ सम्बद्धता प्रकट करता है और निमोदा माईन्स को स्वतंत्र ईकाई के रूप में होने से वर्जित करता है। उक्त गवाह ने अपनी साक्ष्य में पूरी तहरीर से प्रत्येक दस्तावेजी साक्ष्य को श्रीराम सीमेन्ट वर्क्स के द्वारा जारी होना स्वीकार किया है, इसके अतिरिक्त अप्रार्थी साक्षी द्वारा अपनी जिरह में यह भी स्पष्ट रूप से कथन किया गया है कि प्रार्थी का व उपरोक्त कर्मचारियों का नियोजक प्रबंधक श्रीराम सीमेन्ट वर्क्स था, मैनेजर लाईम स्टोन नहीं था और श्रीराम सीमेंट में 104 वर्कर काम कर रहे हैं। ऐसे में प्रार्थी के नियोजक के रूप में अप्रार्थी श्रीराम सीमेन्ट वर्क्स होना प्रमाणित रहता है।

अप्रार्थी की ओर से प्रदर्श एम. 33 के रूप में खान विभाग को एक पत्र जारी किया गया है जो श्रीराम फर्टीलाइजर्स एंड केमीकल्स की ओर से जारी किया गया है जिसमें निमोदा माईन्स में 13 कर्मचारी कार्यरत होने का कथन किया गया है और उक्त पत्र के जारीकर्ता के रूप में निमोदा लाईमस्टोन माईन्स निमोदा के एजेन्ट के हस्ताक्षर होना प्रकट है जबकि जो लेटरपेड है वह श्रीराम फर्टीलाइजर्स एंड केमीकल्स का होना प्रकट है जबकि निमोदा माईन्स में की जा रही समस्त कार्यवाही यथा वहां कर्मचारियों की नियुक्ति तथा उनके वेतन भत्ते तथा उनके संबंध में समस्त प्रकार की कार्यवाही श्रीराम सीमेन्ट वर्क्स द्वारा सम्पादित की जा रही है तो ऐसे में श्रीराम सीमेन्ट, श्रीराम फर्टीलाइजर्स एंड केमीकल्स में कार्यरत कर्मचारी तथा निमोदा माईन्स में कार्यरत कर्मचारियों में विभेद कैसे किया जा सकता है, निमोदा माईन्स, श्रीराम सीमेन्ट, श्रीराम फर्टीलाइजर्स के अधीन कार्यरत कर्मचारी डीएससीएल संस्थान के अधीन अलग विंग अथवा विभाग जरूर हो सकते हैं जिस प्रकार से श्रीराम सीमेन्ट वर्क्स, श्रीराम फर्टीलाइजर्स, श्रीराम रेयन्स हैं परंतु उन्हें डीएससीएल से पृथक करके तथा निमोदा माईन्स को स्वतंत्र ईकाई के रूप में नहीं देखा जा सकता है। ऐसे में श्रीराम सीमेन्ट वर्क्स, श्रीराम फर्टीलाइजर्स एंड केमीकल्स लि. संस्थान में कार्यरत कर्मचारी व निमोदा माईन्स में कार्यरत कर्मचारी पर जो नियम कायदे लागू होंगे वे समान होंगे। अब जब तीनों संस्थान डीएससीएल के तहत ही आना प्रमाणित है तो ऐसे में निमोदा माईन्स के बंदीकरण की कार्यवाही को यह कहकर किस तरह अमल में लाया जा सकता कि निमोदा माईन्स में मात्र 13 कर्मचारी थे इसलिए उसके बंदीकरण की कार्यवाही धारा 25 एफएफएफ के तहत की जाकर कर्मचारियों को मुआवजा राशि अदा की गयी है क्योंकि उन 13 कर्मचारियों का सम्बन्ध सीधे रूप से डीएससीएल से सम्बद्ध संस्थान श्रीराम सीमेन्ट वर्क्स, श्रीराम फर्टीलाइजर्स एंड केमीकल्स लिमिटेड के साथ होना प्रकट है और ऐसे में निमोदा माईन्स के बंदीकरण की कार्यवाही के लिए धारा 25 एफएफएफ के तहत न होकर धारा 25 एन के तहत कार्यवाही की जानी थी और जहां तक अप्रार्थी साक्षी की ओर से यह साक्ष्य कि “अभी श्रीराम सीमेन्ट में 104 वर्कर काम कर रहे हैं, इसके अलावा पर डे कॉन्ट्रैक्ट लेबर भी काम करती है और कॉन्ट्रैक्टर लेबर की संख्या करीबन 100 हो जाती है।” ऐसे में अप्रार्थी साक्षी का यह कथन कि उनके यहां अभी 100 लेबर से अधिक काम कर रही है परंतु यह तथ्य अप्रार्थी को ही प्रमाणित किया जाना था कि जब अप्रार्थी नियोजक की ओर से प्रार्थी श्रमिक को सेवा पृथक किये जाने का नोटिस दिया गया तत्समय उनके यहां 100 से कम श्रमिक काम कर रहे थे अथवा नहीं, इस संबंध में अप्रार्थी की ओर से रिकार्ड पेश किया जा सकता था जो कि नहीं किया परंतु उनके द्वारा श्रीराम सीमेन्ट वर्क्स को निमोदा माईन्स से पृथक ईकाई मानते हुए साक्ष्य प्रस्तुत की गयी है और बताया गया है कि निमोदा माईन्स में 13 कर्मचारी कार्यरत थे परंतु निमोदा माईन्स अपने आप में एक स्वतंत्र ईकाई नहीं है और वह हर प्रकार से श्रीराम सीमेन्ट वर्क्स से सम्बद्ध ईकाई है जिसके तहत कर्मचारियों की संख्या की गणना केवल निमोदा माईन्स के हिसाब से किया जाना युक्तियुक्त नहीं है क्योंकि जब औद्योगिक विवाद अधिनियम के तहत बंदीकरण किया जाकर कर्मचारों की छंटनी का प्रश्न उत्पन्न होता है तो कर्मकार को केवल निमोदा माईन्स से जोड़कर नहीं देखा जाना चाहिए अपितु उसे संपूर्ण संस्थान जिसके तहत उसकी नियुक्ति की गयी है तथा जिसके तहत उसका स्थानांतरण कहीं भी किया जा सकता है उन सभी विभागों/संस्थानों में कार्यरत कर्मचारियों के रूप में देखा जाना चाहिए, जबकि श्रमिक की सेवा पृथकता की दिनांक के वक्त अप्रार्थी नियोजक के यहां 100 से कम कर्मचारियों के होने के संबंध में अप्रार्थी की ओर से कोई साक्ष्य प्रस्तुत नहीं की गयी है।

पत्रावली के अवलोकन व परीशीलन के अनुक्रम में इस बिन्दु पर सूक्ष्मता से विवेचन किया जाना आवश्यक है कि अप्रार्थी नियोजक के यहां प्रार्थी को सेवा पृथक के संबंध में नोटिस दिये जाने के समय अप्रार्थी संस्थान में कितने श्रमिक कार्यरत थे, जिसके तहत यह देखा जाना है कि अप्रार्थी पर अध्याय 5 क लागू होता है या अध्याय 5 ख, क्योंकि अध्याय 5 क वहां लागू होता है जहां कर्मकारों की संख्या 100 से कम है और अध्याय 5 ख वहां लागू होता है जहां कर्मकारों की संख्या 100 या उससे अधिक है। उपरोक्त विवेचन से प्रकट है कि डीएससीएल संस्थान से सम्बद्ध या उसके अधीन संस्थान में श्रीराम सीमेन्ट वर्क्स एवं श्रीराम फर्टीलाइजर्स एंड केमीकल्स एवं निमोदा माईन्स तीनों को एक ही उद्योग फर्म डीएससीएल के तहत माना जाना प्रमाणित रहता है क्योंकि श्रीराम सीमेन्ट वर्क्स एवं श्रीराम फर्टीलाइजर्स के कर्मचारियों की संख्या 100 से अधिक है और निमोदा माईन्स में कार्यरत कर्मचारियों को उनसे अलग करके नहीं देखा जा सकता क्योंकि इन कर्मचारियों के स्थानांतरण आपस में एक दूसरे विभाग में होना संपूर्ण संस्थान में 100 से अधिक कर्मकारों के होने की पुष्टि करता है। अप्रार्थी गवाह ने अपनी साक्ष्य में पूरी तहर से प्रत्येक दस्तावेजी साक्ष्य को श्रीराम सीमेन्ट वर्क्स के द्वारा जारी होना स्वीकार किया है, इसके अतिरिक्त अप्रार्थी साक्षी द्वारा अपनी जिरह में यह भी स्पष्ट रूप से कथन किया गया है कि प्रार्थी का व उपरोक्त कर्मचारियों का नियोजक प्रबंधक श्रीराम सीमेन्ट वर्क्स था, मैनेजर लाइम स्टोन नहीं था और अभी श्रीराम सीमेन्ट में 104 वर्कर काम कर रहे हैं परंतु तत्समय उनके यहां 100 से कम कर्मचारी कार्यरत थे इस संबंध में कोई मौखिक व दस्तावेजी साक्ष्य नहीं दी गयी है अपितु अप्रार्थी द्वारा अपने जवाब में निमोदा माईन्स में 100 से कम कर्मचारियों के संबंध में इन्कार किये जाने के साथ-साथ अप्रार्थी नियोजक का अपने जवाब तथा दौराने बहस श्रीराम सीमेन्ट वर्क्स में तत्समय 100 से कम कर्मचारी होने के संबंध में कोई कथन नहीं है, जो कि प्रार्थी के नियोजक के रूप में अप्रार्थी श्रीराम सीमेन्ट वर्क्स के यहां तत्समय 100 से अधिक कर्मकार नियोजित रहने के तथ्य को प्रमाणित करता है। फलतः उपरोक्त विवेचन से यह प्रमाणित रहता है कि श्रमिक को सेवा पृथक किये जाते समय अप्रार्थी विभाग श्रीराम सीमेन्ट वर्क्स में 100 से अधिक कर्मचारी कार्यरत थे और प्रार्थी निमोदा माईन्स में अप्रार्थी नियोजक के आदेशों की अनुपालना में कार्यरत था।

ऐसे में अप्रार्थी निमोदा माईन्स के बंदीकरण के संबंध में अध्याय 5 ख लागू होना प्रकट होता है और जबकि अध्याय 5 ख लागू होता है तो बंदीकरण हेतु धारा 25 एन की पालना सुनिश्चित किया जाना आवश्यक हो जाता है जबकि अप्रार्थी विभाग की ओर से धारा 25 एफएफएफ के जरिये बंदीकरण के तहत कर्मकार को एक माह का नोटिस दिया गया है जबकि धारा 25 एन के तहत तीन माह का नोटिस कर्मकार को दिया जाना अपेक्षित व आज्ञापक था जिसकी पालना हस्तगत प्रकरण में नहीं किया जाना प्रकट है।

धारा 25 एन कर्मकारों की छंटनी के लिए पुरोभाव्य शर्त है जिसमें यह स्पष्ट प्रावधान है कि :- किसी ऐसे औद्योगिक स्थापन जिसे यह अध्याय लागू होता है नियोजित किसी कर्मकार की जो किसी नियोजक के अधीन कम से कम एक वर्ष की निरंतर सेवा में रह चुका है उस नियोजक द्वारा छंटनी तभी की जाएगी जब कि कर्मकार को तीन माह का लिखित ऐसी सूचना दे दी गई हो जिसमें छंटनी के कारण उपदर्शित किए गए हो और सूचना की कालावधि का अवसर हो गया हो या ऐसी सूचना के बदले में कर्मचार को सूचना की कालावधि के लिए मजदूरी का संदाय कर दिया गया है।

ऐसे में उपरोक्त विवेचन से यह तथ्य भली भांति प्रमाणित रहता है कि निमोदा माईन्स में 13 कर्मचारी होने का मतलब यह नहीं है कि अप्रार्थी नियोजक के यहां 100 से कम कर्मचारियों कार्यरत थे क्योंकि निमोदा माईन्स अपने आप में एक स्वतंत्र ईकाई का अस्तित्व नहीं रखती है अपितु निमोदा माईन्स एक अण्डरटेकिंग ईकाई है जो कि श्रीराम सीमेन्ट वर्क्स एवं श्रीराम फर्टीलाइजर्स एंड केमीकल्स के साथ सम्बद्ध फर्म होकर डीएससीएल (डीसीएम) के अन्तर्गत कार्यरत संस्थान है, जिनमें 100 से अधिक कर्मकार होना प्रमाणित है और ऐसे में अप्रार्थी को धारा 25 एफएफएफ के तहत एक माह का नोटिस दिया जाकर छंटनी किया जाना उचित एवं वैध नहीं है अपितु प्रार्थी को धारा 25 एन के तहत 3 माह पूर्व नोटिस दिया जाना आज्ञापक था, ऐसे में अप्रार्थी नियोजक अपने दायित्व से बच नहीं सकता। जिसके परिणामस्वरूप श्रमिक राजेन्द्र प्रसाद बैरागी को अप्रार्थी नियोजक श्रीराम सीमेन्ट वर्क्स, डीएससीएल, कोटा के द्वारा दिनांक 11.07.2002 को सेवा से पृथक किया जाना उचित एवं वैध होना प्रमाणित नहीं रहता है एवं सम्प्रेषित

निर्देश/रेफ्रेन्स इसी अनुरूप उत्तरित होने योग्य है।

अप्रार्थी द्वारा प्रस्तुत न्यायिक दृष्टांत "AIR 1995 SC 1163 Hindustan Steel Works Construction Ltd. Vs. H.S.W.C. Ltd. Employees Union Hyderabad." तथ्य एवं परिस्थितियों के भिन्न होने से अप्रार्थी इनमें प्रतिपादित सिद्धांतों से कोई लाभ प्राप्त करने के अधिकारी नहीं है।

10—अब जहाँ तक प्रार्थी के अनुतोष का प्रश्न है, न्यायाधिकरण ने अप्रार्थी नियोजक द्वारा अधिनियम के आज्ञापक प्रावधानों का उल्लंघन करके प्रार्थी के सेवा पृथक्करण को अवैध मान लिया गया है। श्रमिक राजेन्द्र प्रसाद बैरागी का देहावसान दिनांक 14.02.2019 को हो चुका है और जिसके परिणामस्वरूप पत्रावली पर श्रमिक के वारिसान बतौर प्रार्थीगण प्रतिस्थापित किये जा चुके हैं। किन्तु इसके साथ ही न्यायालय के ध्यानान्तर्गत यह तथ्य भी महत्वपूर्ण है कि प्रार्थीपक्ष ने अपने प्रकरण सम्बन्धी एक लम्बी कानूनी लड़ाई लड़ी है इस दौरान उनको आर्थिक व मानसिक वेदना भी झेलनी पड़ी है तथा श्रमिक राजेन्द्र प्रसाद बैरागी द्वारा अप्रार्थी नियोजक के यहाँ दिनांक 17.12.1987 से 11.07.2002 तक 14 साल 6 माह तक की अवधि तक कार्य किया जाना प्रमाणित है। अतः प्रकरण के समस्त तथ्य, परिस्थितियों व **Nagar Parishad, Kota at present Nagar Nigam, Kota through its Commissioner Vs. Sita Ram Son of Shri Kalu Lal through Secretary, Raj. Trade Union & Legal Advisor, Nagar Parishad Employees Union, Kota & Ors.-S.B. Civil Writ Petition No.7064/2008 Date of Order 01/04/2022** न्यायिक दृष्टांत में प्रकट किये गये अभिमत को दृष्टिगत रखते हुए प्रार्थीपक्ष को समस्त आनुषंगिक लाभों के अनुतोष के स्थान पर क्षतिपूर्ति स्वरूप एक मुश्त 3,00,000/-रु. (अक्षरे तीन लाख रुपये) की राशि अप्रार्थी से दिलवाया जाना न्यायोचित प्रतीत होता है।

हस्तगत प्रकरण में यह भी स्वीकृत स्थिति है कि अप्रार्थी नियोजक की ओर से प्रार्थी श्रमिक को छंटनी राशि के संबंध में अपने जवाब में स्पष्ट रूप से अंकित किया गया है कि "प्रार्थी को उसे कानूनी रूप से देय कम्पनसेशन 58,340/- का डिमांड ड्राफ्ट हाइडौती क्षेत्रीय ग्रामीण बैंक, नीमोदा हरि जी का दिनांक 15.07.2002 को रजिस्टर्ड एंडी० द्वारा भेजा गया था, जो दिनांक 02.08.2002 को वापिस प्राप्त हुआ। प्रार्थी को उसके वेतन एवं उपाजित अवकाश की राशि उसके द्वारा लिये गये ऋण समायोजन के पश्चात 14642/- रुपये बनती थी इसे दिनांक 02.08.2002 को हाइडौती क्षेत्रीय ग्रामीण बैंक के डिमांड ड्राफ्ट द्वारा भेज दिया गया जो दिनांक 07.08.2002 को वापस प्राप्त हो गया। प्रार्थी अपना कम्पनसेशन वर्तमान में भी अपने नियोजक नीमोदा लाइम स्टोन माइन्स से प्राप्त कर सकता है। ऐसे में प्रकरण के विशिष्ट तथ्यों व परिस्थितियों को दृष्टिगत रखते हुए न्यायहित में यह आदेश भी दिया जाना समीचीन प्रतीत होता है कि अप्रार्थी पक्ष 3,00,000/-रु. की आदेशित राशि प्रार्थीपक्ष को भुगतान करने के साथ-साथ श्रमिक को नियमानुसार Wages Due, Compensation and Gratuity, Leave Encashment etc के पेटे देय राशि का भुगतान प्रार्थीपक्ष को पृथक् से किया जावे। इस प्रकार अप्रार्थी पक्ष 3,00,000/- रुपये की अनुतोष स्वरूप आदेशित राशि के अतिरिक्त Wages Due, Compensation and Gratuity, Leave Encashment etc भी प्रार्थीपक्ष को अदा करेंगे और और प्राप्त रेफ्रेन्स भी इसी अनुरूप उत्तरित होने योग्य है।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 01.06.2004 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि श्रमिक राजेन्द्र प्रसाद बैरागी को अप्रार्थी नियोजक जनरल मैनेजर, मैसर्स श्रीराम सीमेन्ट वर्क्स, डीएससीएल, कोटा द्वारा दिनांक 11.07.2002 से सेवा से पृथक् करना उचित एवं वैध नहीं है अतः प्रार्थीपक्ष समस्त आनुषंगिक लाभों के अनुतोष के स्थान पर क्षतिपूर्ति स्वरूप एक मुश्त रुपये 3,00,000/- (अक्षरे तीन लाख रुपये) की राशि अप्रार्थी नियोजक से प्राप्त करने के अधिकारी हैं।

साथ ही उक्त राशि के अतिरिक्त Wages Due, Compensation and Gratuity, Leave Encashment etc के पेटे श्रमिक राजेन्द्र प्रसाद बैरागी को अप्रार्थी नियोजक द्वारा देना शेष है, वह राशि भी (नियमानुसार जो भी बनती हो) प्रार्थीपक्ष अप्रार्थी नियोजक से प्राप्त करने के अधिकारी है। इस प्रकार श्रमिक राजेन्द्र प्रसाद बैरागी के कायममुकामान प्रार्थीपक्ष क्षतिपूर्ति राशि स्वरूप 3,00,000/- रुपये अक्षरे तीन लाख रुपये एवं श्रमिक को देय Wages Due, Compensation and Gratuity, Leave Encashment etc के पेटे देय राशि (नियमानुसार जो भी बनती हो) अप्रार्थी नियोजक से प्राप्त करने के अधिकारी हैं। उक्त राशि अप्रार्थी द्वारा आज से दो माह में प्रार्थीपक्ष को अदा की जाएगी, दो माह में राशि अदा नहीं किए जाने पर अधिनिर्णय/आदेश की दिनांक से इस राशि पर 7 प्रतिशत प्रतिवर्ष की दर से अदायगी तक ब्याज भी प्रार्थीपक्ष, अप्रार्थी नियोजक से प्राप्त करने के अधिकारी होंगे।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 09.04.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 8 सितम्बर, 2025

का.आ. 1650.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्रीनाथ इंटरप्राइजेज प्राइवेट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और मोहम्मद तारीफ, हिन्द मजदूर सभा के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेन्स नं.-(केन्द्रीय) 01/2010 (सीआईएस-96/2014)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.09.2025 को प्राप्त हुआ था।

[सं. एल-29011/16/2009-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 8th September, 2025

S.O. 1650.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 01/2010 (CIS-96/2014)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Shrinath Enterprises Private Limited** and **Mohammad Tarif, Hind Mazdoor Sabha** which was received along with soft copy of the award by the Central Government on 08.09.2025.

[No. L-29011/16/2009-IR(M)]

SALONI, Dy. Director

अनुलग्नक

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय), कोटा(राज.)

पीठासीन अधिकारी: संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक: औ.न्या.-01/2010(सीआईएस-96/2014)

(सीएनआर-आरजेकेटी060001702010)

दिनांक स्थापित: 18.02.2010

प्रसंग: भारत सरकार, श्रम विभाग की अधिसूचना संख्या L-29011/16/2009-IR(M)

दिनांक 28.01.2010

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947मध्य

मोहम्मद तारीफ पुत्र श्री मनुहर बैग, द्वारा संयुक्त महामंत्री, हिन्द मजदूर सभा, बंगाली कॉलोनी, छावनी, कोटा (राज.)
.....प्रार्थी

एवं

प्रबंधक, श्रीनाथ एन्टरप्राइजेज, प्रा.लि., चेचट, जिला कोटा (राज.)

.....अप्रार्थी/नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:-

श्री पुरुषोत्तम दाधीच

अप्रार्थी नियोजक की ओर से प्रतिनिधि:-

कोई उपस्थित नहीं।

:अधिनिर्णय:

दि: 30.05.2025

राजस्थान सरकार, श्रम विभाग की प्रासांगिक अधिसूचना दिनांक 28.01.2010 के द्वारा निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(ग) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:-

^^Whether the action of the management of M/s. Shrinath Enterprises Pvt. Ltd., Chechat, Distt., Kota relating to removal from service of Shri Mohd. Tareef w.e.f. 16.11.2008 is legal and justified ? What relief the workman concerned is entitled to \

2-उक्त विवाद के न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर अपना स्टेटमेन्ट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रार्थी को अप्रार्थी जिन्हें इस विवाद में आगे चलकर नियोजक शब्द से संबोधित किया जावेगा ने अपने अधीनस्थ मैकेनिक के कार्य हेतु सेवा में नियोजित किया गया था। नियोजक ने प्रार्थी को नवम्बर 2008 में अचानक बुलाकर यह कहा कि तुम नौकरी से त्याग पत्र लिखकर दे दो, मना करने पर प्रार्थी को दिनांक 16.11.2008 को नौकरी से हटा दिया। प्रार्थी ने नियोजक के यहां पर दिनांक 02.02.2002 से 15.11.2008 तक निरन्तर कार्य किया है तथा इस अवधि में 240 दिन से काफी अधिक समय तक कार्य कर लिया है। प्रार्थी का विवाद औद्योगिक अधिनियम 1947 की धारा 2(ओओ) के अन्तर्गत छंटनी की परिभाषा में आता है। प्रार्थी को हटाने से पूर्व अधिनियम की धारा 25 एफ के प्रावधानों के अनुसार एक माह का नोटिस नहीं दिया और न इसके बदले में एक माह के अग्रिम वेतन का भुगतान ही किया है इसके अतिरिक्त नियोजक ने प्रार्थी को नौकरी से निकालने के पूर्व छंटनी का मुआवजा भी अदा नहीं किया है ना ही ऑफर किया है। नियोजक ने प्रार्थी को नौकरी से हटाये जाने के पूर्व राजस्थान औद्योगिक विवाद रूल्स 1958 के रूल 77 के प्रावधानों के अनुसार वरिष्ठता सूची का प्रकाश नहीं किया है तथा नौकरी से हटाये जाने के समय प्रार्थी से कनिष्ठ अन्य कर्मकार श्रमिक नियोजक के अधीन सेवा में नियोजित थे। इस प्रकार नियोजक ने लास्ट कम फर्स्ट गो के सिद्धांत की अवहेलना करके नौकरी से हटाया है जो अधिनियम की धारा 25 जी की भी अवहेलना है। प्रार्थी को नौकरी से हटाये जाने के बाद नियोजक ने प्रार्थी के स्थान पर अन्य को नियोजित कर लिया है और उसे नियोजन का कोई अवसर नहीं दिया है जो अधिनियम की धारा 25 एच के प्रावधानों की अपालना है और अनफेयर लेबर प्रेक्टिस में आता है। अंत में प्रार्थी ने निवेदन किया कि उसको नियोजक के यहां पिछले संपूर्ण वेतन सहित समस्त पिछले लाभों के सेवा सहित बहाल करवाया जावे तथा प्रार्थी को नियोजक से खर्चा मुकदमा भी दिलवाया जावे।

3-अप्रार्थी नियोजक की ओर से स्टेटमेन्ट ऑफ क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि प्रार्थी को अन्य संस्थान में अच्छा काम मिल जाने पर उसके द्वारा दिनांक 17.11.2008 से त्याग पत्र देकर अपना समस्त बकाया वेतन प्राप्त कर कार्य छोड़ कर गया है, प्रतिपक्षी ने कभी भी उसे नहीं निकाला है। प्रार्थी दोहरा लाभ प्राप्त करने की गरज से विवाद लेकर आया है। इस कारण से प्रस्तुत प्रकरण में औद्योगिक विवाद अधिनियम के प्रावधान लागू नहीं होने से प्रथम दृष्टया ही प्रस्तुत प्रकरण खारिज किये जाने योग्य है। अंत में प्रार्थी का क्लेम प्रार्थना पत्र सव्यय खारिज किया जावे।

4—साक्ष्य में प्रार्थीपक्ष की ओर से स्वयं का शपथ पत्र प्रस्तुत किया गया है जिससे अप्रार्थी के प्रतिनिधि द्वारा जिरह की गयी है। अप्रार्थी की ओर से गवाह का शपथ पत्र प्रस्तुत किया गया परंतु बावजूद पर्याप्त अवसर गवाह को जिरह हेतु उपस्थित नहीं लाने पर जिरह का अवसर बंद कर दिया गया जिससे अप्रार्थी द्वारा प्रस्तुत शपथ पत्र साक्ष्य में ग्राह्य नहीं है। प्रार्थी की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गई है जिसका यथा समय उल्लेख किया जावेगा।

5— आज दि. 30.05.2025 को अप्रार्थी की ओर से दोपहर 4.00 बजे तक किसी के उपस्थित नहीं होने के कारण प्रार्थी के प्रतिनिधि की बहस सुनी गई। चूंकि यह प्रकरण 20 वर्ष से अधिक पुराना है एवं इस न्यायालय के सबसे पुराने प्रकरणों में सं. 22 दर्ज है, माननीय सर्वोच्च न्यायालय एवं माननीय उच्च न्यायालय द्वारा समय-समय पर पुराने प्रकरणों के निपटारे के संबंध में जारी आदेशों को दृष्टिगत रखते हुए प्रकरण को अनिश्चितकाल तक के लिए विलम्बित नहीं रखा जा सकता है, अतः प्रार्थी प्रतिनिधि की बहस के अनुसार तथा पत्रावली पर उपलब्ध सामग्री के अनुसार ही इस प्रकरण का निस्तारण किया जा रहा है।

6—हस्तगत प्रकरण में न्यायालय को यह देखना है कि अप्रार्थी नियोजक द्वारा प्रार्थी श्रमिक को दिनांक 16.11.2008 से सेवा से पृथक करना उचित एवं वैध है ?

7—इस संबंध में प्रार्थी की ओर से साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत किया गया है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है तथा जिरह में यह कथन किया है कि वह प्रतिपक्षी के यहां पर मैकेनिक का काम करता था, वह कमानी वेल्लिंग का काम करता था। वह हैड मैकेनिकल के पास काम करता था, वह हेल्पर के रूप में काम करता था। मैकेनिक हटा दिया था उसके बाद उसे रखा था। यह कहना गलत है कि वह दिनांक 01.09.2003 से प्रतिपक्षी के यहां काम कर रहा था बल्कि उसने 09.09.2003 से काम शुरू किया है। उसने दिनांक 16.11.2008 से जाना बंद किया था, उसने जाना बंद नहीं किया उसे तो आने के लिए मना कर दिया था। यह गलत है कि उसने त्याग पत्र लिखकर दिया हो। यह सही है कि उसने 15.11.2008 तक काम किया है। यह बात सही है कि दिनांक 17.11.2008 से काम छोड़कर चला गया।

8—प्रार्थी द्वारा उसकी सेवा पृथकता दिनांक 16.11.2008 से पूर्व दिनांक 02.02.2002 से 15.11.2008 तक अप्रार्थी के नियोजन में 240 दिन से अधिक समय तक अप्रार्थी के अधीन नियुक्त होकर कार्य करने का कथन किया गया है तथा यह भी कथन किया है तथा अप्रार्थी द्वारा उसे दिनांक 16.11.2008 को अचानक नौकरी से हटा दिये जाने का कथन किया है। इसके विपरीत अप्रार्थी की ओर से प्रार्थी के उक्त कथनों का खण्डन किया गया है और यह स्पष्ट किया गया है कि प्रार्थी द्वारा स्वयं अपनी सेवा का परित्याग किया है और स्वयं स्वेच्छा से नौकरी छोड़कर गया है।

9—इस संबंध में प्रार्थी की ओर से जो दस्तावेजी साक्ष्य प्रस्तुत की है उनमें केवल प्रदर्श डब्ल्यू. 1 लगायत 4 प्रस्तुत किये हैं जो कि समझौता अधिकारी के समक्ष किये गये आवेदन, अप्रार्थी का जवाब तथा असफल समझौता वार्ता प्रतिवेदन है, इसके अतिरिक्त कोई दस्तावेजी साक्ष्य प्रस्तुत नहीं की गयी है। प्रार्थी की ओर से समझौता अधिकारी के समक्ष प्रस्तुत प्रार्थना पत्र के जवाब में अप्रार्थी द्वारा स्पष्ट कथन किया गया है कि प्रतिपक्षी को दूसरी जगह अच्छी नौकरी मिल गयी थी इस कारण प्रार्थी दिनांक 17.11.2008 से स्वेच्छा से कार्य छोड़कर गया है। इसी के अनुक्रम में प्रार्थी द्वारा अपनी जिरह में भी स्पष्ट कथन किया है कि “दिनांक 17.11.2008 से काम छोड़कर चला गया।” जो यह स्पष्ट रूप से यह प्रमाणित करती है कि प्रार्थी ने स्वयं ही काम पर आना बंद कर दिया, ऐसे में प्रार्थी की स्वयं की इस संबंध में स्वीकारोक्ति रही है कि उसने सेवा का परित्याग किया है। प्रार्थी की ओर से ऐसी कोई साक्ष्य प्रस्तुत नहीं की गयी है जिससे यह प्रकट हो कि उसके द्वारा अप्रार्थी के यहां पर उसकी सेवा पृथकता दिनांक 16.11.2008 के पश्चात पुनः जाने का प्रयास किया हो तथा अप्रार्थी द्वारा उसे हटाये जाने पर उसके द्वारा स्वयं को ड्यूटी ज्वाइन कराये जाने के संबंध में किसी प्रकार का रजिस्टर्ड डाक के माध्यम से पत्राचार किया गया हो अपितु दिनांक 16.11.2008 को स्वयं को सेवा से पृथक करने का कथन करते हुए सीधे ही समझौता अधिकारी के समक्ष दिनांक 20.02.2009 को प्रार्थना पत्र प्रस्तुत कर सेवा में लिये जाने का निवेदन कर दिया गया, जिसके जवाब में अप्रार्थी का एक ही कथन रहा है कि श्रमिक द्वारा स्वयं सेवा का परित्याग किया गया है, जिसके पश्चात प्रार्थी के अनुपस्थित रहने पर एकपक्षीय रूपसे समझौता अधिकारी द्वारा प्रार्थना पत्र का निस्तारण करते हुए असफल वार्ता प्रतिवेदन संबंधित को प्रेषित कर दिया गया। ऐसी स्थिति में उपरोक्त विवेचन व विशलेषण के परिप्रेक्ष्य में यह तथ्य अधिक विश्वसनीय प्रतीत हो रहा है कि प्रार्थी को अप्रार्थी नियोजक द्वारा सेवा से पृथक नहीं किया गया है बल्कि प्रार्थी दिनांक 16.11.2008 से नियोजक के यहां कभी उपस्थित नहीं हुआ और उसने स्वयं ही अपनी सेवा त्याग (Abandon) की है, फलतः प्रार्थी को अधिनियमान्तर्गत कोई संरक्षण प्राप्त नहीं होने से किसी अनुतोष का अधिकारी घोषित होने योग्य नहीं पाया जाता है और रेफ्रेन्स भी इसी अनुरूप उत्तरित होने योग्य है।

परिणामतः राजस्थान सरकार, श्रम विभाग द्वारा अपनी प्रासांगिक अधिसूचना दि. 28.01.2010 के जरिये सम्प्रेषित निर्देश/विवाद को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी श्रमिक मोहम्मद तारीफ अपनी मौखिक एवं दस्तावेजी साक्ष्य से यह सिद्ध करने में असफल रहा कि अप्रार्थी द्वारा प्रार्थी को दिनांक 16.11.2008 से सेवा से पृथक किया गया हो अपितु प्रार्थी द्वारा स्वयं अपनी सेवा त्याग (Abandon) की है, फलस्वरूप प्रार्थी मोहम्मद तारीफ अप्रार्थी से किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 30.05.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 9 सितम्बर, 2025

का.आ. 1651.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (**संदर्भ संख्या 60/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल. 22012/108/2022-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1651.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 60/2022**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL** and **their workmen** received by the Central Government on **08/09/2025**.

[No. L-22012/108/2022-IR (CM-II)]

SALONI, Dy. Director

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

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

REFERENCE CASE NO. 60 OF 2022

PARTIES: Sheojee Singh
Vs
Management of Jhanjra Project Colliery MIC, Jhanjra Area, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Shabe Alam, Organising Secretary, Colliery Mazdoor Congress
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 07/07/2025**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-22012/108/2022-IR(CM-II)** dated 22/12/2022 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra Project Colliery MIC, Jhanjra Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Jhanjra Project Colliery MIC, Jhanjra Area, M/s. E.C. Ltd. in not fixation the pay properly in the regularized post of Mining Sirdar-cum-Shot Firer to Sri Sheojee Singh is fair, legal & justified? If not, what relief the workman is concerned is entitled to?”

1. On receiving Order **No. L-22012/108/2022-IR(CM-II)** dated 22/12/2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 60 of 2022** was registered on 26/12/2022 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. Sheojee Singh submitted written statement on 18/04/2023. Management of ECL also filed their written statement on 18/04/2023 through the Agent, Jhanjra Project Colliery, ECL. Fact of the workman's case in brief is that Sheojee Singh, an employee of ECL was posted as R.B. Crew. After passing the Mining Sirdarship Examination he was deployed as Mining Sirdar-cum-Shot Firer(T) for a period of six months as trainee on a remuneration of difference of wages in Tech. & Supvr. Grade 'C' and pay he used to receive as R.B. Crew. This arrangement was done on the basis of office order bearing No. GM/JNR/PER/05/2013/3305 dated 08/10.10.2013. After completion of training, the workman was regularized to the post of Mining Sirdar-cum-Shot Firer, vide office order bearing No. GM/JNR/PER/2014/332 dated 05/06.06.2014. Contention of the workman is that his pay was not fixed in Tech. & Supvr. Grade 'C' in proper manner and while fixation of pay his pay became less than the wages he used to receive as R.B. Crew during the training period. Further contention of the workman is that basic pay of R.B. Crew is Rs. 54,501.43 per month but while fixing his basic pay in the post of Mining Sirdar-cum-Shot Firer in Tech. & Supvr. Grade 'C' his pay was reduced to Rs. 52,914.01 per month and difference of basic pay was not considered at the time of pay fixation which is illegal.

3. Representation made by the workman is for restoring his basic pay to Rs. 54,501.43 per month which he received as R.B. Crew, with retrospective effect i.e. from date of regularization to the post of Mining Sirdar-cum-Shot Firer. Management did not pay heed to his legitimate claim. Workman was therefore compelled to raise the Industrial Dispute through Colliery Mazdoor Congress (HMS). The aggrieved workman has prayed for passing necessary Award by way of fixing his pay in the post of Mining Sirdar-cum-Shot Firer with retrospective effect.

4. Management contested case by filing written statement. It is stated by the management that after successful completion of training of six months, Sheojee Singh was regularized in the post of Mining Sirdar-cum-Shot Firer in Tech. & Supvr. Grade 'C' and his pay was fixed in monthly rated category on account of change of his designation. Management denied that pay fixation of the concerned workman in Tech. & Supvr. Grade 'C' has been done in an illegal manner and further asserted that demand of the union for protection of pay of the workman is not legally tenable. According to the management, wages of the concerned workman has been protected as per rules of the company and no illegality has been committed. Finally, it is urged that fixation of pay of the workman done by the management is totally justified and he is not entitled to any relief.

5. Point for consideration is whether the pay of Sheojee Singh has been properly fixed on his regularization to the post of Mining Sirdar-cum-Shot Firer and if not, what relief the workman is entitled to?

6. In support of the case, Sheojee Singh has been examined as Workman Witness-I. He filed an affidavit-in-chief in support of the case where he reiterated his case in the pleading. In course of examination, witness produced the following documents:-

- (i) Copy of office order dated 10/10/2013 for imparting training of six months is produced as Exhibit W-1.
- (ii) Copy of office order dated 06/06/2014 for regularization of workman to the post of Mining Sirdar-cum-Shot Firer is produced as Exhibit W-2.
- (iii) Copy of pay slip for the month of August, 2014 i.e. after regularization is produced as Exhibit W-3.
- (iv) Copy of pay slip in respect of his posting as R.B. Crew i.e. before regularization in the post of Mining Sirdar-cum-Shot Firer is Exhibit W-4.

In Cross-Examination, workman witness deposed that on his regularization to the post of Mining Sirdar-cum-Shot Firer his basic pay was reduced from what he received as R.B. Crew. It further transpires that as a R.B. Crew, he was a daily rated worker and on his regularization he became a monthly rated workman. Witness denied that he is not entitled to receive difference of wages according to the terms of circular dated 04/10/2012 issued by the General Manager (P&IR), ECL Head Quarters. Witness further denied that he is not entitled to receive difference of wages after his regularization in the new post or that he is only entitled to charge allowance.

7. Mr. Alaric Oneal Lyndem, Manager (Pers) of Jhanjra Project Colliery has been examined as Management Witness-I. He filed his affidavit-in-chief in support of the case in the pleading of the management. During examination, witness produced the following documents:-

- (i) Copy of office order dated 10/10/2013 by which Sheojee Singh was deployed as Mining Sirdar-cum-Shot Firer is produced as Exhibit M-1.
- (ii) Copy of office order dated 06/06/2014 by which Sheojee Singh was regularized to the post of Mining Sirdar-cum-Shot Firer w.e.f. 23/04/2014 after completion of six months is produced as Exhibit M-2.
- (iii) Copies of two pay slips of the workman for the months of May, 2014 and August, 2014 are produced as Exhibits M-3 and M-4 respectively.
- (iv) Copy of document containing basic and increment details of the workman prepared by the Dy. Manager (Systems) of Jhanjra Area, ECL is produced as Exhibit M-5.
- (v) Copy of guidelines for promotion and selection is produced as Exhibit M-6.

In cross-examination, management witness deposed that by office order dated 10/10/2013, Sheojee Singh was deployed in the post of Mining Sirdar-cum-Shot Firer and he was assured payment of difference of wages. On 06/06/2014 he was regularized as Mining Sirdar-cum-Shot Firer w.e.f. 23/04/2014. Management Witness admittedly did not produce any calculation sheet showing difference of wages for the period from 01/01/2014 to 01/08/2014. It transpires from evidence of the management witness that minimum basic pay of Category 'C' in the post of Mining Sirdar-cum-Shot Firer was Rs. 19,035.02 per month and as the basic pay of the workman had surpassed the starting basic pay of Category 'C' employees, calculation sheet showing difference of wages from 01/01/2014 to 01/08/2014 has not been produced. Management Witness identified copy of pay slip of Sheojee Singh from January, 2014 where he was paid a basic of Rs. 904.97 per day and an additional pay of Rs. 583.77 per month during the first six months. Copies of pay slips bearing Exhibits W-5, W-6, W-7, W-8 and W-9 were identified. Management Witness denied that workman has been deprived of his legitimate pay after his regularization to the post of Mining Sirdar-cum-Shot Firer.

8. Mr. Shabe Alam, union representative arguing the case on behalf of the aggrieved workman submitted that Sheojee Singh was initially posted as R.B. Crew in Category-VI at Jhanjra Project Colliery, ECL. After completion of Mining Sirdarship course, he was deployed as Mining Sirdar-cum-Shot Firer (T) in Tech. & Supvr. Grade 'C' for six months as a trainee on the basis of letter dated 08/10.10.2013. For the first six months of training workman received difference of pay but after completion of training successfully and on his regularization to the post of Mining Sirdar-cum-Shot Firer, his pay was reduced and was not fixed in a proper manner. Union representative claimed that as per office order dated 05/06.06.2014 (Exhibit M-2) issued by the Chief Manager (Pers), Jhanjra Area, workman was entitled to the fixation of pay to be done by the Associated Finance of Unit. Referring to Implementation Instruction No. 23 and decision taken at the Standardisation Committee Meeting held on 23/01/1980, it is submitted that in paragraph fifty of Chapter XII of the Coal Wage Board Report it is mentioned that when an employee of lower category temporarily works in place of a higher category workman, he should be paid an officiating allowance of ten percent of his total wages or statutory pay of the higher category worker for whom he deputises, whichever is higher. It is further laid down that where an employee in a lower category works in the place of a workman of higher category, he should be entitled to payment of officiating allowance which shall be the difference between his wage and the minimum of the higher category, if such minimum is "higher" than his existing pay and in case by this method of adjustment, he gets less than one increment in the officiating scale, he should be given one increment in that scale. In the event of the existing pay of the officiating workman being higher than the minimum of the scale of pay of the higher category in which he works, than his existing pay should be adjusted into the next higher step in the higher category's scale and he should be given one increment in that scale. Mr. Alam argued that in the instant case, workman was a daily wage of Rs. 904.97 and on working for twenty six days his basic pay would reach Rs. 23,529.22. After the workman was regularized to the post of Mining Sirdar-cum-Shot Firer w.e.f. 23/04/2014, his basic pay was fixed by multiplying his daily wages with number of working days. Referring to Exhibit W-3, the pay slip of the workman for the month of August, 2014, it is argued that the pay of workman was simply converted from daily rate to monthly rate after his regularization to a higher category and he did not receive the amount which he was receiving during his training period as difference of wages. Union representative argued that on regularization the workman is entitled to an increment of three percent of basic wage as on 01/08/2014.

9. Mr. P. K. Das, learned advocate argued that Sheojee Singh did not get promotion to the post of Mining Sirdar-cum-Shot Firer and he is not entitled to any increment. Ld. Advocate submitted that posting of Sheojee Singh as Mining Sirdar-cum-Shot Firer was made through selection process at entry point, therefore, he was only entitled to basic initial pay fixed for Mining Sirdar-cum-Shot Firer. It is argued that the Industrial Dispute has no merit and the same is liable to be dismissed.

10. I have considered the rival contention of the workman and the management of ECL, arguments advanced by the union and Ld. Advocate as well as pleading of parties, evidence adduced and documents produced. It is evident that Sheojee Singh was initially posted as R.B. Crew and thereafter he underwent training as Mining Sirdar-cum-Shot Firer for six months. On the basis of letter dated 08/10.10.2013 (Exhibit W-1) he received his daily wages while he worked as Mining Sirdar-cum-Shot Firer (T) and he was paid difference of wages. By order bearing No. GM/JNR/PER/2014/332 dated 05/06.06.2014 the workman was regularized as Mining Sirdar-cum-Shot Firer in Tech. and Supvr. Grade 'C' w.e.f. 23/04/2014 and it was also provided in the order that his pay would be fixed by the Associated Finance of Unit. There is no dispute that the workman was regularized to the new post as per office order (Exhibit W-2). From the pay slip of May, 2014, it appears that basic pay of the workman was Rs. 23,529.22 and he received a gross pay of Rs. 48,423.75. In the month of August, 2014, his basic pay was Rs. 20,814.31 and gross monthly pay was Rs. 55,703.61. It can be gathered from the pleading and arguments of the management that workman has not been granted any increment in his basic pay on being regularized to the higher post. At this juncture it would be appropriate to take recourse to the provisions of Implementation Instruction No. 23 of NCWA-II. Referring to Implementation Instruction No. 23 and decision taken at the Standardisation Committee Meeting held on 23/01/1980, it is submitted that in para fifty of Chapter XII of the Coal Wage Board Report it is mentioned that when an employee of lower category temporarily works in place of a higher category workman he should be paid an officiating allowance of ten percent of his total wages or statutory pay of the higher category worker for whom deputises, whichever is higher. It is further laid down that where an employee in a lower category works in the place of a workman of higher category, he should be entitled to payment of officiating allowance which shall be the difference between his wage and the minimum of the higher category, if such

minimum is “higher” than his existing pay and in case by this method of adjustment, he gets less than one increment in the officiating scale, he should be given one increment of three percent in that scale. In the event of the existing pay of the officiating workman being higher than the minimum of the scale of pay of the higher category in which he works, than his existing pay should be adjusted into the next higher step in the higher category’s scale and he should be given one increment in that scale.

11. It appears from the pay slips of the workman for the months of January, 2014, February, 2014, May, 2014, June, 2014 and July, 2014, produced as Exhibits W-5 to W-9 that basic pay of workman per day was Rs. 904.97. On converting daily basic pay to monthly pay by way of multiplying basic pay with twenty six days, the monthly basic pay of the workman would appear to be Rs. 23,529.22. Therefore, on regularization of the workman in higher category of Mining Sirdar-cum-Shot Firer, the pay of the workman in the post of R.B. Crew, in lower category appears to be higher than the minimum scale of pay in the higher category where he was regularized subsequently. Therefore, according to the recommendation of the Standardisation Committee Meeting dated 23/01/1980 workman would be entitled to a pay with increment of three percent in the post of Mining Sirdar-cum-Shot Firer. Though the workman has been regularized to the post of Mining Sirdar-cum-Shot Firer w.e.f. 23/04/2014 I find that there was reduction in pay, which has been simply fixed by summing up basic daily wage for twenty six days of working period in monthly rated and without taking into consideration of decision of the Standardisation Committee Meeting. Management of ECL has placed details of monthly basic, DA rate and increment amount in respect of Sheojee Singh, U. Man No. 129420, which has been admitted in evidence as Exhibit M-5. Workman was regularized to the post of Mining Sirdar-cum-Shot Firer w.e.f. 23/04/2014 as per order dated 06/06/2014. His basic pay at monthly rate was fixed at Rs.23,529.22 w.e.f. 01/08/2014. It is true that the workman did not get any promotion on his posting as Mining Sirdar-cum-Shot Firer, which is a selection post at entry point and he is not entitled to any promotional benefit. However, on his regularization to the new post, the workman is entitled to receive one increment of three percent of the minimum of the scale of pay of higher category in which he is regularized. Management of ECL is therefore directed to fix his basic pay w.e.f. his date of regularization to the post of Mining Sirdar-cum-Shot Firer w.e.f. 23/04/2014 and also pay him arrears of basic pay and DA within two months from communication of order.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against the management of Jhanjra Project Colliery, ECL. Management of ECL is directed to fix the pay of Sheojee Singh by granting him one increment of three percent of his basic pay in the higher category of Mining Sirdar-cum-Shot Firer. Arrears towards basic and Dearness Allowance shall be disbursed to the workman within two months from date of communication of Award. Let an Award be drawn up in the 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, 9 सितम्बर, 2025

का.आ. 1652.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (**संदर्भ संख्या 50/2006**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल-22012/275/2005-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1652.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 50/2006**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL** and **their workmen** received by the Central Government on **08/09/2025**

[No. L-22012/275/2005 – IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 50 OF 2006

PARTIES:

Radha Nayak
(Represented by the legal heirs)

Vs.

Management of Amritnagar 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: 25.06.2025

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), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/275/2005-IR(CM-II)** dated 17.08.2006 has been pleased to refer the following dispute between the employer, that is the Management of Amritnagar Colliery under Kunustoria Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the Management of Amritnagar Colliery under Kunustoria Area of M/s. ECL in dismissing Shri Radhya Nayak, U.G. Loader w.e.f. 17.5.2002 is legal and justified? If not, to what relief is the workman entitled ? ”

1. On receiving Order **No. L-22012/275/2005-IR(CM-II)** dated 17.08.2006 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 18.09.2006 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. H. L. Soni, Assistant General Secretary, Koyala Mazdoor Congress filed written statement on 22.01.2007 on behalf of Radha Nayak, the dismissed workman. The fact of the case is that Radha Nayak was a permanent employee at Amritnagar Colliery under Kunustoria Area of Eastern Coalfields Limited. The workman served as an Underground Loader, bearing U. M. No. 476745. Due to prolonged illness Radha Nayak remained absent from duty from 19.07.2001 to 24.10.2001 which was beyond his control. At the relevant time he was under the treatment of Medical Practitioner and after recovery he reported for his duty on 24.10.2001 along with medical certificate. Management did not permit him to join and issued a Charge Sheet against him bearing No. M/4100/01/316 dated 24.10.2001. The workman did not receive any Notice of enquiry and could not participate in the enquiry proceeding. The Enquiry Officer held ex-parte enquiry without giving adequate opportunity to the workman to defend his case. Gross injustice was caused to the workman by denying principles of natural justice. The General Manager, Kunustoria Area thereafter issued a letter of dismissal of the workman bearing letter No. AKNT/P&IR/26A/1036 dated 17.05.2002. It is claimed by the union that the past record of the workman is good and he did not face any punishment on previous occasion. It is therefore claimed that dismissal of Radha Nayak was illegal and unjustified and prayed for setting aside the order of dismissal and payment of full back wages along with other consequential benefits.

3. On 07.08.2017 an order was passed whereby the legal heirs of Radha Nayak were substituted due to his death on 01.05.2011.

4. In this case no written statement was filed by the management, after several opportunity.

5. Union examined Dilip Kumar Nayak, son of Radha Nayak as Workman Witness No. 1. He filed an affidavit-in-chief wherein he stated that his father was continuously sick and remained absent from duty from 19.07.2001 to 24.10.2001 due to his illness, which was beyond his control and he was undergoing medical treatment during that period. After he was declared medically fit, he went to resume duty on 24.10.2001 but on that date a Charge Sheet was issued to him. The witness further stated that his father attended work for 246 days in the year 1999, 176 days in the year 2000, and 94 days in the year 2001 and he was neither a habitual absentee nor any punishment was awarded against him on earlier occasion. The witness also stated that the enquiry proceeding was held against his father keeping him in the dark and he could not attend enquiry proceeding to defend his case. In spite of such facts the General Manager issued an order of dismissal against him. The witness asserted that the punishment of dismissal passed against his father is harsh and disproportionate to the nature of misconduct and that during pendency of the Industrial Dispute his father died on 01.05.2011. The witness produced the following documents :

- (i) Copy of the Death Certificate of Radha Nayak is produced as Exhibit W-1.

- (ii) Copy of the Fitness Certificate of Radha Nayak dated 24.10.2001, as Exhibit W-2.
- (iii) Copy of the Chargesheet dated 24.10.2001, as Exhibit W-3.
- (iv) Copy of the Enquiry proceeding dated 09.03.2002, as Exhibit W-4.
- (v) Copy of the Enquiry Report, as Exhibit W-5.
- (vi) Copy of the second Show Cause Notice dated 26.03.2002 / 02.04.2002, as Exhibit W-6.
- (vii) Copy of the Letter of dismissal dated 14/17.05.2002, as Exhibit W-7.
- (viii) Copy of the Legal Heirship Certificate dated 21.06.2023, as Exhibit W-8.

6. In cross-examination the witness deposed that his father was medically treated by Dr. Senapati Mondal and then left for his native village. The witness could not state if his father received any medical treatment at any colliery hospital. Nothing was produced by the witness to prove that Radha Nayak informed the management of ECL about his absence from duty. Witness stated that his father submitted reply to the second Show Cause Notice. He denied that Charge Sheet and Notice of enquiry were served upon his father or that he intentionally stayed away from the enquiry proceeding.

7. The case of the management, as disclosed in the affidavit-in-chief of Mr. Dinabandhu Mondal, the Management Witness No. 1 is that the workman was chargesheeted for his unauthorized absence from 19.07.2001 to 24.10.2001. Workman failed to submit any reply to the Charge Sheet and a domestic enquiry was held. In spite of issuing several Notice of enquiry to the charged employee he failed to appear before the Enquiry Officer to defend his case and the enquiry proceeding was held ex-parte. The charge of misconduct by unauthorized absence was established and the Disciplinary Authority after considering relevant documents dismissed the workman from service. The witness denied that the workman suffered from illness or he underwent medical treatment from any medical practitioner. Management averred that the dismissal of the workman is totally justified. In course of his evidence management witness produced the following documents :

- (i) Copy of the Charge Sheet dated 24.10.2001 is produced as Exhibit M-1.
- (ii) Copy of the envelope containing Charge Sheet addressed to the workman, as Exhibit M-2.
- (iii) Copy of the Notice of enquiry dated 20/21.02.2002, as Exhibit M-3.
- (iv) Copy of the postal envelope used to send Notice of enquiry upon the workman, as Exhibit M-4.
- (v) Copy of the Notice of enquiry dated 28.01.2002, as Exhibit M-5.
- (vi) Copy of the postal envelope used to serve Notice of enquiry upon the workman, as Exhibit M-5/1.
- (vii) Copy of the Notice of enquiry dated 22.11.2001, as Exhibit M-6.
- (viii) Copy of the postal envelope used to serve Notice of enquiry upon the workman, as Exhibit M-6/1.
- (ix) Copy of the Enquiry proceeding dated 09.03.2002, as Exhibit M-7.
- (x) Copy of the Enquiry Report dated 09.03.2002, as Exhibit M-8.
- (xi) Copy of the second Show Cause Notice, as Exhibit M-9.
- (xii) Copy of the Letter of dismissal of the workman, as Exhibit M-10.

8. In cross-examination the witness deposed that the Charge Sheet and Notice of enquiry were sent to the workman at his address and they were returned unserved. The period of unauthorized absent was three months and the workman was dismissed for unauthorized absence. The witness denied that the dismissal of the workman was disproportionate to the nature of misconduct.

9. At the time of argument, the union representative as well as the legal heirs of the deceased employee remained absent without steps. The case pending for nineteen years is taken up for disposal on the basis of material in the record.

10. Mr. P. K. Das, learned advocate for the management of ECL argued that Radha Nayak, the dismissed workman has expired on 01.05.2011 and he could not adduce any evidence indicating the reason for his absence. It is argued that Dilip Kumar Nayak, son of Radha Nayak, in his affidavit-in-chief stated that during the period of absence the workman was under the medical treatment but no medical prescription has been produced. The Charge Sheet against him has been issued on 24.10.2001 and it is a coincidence that a Medical Certificate, in the name of Radha Nayak, has been issued on the same date. The workman was declared fit to resume his duty from 25.10.2001 and the Charge Sheet was issued on 24.10.2001, the same is presumed to have been served upon him on the date he reported for his duty i.e., on 24.10.2001. Except a single medical certificate, issued by a Registered Medical Practitioner the union could not produce any other document relating to his medical treatment.

11. It is further argued that the sole workman witness did not disclose the nature of illness suffered by his father. The Medical Certificate (Exhibit W-2) states that Radha Nayak was treated for dislocation of his Right Hip. The workman did not undergo any medical treatment at the colliery hospital or central hospital of ECL. No medical document has been produced to prove that the workman actually had suffered dislocation of his Right Hip. Under such facts and circumstances, I am not inclined to place reliance upon the Medical Certificate of Radha Nayak (Exhibit W-2) produced by the union. The workman remained absent for three long months without any intimation to the employer company. At the time of evidence management produced a copy of postal envelope addressed to Radha Nayak at his

native place at Ganjam (Odisha) bearing Ref. No. M/4100/01/316 dated 24.10.2001. The document produced as Exhibit M-2 bears an endorsement "Left". Subsequently, a Notice of enquiry dated 22.11.2001 was sent at the same address under registered post with A/D. The copy of the postal envelope has been produced as Exhibit M-6/1. From the face of the document it appears that the addressee had left the place and the same has returned unserved. Thereafter, a Notice of enquiry dated 28.01.2002 was issued to the workman under registered post with A/D but the same returned unserved. Copy of the postal envelope has been produced as Exhibit M-5/1. Lastly, a Notice of enquiry dated 20/21.02.2002 (Exhibit M-3) was sent to the charged workman under registered post with A/D at his home address. Copy of the postal envelope is marked as Exhibit M-4 and the same was returned unserved with an endorsement "Left". The management made several attempts to serve Notices of enquiry upon the absenting workman but failed to succeed. The enquiry was held after extending several opportunities to the workman who had knowledge of the Charge Sheet. The Enquiry Officer held the enquiry ex-parte and noted that after the workman started absenting himself i.e., from 19.07.2001, Charge Sheet and three Notices of enquiry were issued to the charged employee out of which two Notices of enquiry were returned with postal remark "Addressee left all days absent". The Enquiry Officer noted that in seven months of his absence the workman did not send a single letter communicating the management of his absence. After providing opportunity to the workman, he did not participate in the enquiry on his own accord. The Enquiry Officer held a proper enquiry and found him guilty of the charge. A second Show Cause Notice dated 26.03.2002 / 02.04.2002 was issued to Radha Nayak (Exhibit M-9). The Disciplinary Authority i.e., the General Manager, Kunustoria Area by his letter dated 14/17.05.2002 thereafter dismissed the workman from service. In my view the domestic enquiry though held ex-parte, the Enquiry Officer made best efforts to serve Notice of enquiry upon the workman. It appears from the Enquiry Proceeding that the workman did not make himself available in seven months, thereafter the enquiry was taken up ex-parte. The workman has a reciprocal responsibility to attend his duty and place of work but in the present case the workman was unperturbed about his long absence. A person cannot seek equity without him exhibiting equity. Therefore, the findings of the Enquiry Officer and dismissal of the workman by the Disciplinary Authority cannot be faulted only due to the fact the workman did not participate in the enquiry proceeding. The workman and the union have miserably failed to establish the cause for long absence of the workman. No document relating to medical treatment of the workman has been produced. A single document issued by a Registered Medical Practitioner, who himself has not been examined in this case, does not evoke any confidence in the workman's case. Under the facts and circumstances, I hold that the Industrial Dispute raised by the union has no merit and the same is liable to be dismissed. The dependents of the deceased workman are not entitled to any relief for his dismissal from service.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. Let an award be drawn up in light of my above findings. Management of Eastern Coalfields Limited is directed to pay the legal dues of the workman to his dependents / Legal Heirs for the past service within two (2) months from the date of communication of the Award. 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, 9 सितम्बर, 2025

का.आ. 1653.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह- श्रम न्यायालय, आसनसोल** के पंचाट (**संदर्भ संख्या 89/2000**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल. 22012/90/2000-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1653.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 89/2000**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL and their workmen** received by the Central Government on **08/09/2025**.

[No. L-22012/90/2000 – IR (CM-II)]

SALONI, Dy. Director

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

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

REFERENCE CASE NO. 89 OF 2000

PARTIES: Babulal Kewat
(represented by the legal heirs)
Vs.
Management of Madhujore 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: 30.06.2025

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), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/90/2000-IR(CM-II)** dated 12/15.09.2000 has been pleased to refer the following dispute between the employer, that is the Management of Madhujore Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Madhujore Colliery of M/s. ECL, in dismissing Sh. Babulal Kewat, Stowing Mazdoor, from services is legal and justified? If not, to what relief the workman is entitled? ”

1. On receiving Order **No. L-22012/90/2000-IR(CM-II)** dated 12/15.09.2000 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 27.09.2000/31.10.2001 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.
2. Mr. Rakesh Kumar, the then General Secretary of Koyala Mazdoor Congress filed written statement on 11.12.2001 on behalf of Babulal Kewat, the dismissed workman. Management filed their written statement on 07.11.2017. Fact of the case disclosed in the written statement of the union is that Babulal Kewat was employed as Stowing Mazdoor at Madhujore Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL). He was dismissed from his service on the allegation of unauthorized absence from 23.11.1995 to 08.05.1996. A domestic enquiry was started against the workman and he was dismissed from service on 20.10.1996 for his absence for less than one year. According to the union the workman was suffering from illness which was beyond his control. It is contended that the punishment awarded against the workman is disproportionate to the nature of misconduct. In the instant case without issuing a second Show Cause Notice the workman was dismissed from service, in violation of the decision of the Hon'ble Supreme Court of India as well as the Circular issued by Coal India Limited. According to the union, workman and his family members are facing starvation as no other family member of the workman is employed. The union prayed for setting aside the order of dismissal and prayed for reinstatement of the workman.
3. Management of ECL contested the Industrial Dispute by filing a written statement. The specific case of the employer company is that Babulal Kewat is a habitual absentee. He remained absent from 23.11.1995 without any intimation or sanctioned leave. A Charge Sheet was issued bearing No. MJ/Mgr/95/311 dated 08.05.1996 under Clause 17(i)(n) of the Model Standing Orders applicable to the Coal Mining Industry. Reply submitted by the workman against the Charge was found unsatisfactory due to which a domestic enquiry was initiated to examine the charge. The domestic enquiry was held following the principles of natural justice. The workman participated in the enquiry. According to the management the company has qualified doctors in the Colliery Hospitals in the Area Level as well as two Central Hospitals at Kalla and Sanctoria, where medical facilities are provided at company's cost. It is contended that the employee claiming to be sick did not avail any medical facility of the company and his plea of illness does not appear to

be convincing. It is asserted that the workman has taken the plea of illness only to coverup his misconduct of long absence. He failed to submit any document related to his medical treatment at the time of enquiry. Further contention of the management is that the workman was a habitual absentee and during the past three years attended duty for only 132 days in the year 1993, 240 days in the year 1994, and 164 days in the year 1995. Therefore, the workman did not perform continuous service during the year 1993 and 1995, as he worked less than 190 days in a calendar year. The management asserted in the written statement that the employee did not take his duty seriously and the workman cannot be allowed to work according to his whims and fancies. The management asserted that no leniency can be shown to a delinquent workman, as it would send a wrong signal to the other employees of the company. It is urged that the Industrial Dispute is liable to be dismissed.

4. On 18.04.2017 Droupati Kewat, wife of Babulal Kewat filed an application through the union, informing this Tribunal that her husband Babulal Kewat died on 01.01.2016, leaving behind her as a widow, two sons and two daughters. On her prayer for substitution an order was passed on 18.04.2017 substituting the legal heirs in place of the deceased workman.

5. Droupati Kewat filed an affidavit-in-chief but did not appear for her evidence. After granting several opportunities to Droupati Kewat to appear as a witness, union failed to produce the dependent of the dismissed workman for her evidence. On 02.12.2022 evidence of Droupati Kewat was closed.

6. Mr. Proloy Dasgupta, Manager (Personnel), Madhujore Colliery was examined as Management Witness No. 1. Management of ECL filed the following documents in support of their case :

- (i) Copy of the Charge Sheet dated 08.05.1996 has been filed as Exhibit M-1.
- (ii) Copy of the Reply to the Charge Sheet dated 11.09.1996, as Exhibit M-2.
- (iii) Copy of the Enquiry Report and Findings of the Enquiry Officer, as Exhibit M-3 (collectively in two pages).
- (iv) Copy of the Letter of dismissal dated 28.10.1996, as Exhibit M-4.

7. Mr. Rakesh Kumar, Union representative cross-examined the witness. It transpires from his cross-examination that in the Charge Sheet it has not been stated that Babulal Kewat was a habitual absentee but Clause 17(i)(n) of the Model Standing Orders mentioned in the Charge Sheet speaks about habitual absence. Witness admitted that in reply to the Charge Sheet, workman stated that he was under medical treatment at Khandra Hospital and informed the management about his illness through registered post. In course of his cross-examination the management witness deposed that the workman did not communicate the management about his illness by any registered letter, as claimed by him. Witness also deposed that in the Enquiry Report it has been mentioned that the workman was absent from duty for eight (8) months and twenty-six (26) days, from 23.11.1995 to 03.09.1996 and there is no evidence that workman was previously chargesheeted for his absence. The management witness deposed that the General Manager of Area did not accept the recommendation in the Note sheet and the decision of dismissing the workman was exclusively his own. The witness failed to produce any Second Show Cause Notice and denied the suggestion that the order of dismissal, passed against the workman was harsh and disproportionate.

8. Mr. Rakesh Kumar, Union representative arguing the case on behalf of the dismissed workman submitted that Babulal Kewat was unable to attend his duty due to illness which was beyond his control and had communicated the reason of his absence to the management of Madhujore Colliery. The management did not consider the ground of his absence and dismissed him from service in violation of the principles of natural justice. It is argued that no second Show Cause Notice was issued to the workman before his dismissal. It is urged that the order of dismissal suffers from illegality, as it is contrary to the principle laid down by the Hon'ble Supreme Court of India, which requires that before awarding the punishment of dismissal from service, the concerned workman should be given an opportunity to respond to the findings of the Enquiry Officer, against him. It is urged that the order of dismissal is bad in law and the same is liable to be set aside. The union representative submitted that since the workman died during the pendency of the Industrial Dispute before this Tribunal, the legal heirs of the deceased workman are entitled to the back wages of Babulal Kewat from the date of his dismissal i.e., 28.10.1996 till his death (i.e., 01.01.2016) or till superannuation, whichever is earlier.

9. Mr. P. K. Das, learned advocate argued that in the instant case the union has not examined any witness. Since raising of this Industrial Dispute neither Babulal Kewat nor any of his legal heirs have turned up denying the charge levelled against the workman regarding his unauthorized absence for more than ten days and his habitual absence. In the written statement there is no denial that the workman participated in the enquiry. According to the learned advocate for the management reasonable opportunity was granted to the workman to produce treatment papers and medical documents in support of his claim of remaining absent from duty on medical ground. It is asserted that the workman participated in the enquiry proceeding but failed to establish that he had remained absent due to illness. It is argued that the Competent Authority after considering the Charge Sheet and enquiry proceeding, thought it appropriate to impose a punishment of dismissal of the workman from employment who hampered the work of the employer company. It is argued that there is no merit in the Industrial Dispute and the same is liable to be dismissed.

10. I have considered the rival contentions of the union and management of ECL. Admittedly, Babulal Kewat was an employee of ECL at Madhujore Colliery and he remained absent from duty w.e.f. 23.11.1995 till 08.05.1996. Charge Sheet was issued to the workman which has been exhibited in the evidence as Exhibit M-1. The workman submitted his reply dated 11.09.1996 i.e., 4 months after issuance of Charge Sheet and he took a plea that he was absent without information as he was suffering from Tuberculosis and was under the treatment of B.M.O.II. / M.O.C.H.S., Khandra. In course of enquiry the charged employee replied that he had no papers to produce in support of his illness. The Enquiry Report and findings of the Enquiry Officer have been marked as Exhibit M-3 (collectively). I find from the Enquiry Report that the charge against the workman was proved. The Disciplinary Authority issued the order of dismissal after considering the Charge Sheet as well as the enquiry proceeding. After careful consideration of the materials on record, I find that the union has failed to prove that during long unauthorized absence from duty Babulal Kewat was suffering from any kind of illness, which prevented him from attending duty. Therefore, I find no illegality in the findings of the Enquiry Officer. Despite the fact that no second Show Cause Notice was issued it appears that the charged workman had opportunity to represent his case. In order to set aside the order of dismissal the union or the dismissed workman or the dependents of the dismissed workman are duty bound to establish that there was some cogent reason for the workman for remaining away from his place of work or duty for nearly one year. It is only after such prima facie case is established, it would be the bounden duty of the management to issue a second Show Cause Notice to the workman before dismissing him from service. Since the workman and his dependent family members did not come forward to participate in this Industrial Dispute proceeding there is no reason to presume that they have been prejudiced by the order of dismissal. It is true that a second Show Cause Notice should have been issued to the workman before dismissing him. Non-compliance of such mandate is a procedural lapse and not a violation of substantive provision.

11. In the case of **State Bank of Patiala and Others Vs. S. K. Sharma [(1996) 3 SCC 364]** it was held that :

“ (1) An order passed imposing a punishment on an employee consequent upon a disciplinary / departmental enquiry in violation of the rules / regulations / statutory provisions governing such enquiries should not be set aside automatically. The Court or the Tribunal should enquire whether (a) the provision violated is of a substantive nature or (b) whether it is procedural in character.

(2) A substantive provision has normally to be complied with as explained hereinbefore and the theory of substantial compliance or the test of prejudice would not be applicable in such a case.

(3) In the case of violation of a procedural provision, the position is this: procedural provisions are generally meant for affording a reasonable and adequate opportunity to the delinquent officer / employee. They are, generally speaking, conceived in his interest. Violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed. Except cases falling under 'no notice', 'no opportunity' and 'no hearing' categories, the complaint of violation of procedural provision should be examined from the point of view of prejudice, viz., whether such violation has prejudiced the delinquent officer / employee in defending himself properly and effectively. If it is found that he has been so prejudiced, appropriate orders have to be made to repair and remedy the prejudice, including setting aside the enquiry and/or the order of punishment. If no prejudice is established to have resulted therefrom, it is obvious, no interference is called for.”

In the present case if order of dismissal of the workman is found unsustainable for non-issuance of second Show Cause Notice, there is no further scope for doing so as the workman has died during pendency of the Industrial Dispute and the charge against him has been proved by holding a fair enquiry into which he had participated. Under such facts and circumstances, I find no reason to interfere with the Order of Dismissal passed against Babulal Kewat. Therefore, the order of dismissal passed by the management does not appear to be disproportionate to the nature of misconduct proved. The Industrial Dispute is therefore dismissed on contest. Management of the Eastern Coalfields Limited is directed to disburse all dues to the legal heirs on account of past service of the workman.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. The dependents of the workman are not entitled to any relief. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2025

का.आ. 1654.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह- श्रम न्यायालय, आसनसोल** के पंचाट (संदर्भ संख्या **40/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल-22012/121/2018- आई आर .(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1654.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 40/2018**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL** and **their workmen** received by the Central Government on **08/09/2025**

[No. L-22012/121/2018- IR(CM-II)]

SALONI, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 40 OF 2018

PARTIES: Suresh Shaw
Vs.
Management of Tilaboni Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. Mani Padma Banerjee, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 27.06.2025

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), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/121/2018-IR(CM-II)** dated 22.11.2018 has been pleased to refer the following dispute between the employer, that is the Management of Tilaboni Colliery under Bankola Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of management of Tilaboni Colliery of Bankola Colliery, M/s. E.C.Ltd in termination of service of superannuation on attaining the age of 60 years in respect of Sri Suresh Shaw, Fitter and non-payment of wages for the period from 06-05-2010 of 14-09-2011 is justified? If not, what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/121/2018-IR(CM-II)** dated 22.11.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 10.12.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Suresh Shaw, the aggrieved workman filed written statement on 08.02.2023 through Mr. Rakesh Kumar, President, Koyala Mazdoor Congress. Management filed written statement on the same date. The fact of the case, in brief as disclosed in the written statement of the union is that Suresh Shaw was posted as a Fitter at Tilaboni Colliery under Bankola Area of Eastern Coalfields Limited (hereinafter referred to as ECL). In the Service Record Excerpt, issued to the workman in the year 1987 his date of birth was mentioned as 06.09.1956. Suresh Shaw did not raise any objection against his date of birth recorded in the Service Record Excerpt. As per date of birth his date of superannuation was due on 30.09.2016. On 14.09.2011 management issued a letter bearing No. TC/Ag/PD/ Retire/11-12/337, informing that his service was terminated with immediate effect on 14.09.2011. According to the guidelines of the company Notice of superannuation is required to be issued to the workman six months prior to his superannuation but in the instant case management did not issue any Notice of superannuation to Suresh Shaw within the time prescribed by the company. Management mentioned that the date of superannuation of Suresh Shaw is 06.09.2010 and terminated him from service on 14.09.2011. The grievance of the workman is that though he worked up to 14.09.2011, wages were not paid to him from 06.09.2010 to 14.09.2011. It is contended that the workman is entitled to get wages from 06.09.2010 to 14.09.2011 for twelve months and three days with all other consequential benefits. The workman as well as union raised a dispute before the management for correction of date of birth in the Service Record and that the workman should be allowed to continue his service till 30.09.2016 and payment of wages to the workman for the period he rendered service.

3. Initially, the proposal was sent to the Area Office and in turn it was sent to the Headquarters of ECL but management did not approve. An Industrial Dispute was thereafter raised before the Assistant Labour Commissioner (Central). The dispute ended in a failure and the Ministry of Labour and Employment, Government of India, referred the dispute before this Tribunal for adjudication. It is the case of the workman that he was allowed to continue his work till his termination on 14.09.2011, as such he is entitled to get his wages for the period, he rendered service from 06.09.2010 to 14.09.2011. According to the workman his date of birth has been recorded as 06.09.1956 in the Service Record Excerpt and according to such date of birth his date of superannuation is 30.09.2016 but the management of the company retired him in a premature manner on 14.09.2011. The union therefore has prayed for allowing him to continue his duty up to 30.09.2016 and for payment of wages for the period. Union has prayed for payment of wages to Suresh Shaw, Fitter, Tilaboni Colliery for the work done by him for the period from 06.09.2010 to 14.09.2011, with all consequential benefits on the basis of his date of birth, 06.09.1956.

4. Management contested the Industrial Dispute and stated in their written statement that Suresh Shaw was transferred from Ningha Colliery under Sripur Area to Tilaboni Colliery under Bankola Area. As per Form 'B' Register of Tilaboni Colliery date of birth of Suresh Shaw was recorded as 06.09.1956 and according to such date of birth his superannuation is 30.09.2016. Further, case of ECL is that subsequently, it was found that the date of birth of Suresh Shaw was recorded as 06.09.1950 in the Service Record Excerpt and accordingly the workman was required to superannuate on 30.09.2010. During verification of date of birth by the system department, it was found that the date of birth was 06.09.1950. However, the workman continued his work beyond his date of superannuation i.e., from October, 2010 to September, 2011. The order of termination was issued w.e.f. 14.09.2011 as advised by the Senior Manager (Personnel) / IC, Bankola Area. Further case of the management is that a Note sheet was initiated for payment of wages to Suresh Shaw vide Ref. No. TC/Ag/PD/NS/11-12/370 dated 23.09.2011. The total wages payable to the workman in Rs. 3,94,049.35/- (Rupees three lakh ninety-four thousand forty-nine and thirty-five paise only), an advance payment was made to him to the extent of Rs. 1,97,000/- (Rupees one lakh ninety-seven thousand only) and an amount of Rs. 1,97,049.35/- (Rupees one lakh ninety-seven thousand forty-nine and thirty-five paise only) is yet to be paid. Management claimed that petition filed by the union is vexatious and baseless and the same is liable to be rejected.

5. Suresh Shaw was examined as Workman Witness No. 1. He filed his affidavit-in-chief and produced the following documents :

- (i) Copy of the Service Record Excerpt dated 30.03.1987 is produced as Exhibit W-1.
- (ii) Copy of the letter of termination date 14.09.2011, as Exhibit W-2.
- (iii) Copy of the Form PS-3, as Exhibit W-3.

In his evidence-in-chief the workman deposed that his date of birth is 06.09.1956 and the employer company superannuated him on 14.09.2011 in a premature manner, while six years of service was remaining. The workman stated that he was informed that he attained the age of sixty years on 06.09.2010 but he rendered service till 14.09.2011. The workman claimed that the company did not make payment of wages for the service rendered by him and that the management paid part of his wages for nine months.

6. In course of cross-examination the witness deposed that at the time of his appointment in the year 1973 he appeared before an Interview Board where he was asked about his date of birth and on their own assessment, they recorded 06.09.1956 as his date of birth. Workman deposed that he was 17 years and 10 months old at the time of his appointment in the year 1973. Witness stated that he has no document in support of his age and his date of birth was recorded as 06.09.1956 on their own guess. The workman did not submit any application before the company for claiming unpaid wages, but raised a complaint before the union.

7. Management of Tilaboni Colliery examined Mr. Sunil Kumar, Assistant Manager (Personnel), Tilaboni Colliery as Management Witness No. 1. An affidavit-in-chief has been filed wherein the witness stated that the date of birth of Suresh Shaw was recorded in his Service Record Excerpt as 06.09.1950 and according to the date of birth, his date of superannuation would be 30.09.2010. The management of ECL permitted the workman to continue his work beyond the date of superannuation from October, 2010 to September, 2011. The letter of termination was issued on 14.09.2011. Thereafter a Note sheet was initiated for payment of wages to Suresh Shaw vide Ref. No. TC/Ag/PD/NS/11-12/370 dated 23.09.2011. It further transpires from his affidavit-in-chief that total wages due to the workman was Rs.3,94,049.35/- and out of the said amount Rs.1,97,000.00/- has been paid to the workman and an amount of Rs.1,97,049.35/- is due. In course of his evidence the management witness filed the following documents :

- (i) Copy of the Service Register is filed as Exhibit M-1.
- (ii) Copy of the Service Record Excerpt of ss, as Exhibit M-2.
- (iii) Copy of the Letter of termination dated 14.09.2011, as Exhibit M-3.
- (iv) Copy of the Letter dated 13.09.2011 issued by Sr. Manager (P)/IC, Bankola Area to the Agent, Tilaboni Colliery, as Exhibit M-4.

8. In his cross-examination the witness admitted that the payment of balance amount of Rs.1,97,049.35/- has not been made to the workman for want of approval by the Competent Authority. It is gathered from his evidence that the management permitted the workman to continue his work as relevant documents relating to his date of birth and superannuation were not available at that time. The witness also stated that the workman is entitled to receive wages for the extra period of service rendered by him.

9. In the present case Service Record Excerpt of the workman reveals that his date of birth is 06.05.1956 (Exhibit W-1). Management produced Service Register of the workman as Exhibit M-1. The date of birth of the workman in the Service Register is recorded as 06.09.1950, therefore his date of superannuation is 30.09.2010. The evidence of management witness reveals that the workman was permitted to continue his service after 30.09.2010 as documents regarding his date of birth was not available at that time. It appears from relevant material on record that the workman had served for an extra period after attaining the age of superannuation. From the cross-examination of Witness Workman No. 1, it appears to me that there was no basis of recording is date of birth as 06.09.1956 in the Service Record as it was recorded on the basis of presumptions made by the members in the interview board at the time of appointment.

10. Mr. Rakesh Kumar, Union representative argued that at this stage the only question which needs to be addressed is whether the workman is entitled to the payment of remaining portion of the wages for the service rendered by him.

11. Mr. Mani Padma Banerjee, learned advocate, fairly argued that the management witness has already provided the answer to the question by deposing that the payment of Rs. 1,97,000/- could not be made to the workman for the want of approval from the Competent Authority.

12. Considered the argument advanced on behalf of the management and union in the backdrop of the pleadings of the parties and evidence adduced. Undisputedly, Suresh Shaw has worked for an extra period of one year after attaining his age of superannuation as per his Service Record. He has received Rs. 1,97,000/- out of total due of Rs. 3,94,049.35/- towards wages for the period of one year. Therefore, the superannuated workman is entitled to Rs.1,97,049.35/- from the management of Tilaboni Colliery under Bankola Colliery of Eastern Coalfields Limited. The Industrial Dispute is accordingly decided against the management.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against the management of Tilaboni Colliery under Bankola Colliery of Eastern Coalfields Limited. Management is directed to pay Rs. 1,97,049.35/- (Rupees one lakh ninety-seven thousand forty-nine and thirty-five paise only) to Suresh Shaw within a period of one (1) month from the date of communication of the Award. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2025

का.आ. 1655.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (**संदर्भ संख्या 29/2012**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल-22012/88/2012- आई आर .(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1655.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 29/2012**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL and their workmen** received by the Central Government on **08/09/2025**.

[No. L-22012/88/2012- IR(CM-II)]

SALONI, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 29 OF 2012**PARTIES:**

Somesh Das
(dependent son of Late Jogi Das)

Vs.

Management of J. K. Ropeways, ECL

REPRESENTATIVES:

For the Union/Workman: None.

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 30.06.2025

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), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/88/2012-IR(CM-II)** dated 25.07.2012 has been pleased to refer the following dispute between the employer, that is the Management of J. K. Ropeways and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of J.K. Ropeways is fair, just and based in the justice to not providing employment to Sri Somesh Das, dependent son of Late Jogi Das who died in service leaving family in harness? To what relief management can provide to Sri Somesh Das? ”

1. On receiving Order **No. L-22012/88/2012-IR(CM-II)** dated 25.07.2012 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 13.08.2012 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. C. B. Mishra, General Secretary, United Koila Mazdoor Sangh (UTUC) filed written statement on behalf of the dependent son of the deceased employee on 26.06.2013. Fact of the case in brief as per written statement of union is that Jogi Das was employed a J. K. Ropeways under Eastern Coalfields Limited. He died in harness 16.11.1986 due to a fatal accident at his place of work leaving behind Suren Kamin his wife and Somesh Das, son. Somesh Das, submitted an application for his employment in the year 1996. Since the son of the deceased workman was only eleven years of age at the time of death of his father his claim for employment was not processed and the wife of the deceased was verbally communicated that her son will be provided with employment on attaining majority. Subsequently, management regretted the claim for employment of the dependent son by issuing letter No. ECL/JKR/Employment/675 dated 19/23.07.1996, on the ground that he was a minor at the time of death of his father. Union contended that the denial of employment on the ground of age is not justified and he was more than eighteen years on 19.07.1996. Therefore, the candidate was eligible for employment on compassionate ground. The union prayed issuing necessary direction to the management for providing employment to the dependent son.

3. Management contested the case by filing written statement on 04.06.2015. It is their specific case that provisions of National Coal Wage Agreement (hereinafter referred to as NCWA) is binding upon both the parties and under Clause 9.4.1 and 9.4.2 of NCWA-III and the Mines Act there was no scope for providing employment to the dependent below the age of eighteen years. It is claimed that on the date of death of Jogi Das, the age of Somesh Das was 9 years, 10 months and 15 days. According to the provisions for maintaining the name of the male dependent in the Live Roster, a male dependent had to be above the age of 15 years and it was introduced for the first time in NCWA-V which was in force from 01.07.1991 to 30.06.1996. It is asserted by the management of ECL that denial of employment to the minor son of deceased is consistent with the provisions of the bipartite agreement and the management did not commit any illegality.

4. In support of the dependent's claim for employment Somesh Das has been examined as Workman Witness No. 1. He has filed his affidavit-in-chief where he claimed that he is entitled to get employment on account of his father's death but admitted that his age at the time of accident was ten years.

5. In cross-examination witness deposed that his mother was alive at the time of accident of his father and his mother applied before the employer company for his employment. Witness was unable to state on which date the application was made. He deposed that after attaining the age of majority his mother again applied for his employment but the company did not consider his case as he was a minor at the time of his father's death.

6. Management examined Mr. Navnit Raj Verma, Senior Officer (Personnel), Kajora Area, as Management Witness No. 1. He filed an affidavit-in-chief and deposed that for providing employment to the dependent of ex-employee, in case of death either in mines accident or for other reason or medical unfitness of the employee of Coal India Limited and its subsidiary companies they are governed by the terms of National Coal Wage Agreement (hereinafter referred to as NCWA). It is further averred in the affidavit-in-chief that on the date of death of Jogi Das on 16.11.1986, the age of Somesh Das, claiming employment was 9 years, 10 months and 15 days. He further stated that under the rules and relevant provisions of NCWA-III under Clause 9.4.1 read with 9.4.2 there was no scope to provide employment to the eligible dependent below the age of eighteen years. In course of evidence management witness produced the following documents :

- (i) Copy of the application for employment submitted by Somesh Das is produced as Exhibit M-1.
- (ii) Copy of the Form 'B' of Jogi Das, as Exhibit M-2.
- (iii) Copy of letter dated 19/23.07.1996 issued by the Dy.CME, J.K. Ropeways to the wife of the deceased employee, regretting the employment proposal of her son, as Exhibit M-3.

7. When the case was taken up for argument none is appeared for the workman. On a perusal of the record, I find that at the time the case was fixed up for peremptory hearing the union representative did not turn up to cross-examine the management witness and the witness was discharged.

8. Mr. P. K. Das, learned advocate for ECL argued that only question for considering in this case is whether Somesh Das fulfilled the conditions under NCWA for providing employment to him. It is argued that there was no provision under NCWA-III to maintain the name of the minor in the Live Roster or to provide employment on attaining majority. It is submitted that the provision of maintaining the name of dependent was introduced in NCWA-V, which came into effect from 01.07.1991, is after the death of Jogi Das.

9. Considered the argument advanced in the light of the facts and circumstances of this case and the evidence on record. Undisputedly, Somesh Das, is the dependent son of the workman Jogi Das, was a minor at the time of his father's death on 16.11.1986. At the relevant time there was no provision in NCWA for maintaining the name of minor son in the Live Roster, so that employment could be provided to him on his attaining majority. As per written statement of the union, application claiming employment was submitted by the wife of the deceased employee in the year 1996, which is ten years after the date of death of the employee. Apart from the fact that the dependent son was a minor at the time of his father's death and there was no provision for maintaining his name in the Live Roster for providing employment, there was delay on the part of the dependents of the deceased workman in submitting their application for employment. It also appears that the family of the deceased has been able to wade over their financial crisis since 1986. Considering such facts, I hold that Somesh Das, the son of the deceased employee is not entitled to compassionate employment on the death of his father. The Industrial Dispute is without merit and the same is dismissed.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. Somesh Das, the dependent son of the deceased employee, Jogi Das is not entitled to any employment on compassionate ground. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2025

का.आ. 1656.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (संदर्भ संख्या **34/2007**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल-22012/3/2007- आई आर .(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 34/2007**) of **the Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL and their workmen** received by the Central Government on **08/09/2025**.

[No. L-22012/3/2007- IR(CM-II)]

SALONI, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 34 OF 2007

PARTIES: Sant Kumar Harijan
Vs.
Management of Jhanjra 1 and 2 Incline, 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: 26.06.2025

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), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/3/2007-IR(CM-II)** dated 25.06.2007 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra 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 Limited in dismissing the service of Sri Sant Kumar Harijan w.e.f. 10.05.2002 is legal and justified? If not, to what relief is the workman entitled? ”

1. On receiving Order **No. L-22012/3/2007-IR(CM-II)** dated 25.06.2007 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 03.07.2007 / 11.07.2007 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. Koyala Mazdoor Congress filed written statement on 06.05.2015 on behalf of Sant Kumar Harijan, the dismissed workman. Fact of the case, in brief, is that Sant Kumar Harijan is a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was posted as a Fitter at 1 and 2 Incline Jhanjra under Jhanjra Area of ECL, bearing U. M. No. 101407. Due to unauthorized absence of the workman from duty for more than ten days, management issued a Charge Sheet to him. The workman explained the circumstances under which he was unable to attend his duty. It is his case that he was serving as an Underground Loader since 1987 and his work was very risky and hazardous due to which he was unable to adjust himself and frequently fell ill and could not attend his duty. He requested the management to allow him to join his job but he was not allowed and a Charge Sheet was issued to him and after enquiry management awarded the punishment of dismissal. According to the union a Memorandum of Settlement dated 22.05.2007 was signed whereby management agreed to reconsider the cases of dismissal where the period of absence was up to nine months and age of the workman was within 45 years. It is contended that the workman only absented for a period of one month and five days only but the punishment of dismissal awarded against him is harsh and disproportionate to the nature of misconduct. Union contended that dismissal of Sant Kumar Harijan is illegal and he should be allowed to join his duty with other consequential benefits.
3. Management filed their written statement in this case on 29.01.2025. According to the management the workman absented from duty without information and permission w.e.f. 30.08.2001 for which a Charge Sheet bearing No. AGT/JNR/1&2/P/CS/2001/604 dated 04.10.2001 was issued under Clause 26.29 of the Certified Standing Orders

applicable to the company. Further case of the management is that the concerned workman did not submit any reply to the Charge Sheet, as such a domestic enquiry was held into the charge. An Enquiry Officer was appointed who issued four Notice of enquiry addressed at his home. The workman failed to appear in the enquiry and the same was held ex-parte. The Enquiry Officer after concluding the enquiry proceeding submitted his report, holding Sant Kumar Harijan guilty of the charge mentioned in the Charge Sheet. A second Show Cause Notice bearing No. GM/JNR/PER/08/2002/115 dated 18/23.04.2002 was issued to the workman, seeking reply within three days. The workman did not respond to the second Show Cause Notice and finally he was dismissed from service vide Order No. GM/JNR/PER/08/2002/249 dated 07/10.05.2002 issue by the General Manager. Management claimed that the order of dismissal passed by the Disciplinary Authority, against the charged workman is proportionate and consistence to the gravity of the misconduct. It is the case of the management that the principles of natural justice were followed at all stages and reasonable opportunity was given to the workman to defend his case. The enquiry proceeding was fair and the management is justified in dismissing the workman from his service.

4. In order to substantiate his case union examined Sant Kumar Harijan as Workman Witness No. 1 who filed his affidavit-in-chief where he disclosed that he could not attend his duty from 30.08.2001. After recovery from illness, he reported for duty but management disallowed him. The management issued Charge Sheet but the Charge Sheet was not served upon him by the colliery management. Workman witness further stated in his affidavit-in-chief that management issued Charge Sheet to him on 04.10.2001 but he did not receive the same. The enquiry was held ex-parte and no Notice of enquiry was served upon him. The witness denied receipt of second Show Cause Notice issued to him. It is asserted that he was absent from duty for one month and five days i.e., 30.08.2001 to 04.10.2001 and after his absence for such short period highest punishment of dismissal should not be awarded. The workman claimed that he should be allowed to join duty with full back wages because his dismissal from service is illegal and not justified.

5. In cross-examination the witness deposed that he was absent from duty due to illness but he was unable to file any document in support of his illness, claiming that the same were already submitted before the management. The witness further deposed that he intimated the management about his illness but he did not have any proof in support of the same. It transpires from his evidence that he did not receive Charge Sheet or Notice of enquiry from the management. It is denied that the management served Charge Sheet and Notice of enquiry upon him.

6. Mr. Abhijeet Chakraborty, Assistant Manager (Personnel), Jhanjra Project Colliery has been examined as Management Witness No. 1. He filed his affidavit-in-chief wherein it is stated that Sant Kumar Harijan was chargesheeted by the management vide letter No. 604 dated 04.10.2001. In course of his evidence the management witness filed the following documents :

- (i) Copy of Charge Sheet dated 06.06.2001 is produced as Exhibit M-1.
- (ii) Copy of the Reply to the Charge Sheet dated 17.07.2001, as Exhibit M-2.
- (iii) Copy of the letter dated 18.07.2001 by which he was allowed to resume his duty w.e.f. 18.07.2001, as Exhibit M-3
- (iv) Copy of the Notice of enquiry dated 02.08.2001, as Exhibit M-4.
- (v) Copy of the Enquiry Proceeding in two pages, as Exhibit M-5.
- (vi) Copy of the Enquiry Report prepared by the Enquiry Officer, Mr. D. Das by filling up the blanks in the printed Form, as Exhibit M-6.
- (vii) Copy of the Charge Sheet dated 04.10.2001, as Exhibit M-7.
- (viii) Copy of the Notice of enquiry dated 22.10.2001, 13.11.2001, 10.12.2001 and 03.01.2002 have been produced collectively as Exhibit M-8 series.
- (ix) Copy of Enquiry Proceeding, as Exhibit M-9.
- (x) Copy of Enquiry Report, as Exhibit M-10.
- (xi) Copy of the second Show Cause Notice dated 18/23.04.2002, as Exhibit M-11.
- (xii) The postal envelope along with A/D for communicating the second Show Cause Notice is produced as Exhibit M-12.
- (xiii) Copy of letter of dismissal dated 07/10.05.2002, as Exhibit M-13.
- (xiv) The postal envelope along with A/D for communicating the letter of dismissal is produced as Exhibit M-14.

7. In cross-examination the witness deposed that the enquiry proceeding commenced on 12.01.2002 and denied that during enquiry the principles of natural justice was not followed by the Enquiry Officer or that the workman was held guilty in biased manner. Witness also denied that the punishment of dismissal of the workman is disproportionate to the nature of misconduct of unauthorized absence.

8. Mr. Rakesh Kumar, Union representative argued that the workman was absent for a shorter period and the only charge levelled against the workman was of unauthorized absence. There is no charge of habitual absence against the workman. It is further argued that neither Charge Sheet nor Notice of enquiry was served upon the workman but on the basis of ex-parte enquiry the workman was arbitrarily dismissed from service. It is argued that initially management had produced a wrong Charge Sheet which has been marked as Exhibit M-1 in the name of Sant Kumar Harijan which is dated 06.06.2001. Subsequently, Exhibit M-7 has been produced, which is Charge Sheet No. 604 dated 04.10.2001. Mr. Rakesh Kumar, Union representative argued that the dismissal of the workman without holding a fair enquiry amounts to violation of principles of natural justice. It is argued that the punishment imposed is disproportionate and the same is required to be set aside and the workman deserves to be reinstated in service along with back wages.

9. Mr. P. K. Das, learned advocate argued that the workman remained absent for more than ten days without any intimation or prior permission of the Competent Authority. Due to such unauthorized absence the workman caused disruption of work of the employer company. Management made several attempts to serve the Charge Sheet and Notice of enquiry upon the workman but failed. Enquiry was held providing opportunity to the workman to appear and contest the charge during enquiry proceeding but he remained absent. The workman in his written statement disclosed that he could not attend his work due to illness but the workman neither submitted any document relating to his medical treatment before the management of the company nor did he produce any document in support of his illness at the time of hearing. Learned advocate argued that the second Show Cause Notice along with a copy of Enquiry Proceeding and Report were sent at the home address of the concerned workman under registered post with A/D but he had not responded to the same. The postal envelope with A/D has been produced as Exhibit M-12. Learned advocate urged that the workman is not entitled to any relief and considering his date of birth, he already attained the age of superannuation in January, 2018. Therefore, there is no scope for his reinstatement.

10. On a conspectus of the pleading of parties, evidence adduced by the union and management and on considering argument advanced on behalf of both the parties, it is crystal clear that the workman voluntarily had fled his place of work on the pretext of illness. Management made best efforts to serve copy of Charge Sheet disclosing the nature of misconduct, which the workman was already aware of but there was no attempt on his part to inform the management about the reason of his absence. His only plea is that no Charge Sheet and Notice of enquiry was served upon him for which he could not participate in the enquiry. As the workman had left his place of work, he was not amenable for ensuring his participation in the enquiry. Documents filed by the management revealed that Charge Sheet (Exhibit M-7) and Notice of enquiry dated 22.10.2001, 13.11.2001, 10.12.2001 and 03.1.2002 (Exhibit M-8 series) were issued in the name of Sant Kumar Harijan. The Enquiry Officer observed that the enquiry proceeding was held on 12.01.2002. Mr. A. Adhikary and Mr. R. S. Singh were examined as management witnesses. Mr. A. Adhikary stated that Sant Kumar Harijan absented from duty since 30.08.2001 and produced 'Form IV A' of August, 2001. Mr. R. S. Singh corroborated the statement of Mr. A. Adhikary regarding absence of Sant Kumar Harijan from 30.08.2001 to 12.01.2002. He produced 'G & H Register' of the Time Rated Employees. The enquiry proceeding has been produced as Exhibit M-9. Enquiry Report dated 12.01.2002 (Exhibit M-10) reveals that the charge levelled against Sant Kumar Harijan in Charge Sheet dated 04.10.2001 had been proved beyond doubt. A second Show Cause Notice 18/23.04.2002 has been produced as Exhibit M-11. Management produced a postal envelop, which was admitted in evidence as Exhibit M-12, which contained a second Show Cause Notice along with copy of Enquiry Proceeding and Report, transmitted to Sant Kumar Harijan under registered post with A/D. The postal envelope was returned unserved with postal endorsement. On a scrutiny of the document, it appears that the management was steadfast in their attempt to communicate the outcome of proceeding to the absenting workman and finally the workman was dismissed from his service on the strength of order dated 07/10.05.2002, issued by the General Manager, Jhanjra Area, who is the Disciplinary Authority in this case. The order of dismissal has been produced as Exhibit M-13. The only plea of the workman is that he did not receive the Charge Sheet and Notice of enquiry, which prevented him from participating in the enquiry proceeding. He has not come forward with clean hands and remained silent about his absence. In the written statement the workman is absolutely silent regarding his absence from duty for more than one month. In the affidavit-in-chief, he has stated in paragraph no. 3 that after recovery from illness he reported for duty before the management but was not allowed him to join duty. The workman did not disclose the nature of illness he experienced nor did he produce any document in support of his illness. Therefore, I hold that the workman has miserably failed to prove any cogent reason for his absence from duty without any information to the management. He has raised this Industrial Dispute five years after his dismissal. In view of the facts and circumstances of this case I find and hold that the dismissal of Sant Kumar Harijan on the ground of his long absence from duty is just and legal. There is no merit in the Industrial Dispute and he is not entitled to any relief from the employer. It may be noted that the workman has already crossed the age of superannuation in January, 2018. The workman did not find out the detrimental consequence for his long absence from duty. Therefore, the ex-parte Enquiry Proceeding held against him cannot be vitiated only for his non-participation, which appears to be a conscious act on his part.

Hence,

ORDERED

that Industrial Dispute is dismissed on contest. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2025

का.आ. 1657.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इ सी एल** के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (संदर्भ संख्या **111/2005**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/09/2025** को प्राप्त हुआ था।

[सं. एल-22012/378/2004- आई आर .(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 9th September, 2025

S.O. 1657.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 111/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **M/s. ECL** and **their workmen** received by the Central Government on **08/09/2025**.

[No. L-22012/378/2004- IR(CM-II)]

SALONI, Dy. Director

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

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

REFERENCE CASE NO. 111 OF 2005

PARTIES: Ranjit Tapadar
(represented by the legal heirs)

Vs.

Management of Sonepur Bazari Project, ECL

REPRESENTATIVES:

For the Union/Workman: Ms. Debarati Konar, Advocate.

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

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 25.06.2025**AWARD**

In exercise of power 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-22012/378/2004-IR(CM-II)** dated 18.08.2005 has been pleased to refer the following dispute between the employer, that is the Management of Sonepur Bazari Project, Sonepur Bazari Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Sonepur Bazari Project in dismissing Sh. Ranjit Tapadar from services w.e.f. 20.6.2001 is legal and justified? If not, to what relief the concerned workman is entitled to and from which date? ”

1. On receiving Order **No. L-22012/378/2004-IR(CM-II)** dated 18.08.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 09.09.2005 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. In the instant case Mr. S. K. Pandey, the then General Secretary of Koyala Mazdoor Congress filed written statement on 31.10.2005 on behalf of Ranjit Tapadar, the dismissed workman. The fact of the case, in brief is that Ranjit Tapadar, bearing Man No. 859400 was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was posted as E.P. Helper at Sonepur Bazari Project under Sonepur Bazari Area of ECL. A Charge Sheet bearing No. ECL/SBP/Pers/HC/2K/1769 dated 04/06.10.2000 was issued to him. It is contended by the union that Charge Sheet and Notice of enquiry were not served upon the workman. Ranjit Tapadar was finally dismissed from service of the company w.e.f. 20.06.2001 on the strength of order of dismissal issued by the General Manager, Sonepur Bazari Area vide order No. GM/SBA/Pers/01/9/789 dated 20.06.2001 after holding an ex-parte enquiry. The workman was aggrieved as he did not get the opportunity to represent his case and the enquiry was held in violation of principles of natural justice. On such ground the union has prayed for directing the management of ECL to reinstate the workman and pay him full back wages from the date of his dismissal with all consequential benefits.

3. Management contested the case by filing their written statement on 01.04.2015. According to the management the workman was chargesheeted for his unauthorized absence. He failed to submit any satisfactory explanation in the reply to the Charge Sheet and a Domestic Enquiry was held. The Enquiry Officer issued a Notice of enquiry to the workman and extended reasonable opportunity to defend his case according to the principles of natural justice. After conclusion of enquiry the workman was found guilty of the charge and the Disciplinary Authority considering all connected papers and gravity of the misconduct dismissed the workman from service. Management claimed that the order of dismissal is totally justified and the punishment awarded is proportionate. It is further contended that illegality has been committed by dismissing the workman. Management urged that the Industrial Dispute is liable to be dismissed.

4. On 01.04.2015 it was informed to the Tribunal that Ranjit Tapadar has expired on 13.11.2006, leaving behind his wife Latika Tapadar and two sons, Somnath Tapadar and Debnath Tapadar, who were substituted in place of the deceased employee.

5. Latika Tapadar was examined as Workman Witness No. 1. She filed her affidavit-in-chief wherein she stated that her husband Ranjit Tapadar was illegally dismissed while in service of the company and she is entitled to the financial benefits of wages dues, Provident Fund and Pension, Life cover scheme payment, Gratuity and other dues in respect of her deceased husband. The witness further stated that Somnath Tapadar, their son is entitled to employment in place of her husband as per provisions of National Coal Wage Agreement.

6. In course of cross-examination the witness deposed that the management of the company had issued Charge Sheet against her husband and a domestic enquiry had been initiated. She admitted that she had no knowledge about the enquiry proceeding. She also stated that her husband died after dismissal from service.

7. An affidavit has been submitted by the two sons of Ranjit Tapadar, stating that their mother can be substituted in place of their deceased father. The Affidavit has been marked as Exhibit W-1. Legal Heirship Certificate has been produced as Exhibit W-2. Copy of Death Certificate of Ranjit Tapadar, as Exhibit W-3. Copy of the Post Mortem Report of Ranjit Tapadar, as Exhibit W-4. It appears from the Post Mortem Report that the concern person died due to a road accident on 13.11.2006. Copy of the Service Excerpt Record of the employee has been marked as Exhibit W-5. Certificate issued by the Deputy Mayor, Durgapur Municipal Corporation, as Exhibit W-6.

8. Management filed affidavit-in-chief of Mr. Amit Kumar Gupta but the witness was not examined. Subsequently, Mr. Pancharam, Assistant Manager (Personnel), Sonepur Bazari Project, filed an affidavit-in-chief. He was examined as Management Witness No. 1. It is stated therein that the workman remained absent without prior information to the management establishment and was a habitual absentee. He violated provisions of Clause 26.23 and 26.29 of the Certified Standing Orders. A Domestic enquiry was held against the workman and he has been found guilty and was punished by the Disciplinary Authority. The management witness in support of their case has produced the following documents :

- (i) Copy of the Charge Sheet dated 04/06.10.2000 has been produced as Exhibit M-1.
- (ii) Copy of the Notice of enquiry dated 19.12.2000 / 03.01.2001, as Exhibit M-2.
- (iii) Copy of the Last and Final Notice of enquiry dated 05.04.2001, as Exhibit M-3.
- (iv) Copy of the Enquiry Proceeding, as Exhibit M-4.
- (v) Copy of the Enquiry Report, as Exhibit M-5.
- (vi) Copy of the order of dismissal, as Exhibit M-6.

9. In course of cross-examination management witness is unable to produce any document to show service of Charge Sheet and Notice of enquiry upon the workman before initiating the enquiry proceeding. There is no evidence of service of second Show Cause Notice. It also appears that in the order of dismissal the appropriate authority did not mention service of any second Show Cause Notice upon the workman along with a copy of enquiry proceeding. It is admitted that in the enquiry proceeding, the Enquiry Officer did not record service of Charge Sheet and Notice of enquiry upon the workman.

10. The dispute referred for adjudication is whether dismissal of Ranjit Tapadar from service w.e.f. 20.06.2001 is legal and justified and to what relief the concerned workman is entitled to.

11. Ms. Debarati Konar, learned advocate appearing for the dependent of the deceased employee argued that the enquiry proceeding culminating to the dismissal of the workman is vitiated due to non-service of Charge Sheet and Notice of enquiry upon the workman. It is asserted that the workman did not have any opportunity to defend his case and was totally in the dark about the enquiry held. It is further argued that the enquiry proceeding was held in an illegal manner where the principles of natural justice was not followed. Accordingly, it is argued that the order of dismissal passed against Ranjit Tapadar is not sustainable and is liable to be set aside. Learned advocate claimed that back wages should be paid to Latika Tapadar, the dependent wife of the deceased employee from the date of his dismissal dated 20.06.2001. Learned advocate submitted that Ranjit Tapadar died an unnatural death on 13.11.2006. As such there is no occasion for reinstatement of the deceased employee and in his place Somnath Tapadar, the elder son may be granted employment on compassionate ground.

12. Mr. P. K. Das, learned advocate for the management of ECL argued that the workman was chargesheeted for his habitual absence from duty as well as unauthorized absence beyond ten days. It is submitted that the workman remained absent from duty from 06.06.2000 to 04.10.2000 without any intimation to the company and a Charge Sheet was issued against him under Clause 26.29. and 26.23 of the Certified Standing Orders. The workman did not participate in the enquiry proceeding though Notice of enquiry was issued to him. Subsequently, Notice of enquiry dated 05.04.2001 was sent under registered post at his home address at Nimcha, Dist.-Burdwan but the workman did not participate. Referring to Exhibit M-4, the enquiry proceeding, held against the workman it is submitted that Notice of enquiry was sent at the home address of the workman on 10.10.2000, 28.10.2000, 19.12.2000 and 05.04.2001, finally fixing the date of enquiry on 16.04.2001 but the workman did not turn up. A fair enquiry was conducted to examine the charge framed against the workman and after recording statement of Mr. G. Trivedi, management representative, it was found that the workman neither applied for any sick leave nor was he referred to any hospital for treatment. It was found from the office record that he was a habitual absentee and was previously punished for his past absence from duty from 17.01.1995 to 06.06.1995 and from 29.07.1995 to 07.08.1995 by stoppage of three annual increments with cumulative effects for his unauthorized absence and his physical attendance was 179 days in the year 1997, 69 days in the year 1998 and only 28 days in the year 1999. The workman was found guilty of both the charges. Referring to Enquiry Report produced as Exhibit M-5, learned advocate contended that the Notice of enquiry were returned unserved with endorsement "Not known and return for sender". Subsequently, Notice of enquiry dated 03.01.2001 was sent under the registered post and the same was returned undelivered with remark "Addressee out of station, so return to sender". The fourth and final Notice of enquiry dated 05.04.2001 along with a copy of Charge Sheet was sent to the home address of the workman under registered post but the same was returned undelivered with the remark "Addressee out of station". Learned advocate argued that the management made best efforts to serve Notice of enquiry and Charge Sheet upon the workman but he was neither at his place of work nor at his home address due to which several Notice, issued to him were returned unserved. It is argued that the workman had a reciprocal responsibility to his duty, but he not only remained absent without information, he did not return to his place of work to participate in the enquiry. It is vehemently argued that the workman who remained absent for four months from his place of work did not cite any reason for remaining absent. It is not disclosed as to why the workman was absent for such a long period. He did not produce any document to show that he was under medical treatment at any point of time. It is argued that though the enquiry proceeding was held ex-parte, the Enquiry Officer had followed the principles of natural justice before holding him guilty of charge and the Disciplinary Authority issued order of dismissal on 20.06.2001, which has been produced as Exhibit M-6. Learned advocate concluding his argument submitted that there was no illegality or breach of the principles of natural justice in the enquiry proceeding against the workman and full opportunity was granted to him but the workman remained away on his own accord. Furthermore, the workman having expired, there is no scope for his reinstatement, as such the Industrial Dispute which is being pursued by the union through the legal heirs has no merit and the same is liable to be dismissed.

13. Having considered the argument advance in the light of pleadings, evidence on record and facts and circumstances of this case, I find that the written statement filed by the union on behalf of the workman does not disclose any ground for long unauthorized absence of the workman. The case of the union is that the workman has died on 13.11.2006, leaving behind his wife and two sons. At the time of hearing this case Latika Tapadar, the wife of deceased workman was examined as Workman Witness No. 1. She has not assigned any reason as to why her husband remained absent for four months. In her affidavit-in-chief she claimed that Ranjit Tapadar was illegally dismissed by the management, but in her cross-examination, she admitted that the company after issuance of Charge Sheet and holding domestic enquiry has dismissed her husband. She contended that she has no knowledge about the enquiry proceeding,

therefore it would not be correct to say that her husband was illegally dismissed. The management in this case has produced a copy of the Charge Sheet dated 04/06.10.2000 as Exhibit M-1, copy of the Notice of enquiry dated 19.12.2000 / 03.01.2001, as Exhibit M-2, copy of the Last and Final Notice of enquiry dated 05.04.2001, as Exhibit M-3, copy of the Enquiry Proceeding, as Exhibit M-4, copy of the Enquiry Report, as Exhibit M-5, and a copy of the order of dismissal, as Exhibit M-6. It is an axiomatic that an employee has a reciprocal responsibility towards his employer. In the instant case the union of behalf of workman did not assign any reason for his long absence for four months and harped upon the fact that the enquiry was held ex-parte. The management made several attempts to serve Charge Sheet and Notice of enquiry upon the workman but the workman was not found at his residence and the letters / notice issued by the management were returned unserved. The Enquiry Officer held a domestic enquiry and based his findings on the evidence adduced by the management representative. The Disciplinary Authority is therefore justified in holding the charged employee guilty of dereliction of his duty and misconduct. It is a settled principle that equity begets equity. The workman having accepted the responsibility of serving the employer company cannot enjoy long unauthorized leave in casual manner. Under such facts and circumstances, I find and hold that the decision of management in dismissing the workman for his long unauthorized absence as well as habitual absence is just and proper and there is no reason to interfere with such decision. Since Ranjit Tapadar have expired on 13.11.2006, no purpose would be served by directing the management to serve a second Show Cause Notice to the workman, seeking his response. The Industrial Dispute is therefore dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is without merit and the same is dismissed on contest. Management of the company is directed to pay the legal dues of Late Ranjit Tapadar to his wife, Latika Tapadar within three (3) months from the date of communication of the Award. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1658.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक दूरसंचार, भारत संचार निगम लिमिटेड, महाप्रबंधक दूरसंचार कार्यालय, उज्जैन प्रबंधन के संबद्ध नियोजकों और श्री श्री ओम प्रकाश श्रीवास्तव, उज्जैन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या आईडी नंबर सीजीआईटी/एलसी /आर/05/2015), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -40012/87/2014-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1658.—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. CGIT/LC/R/05/2015), of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager Telecom, Bharat Sanchar Nigam Limited, Office of General Manager Telecom, Ujjain** and **Shri Om Prakash Shrivastava, Ujjain, Worker.**

[No. L-40012/87/2014-IR (DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/05/2015

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Om Prakash Shrivastava,
154, Gandhi Nagar,
Agra Road,
Ujjain - 456001

Workman

Vs

The General Manager Telecom,
Bharat Sanchar Nigam Limited,
Office of General Manager Telecom,
Ujjain - 456001

Management

(JUDGMENT)

(Passed on this 20th day of May- 2025)

As per letter dated 30/12/2014 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-40012/87/2014 (IR(DU))** dt. 30/12/2014. The dispute under reference relates to:

"Whether the demand of promotion of Shri Om Prakash Shrivastava comparing with his junior is in consistence with the Award passed in his favour in reference No. CGIT/LC(R)/35/1986 dated 27.02.86 of Hon'ble CGIT Jabalpur which is enclosed herewith. If so, what relief Shri Om Prakash Shrivastava is entitled to?"

The undisputed facts connected to the present dispute are mainly that, the Workman Omprakash Shrivastava was firstly engaged by BSNL as a muster roll employee. He was disengaged in 1983. He raised a dispute against his disengagement which was registered as R/35/1985. Award was passed in this Case by my Learned Predecessor on 27.02.1986. His termination from 01.10.1983 was held illegal and unjustified, he was also held entitled to reinstated as casual labour with full back wages and other ancillary benefits from date of his termination which is 01.10.1983. He was further held entitled to Rs. 100/- as litigation cost from the department. A writ petition No. MP 1094/1986 was preferred by the Department which was dismissed and the Award of this Tribunal became final.

According to the Management, he was reinstated from 1910.1987 in compliance of the Award dated 27.02.1986 after dismissal of the Writ Petition by Hon'ble High Court and was paid back wages Rs. 25,000/- from 01.10.1983. Since, he had crossed the age regarding eligibility for regular appointment which was between 18 to 25 years, he was not regularized whereas another person Mohanlal who was engaged as Casual Labour after the present Workman was regularized under a settlement on 13.11.1986 because he fulfilled the age limit criteria.

Later on, as it is the case of the Management, the present Workman was also regularized on 10.12.1989, in compliance of order of Union of India, Ministry of Personnel, pay grievances and pension, OM No. 49014/1986, which permitted regularization with respect to maximum age limit in regularization of Casual Labour.

The present Workman has claimed parity with his Junior Mohanlal Sahu and has further claimed consequential benefits in this respect which has been denied by the Management Department on the pretext that Mohanlal Sahu was regularized/ regularly appointed before regular appointment of the present Workman.

Both the sides have filed their affidavits as their examination-in-chief, documents have been filed by parties which are mainly Judgments and Awards not disputed.

I have heard arguments of Learned Counsel for the Department Mr. R.S. Kori, none was present for the Applicant Workman. None of the parties have filed any written argument. I have gone through the record.

The reference itself is the issue for determination in the case in hand.

It is not disputed that, the Workman Mohanlal Sahu, who was undisputedly engaged as a Casual Labour after the Applicant Workman, was engaged, was regularized in service in consequence of a settlement between him and Management Department because he had fulfilled the eligibility criteria with regards to age limit, the Applicant Workman was reinstated under order of Tribunal, but since he did not fulfil the eligibility criteria with regards to age, he was not offered regular appointment and it was only he was offered regular appointment in 1988 after the O.M. of 1988

was issued which relaxed the maximum age limit. There is nothing on record to show that, the period a Workman spent in engagement of the Management as a casual labour will be accounted for granting benefits in promotion etc.. Hence, naturally, the date of regular appointment shall be the date from which benefits of regular services shall be given. Since, the Workman Mohanlal was regularly appointed earlier than the Applicant Workman; there can be no parity between the two only on the ground that, the Applicant Workman, was earlier a Casual Labour senior to Mohanlal.

In the light of above discussion and findings, the reference is answered as follows.

AWARD

Holding the demand of promotion of Shri Om Prakash Shrivatava comparing with his junior is in consistence with the Award passed in his favour in reference No. CGIT/LC(R)/35/1986 dated 27.02.86 of Hon'ble CGIT Jabalpur is held unjustified and arbitrary, he is held entitled to no relief.

No order as to cost.

DATE:- 20/05/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1659.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य आयकर आयुक्त, आयकर कार्यालय, रायपुर (छत्तीसगढ़); प्रबंधक/निदेशक, मेसर्स कॉल-मी-सर्विसेज, रायपुर (छत्तीसगढ़); प्रबंधक/निदेशक, बॉम्बे इंटेलिजेंस सिक्योरिटी सर्विसेज, रायपुर (छत्तीसगढ़) प्रबंधन के संबद्ध नियोजकों और महासचिव, ठेका मजदूर संघ, भिलाई, दुर्ग, (छत्तीसगढ़) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या आईडी नंबर सीजीआईटी/एलसी /आर/20/2018), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42011/31/2018 -आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1659.—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. CGIT/LC/R/20/2018), of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief Commissioner of Income Tax, Income Tax Office, Raipur (Chhattisgarh); The Manager/Director, M/s. Call-Me-Services, Raipur (Chhattisgarh); The Manager/Director, Bombay Intelligence Security Services, Raipur (Chhattisgarh) and The General Secretary, Theka Mazdoor Sangh, Bhilai, Durg, (CG), Worker.**

[No. L-42011/31/2018-IR (DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/20/2018

Present: P.K.Srivastava

H.J.S.(Retd.)

**The General Secretary,
Theka Mazdoor Sangh,
BMS, Akash Ganga,
Rain Basera, Supela,
Bhilai, Durg, (CG) - 492002**

Workmen

Vs

**1. The Chief Commissioner of Income Tax,
Income Tax Office, Central Revenue Building,
Civil Line Raipur (Chhattisgarh) – 492001**

2. The Manager/Director,**M/s. Call-Me-Services,****C-101/5, Taigor Nagar,****Raipur (Chhattisgarh) – 492001****3. The Manager/Director,****Bombay Intelligence Security Services,****210-A Block, II-Floor, Crystal Arcade,****Pandari, Raipur (Chhattisgarh) - 492001****Management****(JUDGMENT)****(Passed on this 05th day of AUGUST - 2025)**

As per letter dated 10/04/2018 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-42011/31/2018 (IR(DU)) dt. 10/04/2018. The dispute under reference relates to:

“Whether the action of the management of Income Tax Department, Raipur, Government of India and its Contractors M/s Call-Me-Service and Bombay Intelligence Security Services in terminating the services of 22 contract labour as per annexure "B" w.e.f. 31/08/2017 who were working as contract labours w.e.f. 01.09.2012 is legal and justified? If not, what relief these contract labour are entitled to?”

Notice were issued to the parties, they appeared and filed their respective statement of defense and claims.

Case of the Workmen Union is mainly that 22 workers as per the list attached with the reference, are members of the Union. The Union resolved to fight for their cause. They were engaged by the Department directly on the post of Data Entry Operator/ Computer Operator after an oral interview and were posted in the Department on different dates mentioned in Para 4 of the Statement of Claim ranging from 1999 to 2015. They were paid wages at rate fixed by the Collector. They continuously worked till 31.08.2017 and were disengaged by the Department without any notice or compensation. They had acquired status of permanent employee by working 240 days in every year till the date of their disengagement. The Department started hiring workers through outsourcing which was sham and a camouflage to avoid their liabilities under law and to deprive the benefit admissible to the Workmen. The Union raised a dispute with the concern Labour Commissioner. After failure of conciliation, the reference was sent by the appropriate government to this Tribunal. According to the Workmen Union the Management has acted unjustly, illegally and arbitrarily by disengaging the Workmen without any notice or compensation and by not granting them permanent status by taking work of permanent and perennial nature through discharging and engaging the Workmen on daily basis on the post of permanent and perennial nature. The Management has adopted unfair labour practice which prohibited in the Act. The Union has thus prayed that holding the action of Management in discharging the Workmen from 31.08.2017 they be held entitled to be reinstated with back wages and benefits.

The Department filed Vakaltnamea of their Learned Counsel. They raised preliminary objection against the maintainability of the reference with the case that they are engaged in tax collection hence not an 'industry' as defined under the Act. They have also stated that, these workmen did not have any right to be regularized or reinstated because they are not appointed regularly.

The outsourcing agency M/s Bombay Intelligence Security India, filed their statement with the case that, they were awarded contract for supply of man power to the Department. Since the number of the man power to be supplied was limited, they discontinued these workmen.

The preliminary objection of the Department has been decided after hearing vide order dated 12.05.2022. This order is part of this judgment.

At evidence stage, none turned from any of the Management, hence, the reference preceded ex-parte against the Management that is the Department and Outsourcing Agencies.

In evidence, the Workmen Union has filed affidavits of Workmen Deepak Kumar Sahu, Mithlesh Kumar Sahu, and Om Prakash Sahu as their examination in chief. There was no cross-examination on behalf of any of the Management. The Workmen side has also filed documents relating to order of appointment, copies of attendance register, copies of statements of Bank Accounts of the Workmen. I have heard Mr. Arun Patel Learned Counsel for Workmen Union. None was present for any of the Management. I have gone through the record as well.

On perusal of record in the light of arguments, the reference itself appears to be the issue for determination.

In the uncontroverted affidavits the Workmen have corroborated their case stated in the statement of claim as

detailed above. These affidavits further supported by appointment orders, attendance registers and Bank Accounts of the Workers. Hence, the continuance of the Workmen by the Department is held proved. Management has not filed any evidence to rebut the evidence, in form of outsourcing agreement etc. The muster rolls filed did not have any reference that these Workmen are outsourced employees.

Since, it is established that, these Workmen have been disengaged without notice or compensation, this action of the Department is held in violation of Section 25G and 25F of the 'Act'.

Following provisions of the 'Act' require to be reproduced and are being reproduced as follows -

11A. Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen.—Where an industrial dispute relating to the discharge or dismissal of a Workmen has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the Workmen on such terms and conditions, if any, as it thinks fit, or give such other relief to the Workmen including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require: Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.

2(ra) "unfair labour practice" means any of the practices specified in the Fifth Schedule;

THE FIFTH SCHEDULE See section 2(ra) UNFAIR LABOUR PRACTICES I.—On the part of employers and trade unions of employers

1. To interfere with, restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say:— (a) threatening workmen with discharge or dismissal, if they join a trade union;

(b) threatening a lock-out or closure, if a trade union is organised;

(c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union organisation.

2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say:—

(a) an employer taking an active interest in organising a trade union of his workmen; and

(b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, whether such a trade union is not a recognised trade union. 3. To establish employer sponsored trade unions of workmen.

4. To encourage or discourage membership in any trade union by discriminating against any Workmen, that is to say:—

(a) discharging or punishing a Workmen, because he urged other workmen to join or organise a trade union;

(b) discharging or dismissing a Workmen for taking part in any strike (not being as strike which is deemed to be an illegal strike under this Act);

(c) changing seniority rating of workmen because of trade union activities;

(d) refusing to promote workmen to higher posts on account of their trade union activities;

(e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;

(f) discharging office-bearers or active members of the trade union on account of their trade union activities.

5. To discharge or dismiss workmen—

(a) by way of victimisation;

(b) not in good faith, but in the colourable exercise of the employer's rights;

(c) by falsely implicating a Workmen in a criminal case on false evidence or on concocted evidence;

(d) for patently false reasons;

(e) on untrue or trumped up allegation of absence without leave;

(f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste; for misconduct of a minor or technical character, without having any regard to the nature of the particular misconduct or the past record or service of the Workmen, thereby leading to a disproportionate punishment.

6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.

7. To transfer a Workmen mala fide from one place to another, under the guise of following management policy.

8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond, as a pre-condition to allowing them to resume work.

9. To show favouritism or partiality to one set of workers regardless of merit.

10. To employ workmen as “badlis”, casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.

11. To discharge or discriminate against any Workmen for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute.

12. To recruit workmen during a strike which is not an illegal strike.

13. Failure to implement award, settlement or agreement.

14. To indulge in acts of force or violence.

15. To refuse to bargain collectively, in good faith with the recognised trade unions.

16. Proposing or continuing a lock-out deemed to be illegal under this Act.

25T. Prohibition of unfair labour practice.—No employer or Workmen or a trade union, whether registered under the Trade Unions Act, 1926 (18 of 1926), or not, shall commit any unfair labour practice.

25U. Penalty for committing unfair labour practices.—Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

The second argument of learned counsel for the Workmen is that the outsourcing agreement itself is bad in law and is sham agreement because it is a prohibited agreement under Contract Labour (Regulation & Abolition) Act, 1970, he has referred to section 10 of the Act which is being reproduced as follows:-

“10. Prohibition of employment of contract labour.-

(1) Notwithstanding anything contained in this Act, the appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, prohibit, by notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment.

(2) Before issuing any notification under sub-section (1) in relation to an establishment, the appropriate Government shall have regard to the conditions of work and benefits provided for the contract labour that establishment and other relevant factors, such as-

(a) whether the process, operation or other work is incidental to, or necessary for the industry, trade, business, manufacture or occupation that is carried on in the establishment ;

(b) whether it is of perennial nature, that is to say, it is so of sufficient duration having regard to the nature of industry, trade, business, manufacture or occupation carried on in that establishment;

(c) whether it is done ordinarily through regular workmen in that establishment or an establishment similar thereto;

(d) whether it is sufficient to employ considerable number of whole-time workmen.
Explanation.- If a question arises whether any process or operation or other work is of perennial nature, the decision of the appropriate Government thereon shall be final.”

The learned counsel submits that it is established that there is a vacancy of permanent nature with the DEPARTMENT, hence, contract labour could not be engaged for it, **secondly**, there is nothing to show that DEPARTMENT are registered as a principal employer, hence, not authorized to engage contract manpower on outsourcing basis through outsourcing agency, also that he has been working firstly as contract employee of Department for two years and thereafter as outsourcing employee through outsourcing agency on the same post for another five years.

Learned counsel also submits that engaging Badli, Casual or Temporaries employees on permanent post is unfair labour practice as defined in the Act and is prohibited in the Act, hence, outsourcing agreements are sham contracts and contractors are sham contractors engaged just to flout law in this respect in fact, outsourcing agreements itself are sham agreement. Learned counsel also submits that it has to be kept in mind that he has been working at the site of DEPARTMENT and under direction as well control of Department officers.

From the evidence on record ,it is established that in case in hand, the Department has adopted unfair labour practice.

Learned counsel as further referred to following paragraphs of the judgment **Sudarshan Rajpoot v/s U.P. State Road Transport Corporation (2015) II, SCC 317** which are being reproduced as follows:-

“11. It has been contended by the learned counsel for the appellant Workmen that the High Court has erred in placing reliance upon the decision of this Court in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] , which was distinguished inasmuch as the said case is not applicable to the case on hand for the reason that the appellant Workmen is a “Workmen” as defined under Section 2(z) of the UPID Act and the respondent is the statutory corporation which is an undertaking of the State Government and therefore, as it is an instrumentality of the State Government, it will come within the definition of “industry” as defined under Section 2(k) of the UPID Act. Therefore, the said provisions of the UPID Act are applicable to the appellant Workmen as he is a “Workmen” as defined under Section 2(z) of the UPID Act and Section 2(s) of the ID Act, 1947.

12. Further, it is contended that the High Court has failed to consider the “unfair labour practice” as defined under Section 2(ra) of the ID Act, 1947 read with Sections 25-T and 25-U and Schedule V of the ID Act. Item 10 of Schedule V of the ID Act prohibits the employer to employ workmen as badlis, casuals or temporaries and to continue them as such for years in the Corporation, with the object of depriving them of the status and privileges of permanent workmen is prohibited. It is further contended that the respondent Corporation is liable for penal action under the provisions of Section 25-U of the ID Act. In support of the above contention, reliance was placed on the three-Judge Bench decision of this Court in Chief Conservator of Forests v. Jagannath Maruti Kondhare [Chief Conservator of Forests v. Jagannath Maruti Kondhare, (1996) 2 SCC 293 : 1996 SCC (L&S) 500] .

13. On the other hand, the learned counsel appearing on behalf of the respondent Corporation sought to justify the correctness of the finding and reasons recorded by the High Court in the impugned judgment [U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)] . Alternatively, it is contended that even if the order of termination is bad in law, the Workmen who is working on the contract basis is not entitled for reinstatement with full back wages as per the view taken by this Court in several decisions. Therefore, the learned counsel for the respondent Corporation submits that the impugned judgment [U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)] and order need not be interfered with by this Court in exercise of its appellate jurisdiction.

14. With reference to the abovesaid rival legal contentions the following substantial questions would arise for our consideration:

14.1. (i) Whether the High Court is justified in passing the impugned judgment [U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)] , order and reversing the award passed by the Labour Court?

14.2. (ii) Whether the order of termination passed against the appellant Workmen amounts to retrenchment as defined under Section 2(s) of the UPID Act, 1947?

14.3. (iii) Whether non-compliance with the statutory provisions under Sections 6-N and 6-Q of the UPID Act which are analogous with Sections 25-F and 25-H, respectively, of the ID Act, 1947 renders the order of termination void ab initio in law?

14.4. (iv) What relief is the appellant Workmen entitled to?

15. To answer the above substantial questions of law it is necessary for this Court to extract the order of termination passed by the Assistant Regional Manager of the Corporation, which reads thus:

“OFFICE OF ASSISTANT REGIONAL MANAGER,

U.P. TRANSPORT CORPORATION, AZAD NAGAR DEPOT

Letter No. ARM/A. Ngr/Bus Accident 0582/2000/3591 dated 29-7-2000

OFFICE ORDER

On 7-6-1999 vehicle bearing No. 8582 which had met with an accident which was being driven on 7-6-1999 by Shri Sudarshan Rajpoot, contractual driver and conductor Shri Kamta Prasad on Deoria to Kanpur route and accident occurred on the way at 1.30 a.m. in the night at Village Palhari, Barabanki near Police Station Safdarganj and due to negligent driving of the driver, Department suffered heavy loss.

Hence, in order to meet Departmental loss, forfeiting security of driver Shri Sudarshan Rajpoot, I pass the order to strike off his name from the contract roll with an immediate effect. His name be struck off from contract roll. In the aforesaid order of termination it is specially mentioned that the appellant Workmen was appointed as a driver on contractual basis. It has been further stated that the accident occurred on 7-6-1999 due to the negligent driving of the appellant Workmen resulting in heavy loss to the Department of the respondent Corporation. In order to meet the Departmental loss, security amount of driver was forfeited and Assistant Regional Manager had struck off the name of the appellant Workmen from the contract employees roll with immediate effect.

16. The respondent Corporation has neither produced documentary evidence nor showed before the Labour Court that the appellant Workmen was appointed on contract basis. The fact that he deposited Rs 2000 towards security amount with the respondent Corporation indicates that he was working as a driver on a permanent basis. In view of Schedule V, Item 10 of the ID Act, 1947 the respondent Corporation is prohibited from engaging the appellant Workmen as a badli, casual or temporary Workmen to work on permanent basis. The fact that he had been continuously working for more than 3 years and he had rendered more than 240 days of service as the driver in a calendar year until his termination order and yet he is being engaged on a contractual basis in the respondent Corporation is statutorily prohibited. The same amounts to an unfair labour practice as defined under Section 2(ra) read with Section 25-T, which action of the Corporation is punishable under Section 25-U of the ID Act. This legal position is settled by this Court in Chief Conservator of Forests case [Chief Conservator of Forests v. Jagannath Maruti Kondhare, (1996) 2 SCC 293 : 1996 SCC (L&S) 500] wherein it was held as under : (SCC pp. 302-03, para 22)

“22. ... In our opinion, it would be permissible on facts of a particular case to draw the inference mentioned in the second part of the item, if badlis, casuals or temporaries are continued as such for years. We further state that the present was such a case inasmuch as from the materials on record we are satisfied that the 25 workmen who went to the Industrial Court of Pune (and 15 to the Industrial Court, Ahmednagar) had been kept as casuals for long years with the primary object of depriving them of the status of permanent employees inasmuch as giving of this status would have required the employer to pay the workmen at a rate higher than the one fixed under the Minimum Wages Act. We can think of no other possible object as, it may be remembered, that the Pachgaon Parwati Scheme was intended to cater to the recreational and educational aspirations also of the populace, which are not ephemeral objects, but par excellence permanent. We would say the same about environment-pollution-care work of Ahmednagar, whose need is on the increase because of increase in pollution. Permanency is thus writ large on the face of both the types of work. If, even in such projects, persons are kept in jobs on casual basis for years the object manifests itself; no scrutiny is required. We, therefore, answer the second question also against the appellants.”

25. This Court in the later judgment in *Hari Nandan Prasad v. Food Corporation of India* [*Hari Nandan Prasad v. Food Corporation of India*, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408], after advertng to the law laid down in *U.P. Power Corpn. Ltd. v. Bijli Mazdoor Sangh* [(2007) 5 SCC 755 : (2007) 2 SCC (L&S) 258] and *Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchhari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] wherein *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is adverted to in both the cases, held that on a harmonious reading of the two judgments, even when there are posts available, in the absence of any unfair labour practice the Labour Court cannot give direction for regularisation only because a worker has continued as daily-wage worker/ad hoc/temporary worker for number of years. Further, such a direction cannot be given when the worker concerned does not meet the eligibility requirement of the post in question as per the recruitment rules:

25.1. It was held at para 32 in *Hari Nandan Prasad case* [*Hari Nandan Prasad v. Food Corporation of India*, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] as under : (SCC p. 211)

“32. However, the Court in *Maharashtra SRTC case* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchhari Sanghatana*, (2009) 8 SCC 556: (2009) 2 SCC (L&S) 513] found that the factual position was different in the case before it. Here the post of cleaners in the establishment was in existence. Further, there was a finding of fact recorded that the Corporation had indulged in unfair labour practice by engaging these workers on temporary/casual/daily-wage basis and paying them paltry amount even when they were discharging duties of eight hours a day and performing the same duties as that of regular employees.”

25.2. Further, *Hari Nandan Prasad* [*Hari Nandan Prasad v. Food Corporation of India*, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] referred at para 36, *LIC v. D.J. Bahadur* [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] in which the relevant para 22 of *LIC case* [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] is extracted as under : (*Hari Nandan Prasad case* [*Hari Nandan Prasad v. Food Corporation of India*, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408], SCC p. 213)

“36. ... ‘22. The Industrial Disputes Act is a benign measure which seeks to pre-empt industrial tensions, provide the mechanics of dispute resolutions and set up the necessary infrastructure, so that the energies of the partners in production may not be dissipated in counterproductive battles and the assurance of industrial justice may create a climate of goodwill.’ (*D.J. Bahadur case* [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083], SCC p. 334, per Krishna Iyer, J.)

In order to achieve the aforesaid objectives, the Labour Courts/Industrial Tribunals are given wide powers not only to enforce the rights but even to create new rights, with the underlying objective to achieve social justice. Way back in the year 1950 i.e. immediately after the enactment of the Industrial Disputes Act, in one of its first and celebrated judgment in *Bharat Bank Ltd. v. Employees* [1950 SCC 470 : AIR 1950 SC 188 : 1950 LLJ 921 at p. 948] this aspect was highlighted by the Court observing as under : (AIR p. 209, para 61)

‘61. ... In settling the disputes between the employers and the workmen, the function of the Tribunal is not confined to administration of justice in accordance with law. It can confer rights and privileges on either party

which it considers reasonable and proper, though they may not be within the terms of any existing agreement. It has not merely to interpret or give effect to the contractual rights and obligations of the parties. It can create new rights and obligations between them which it considers essential for keeping industrial peace.”

25.3. And again at para 37, observing that the aforesaid sweeping power conferred upon the Tribunal is not unbridled and is circumscribed by this Court in *New Maneck Chowk Spg. & Wvg. Co. Ltd. v. Textile Labour Assn.* [AIR 1961 SC 867], the relevant para 6 of which is extracted as under : (*Hari Nandan Prasad case* [*Hari Nandan Prasad v. Food Corporation of India*, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408], SCC p. 213, paras 37-38)

“37. ... ‘6. ... This, however, does not mean that an Industrial Court can do anything and everything when dealing with an industrial dispute. This power is conditioned by the subject-matter with which it is dealing and also by the existing industrial law and it would not be open to it while dealing with a particular matter before it to overlook the industrial law relating to that matter as laid down by the legislature or by this Court.’ (*Textile Labour Assn. case* [AIR 1961 SC 867], AIR p. 870)

38. It is, thus, this fine balancing which is required to be achieved while adjudicating a particular dispute, keeping in mind that the industrial disputes are settled by industrial adjudication on principle of fair play and justice.”

26. In view of the aforesaid statement of law laid down by this Court after advertent to the powers of the Industrial Tribunal and the Labour Court as interpreted by this Court in the earlier decisions referred to supra, the said principle is aptly applicable to the fact situation of the case on hand, for the reason that the Labour Court recorded a finding of fact in favour of the Workmen that the termination of services of the appellant herein is not legal and valid and further reaffirmed the said finding and also clearly held that the plea taken in the order of termination that he was appointed on contract basis as a driver is not proved by producing cogent evidence. **Further, we hold that even if the plea of the employer is accepted, extracting work though of permanent nature continuously for more than three years, the alleged employment on contract basis is wholly impermissible. Therefore, we have held that it amounts to an unfair labour practice as defined under Section 2(ra) of the ID Act, 1947 read with Section 25-T which is prohibited under Section 25-U, Chapter V-C of the ID Act, 1947. We have to hold that the judgment of the High Court in reversing the award is not legal and the same is set aside by us.**

21. In the order of termination, it is alleged that on account of negligent driving of the bus by the appellant Workmen the accident of the vehicle happened, the said allegation was neither proved in the inquiry required to be conducted nor producing evidence before the Labour Court by the respondent Corporation. Therefore, the High Court has failed to examine the above vital aspects of the case on hand and erroneously interfered with the award passed by the Labour Court in exercise of its extraordinary and supervisory jurisdiction under Articles 226 and 227 of the Constitution of India. This exercise of power is contrary to the law laid down by this Court in *Harjinder Singh v. Punjab State Warehousing Corpn.* [(2010) 3 SCC 192 : (2010) 1 SCC (L&S) 1146], wherein this Court held thus : (SCC p. 205, para 21)

“21. Before concluding, we consider it necessary to observe that while exercising jurisdiction under Articles 226 and/or 227 of the Constitution in matters like the present one, the High Courts are duty-bound to keep in mind that the Industrial Disputes Act and other similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the Preamble of the Constitution and the provisions contained in Part IV thereof in general and Articles 38, 39(a) to (e), 43 and 43-A in particular, which mandate that the State should secure a social order for the promotion of welfare of the people, ensure equality between men and women and equitable distribution of material resources of the community to subserve the common good and also ensure that the workers get their dues. More than 41 years ago, Gajendragadkar, J. opined that:

‘10. ... the concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the ideal of welfare State.’

(*State of Mysore v. Workers of Gold Mines* [AIR 1958 SC 923], AIR p. 928, para 10.)”

24. We are of the opinion that the view taken in *Maharashtra SRTC* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] at para 36 after distinguishing *Umadevi (3) case* [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is the plausible view. Therefore, we have to hold that the finding of the High Court in setting aside the finding of fact recorded by the Labour Court in its award by applying *Umadevi (3) case* [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is wholly untenable in law. Therefore, the same is set aside by this Court.

23. Further, the reliance placed upon the decision of this Court on *Umadevi (3) case* [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] by the High Court to reverse the finding of fact recorded in the award in favour of the Workmen in answering the points of dispute in the negative, is not tenable in law in view of the judgment of this Court in *Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513], wherein,

this Court after adverting to *Umadevi (3) case* [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] at para 36, has held that the said case

“does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU and PULP Act to order permanency of the workers who have been victims of unfair labour practice on the part of the employer under Item 6 of Schedule IV where the posts on which they have been working exist”. (SCC p. 574)

Further, this Court held that : (SCC p. 574, para 36)

“36. ... *Umadevi (3) case* [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] cannot be held to have overridden the powers of the Industrial and Labour Courts in passing appropriate order under Section 30 of the MRTU and PULP Act, once unfair labour practice on the part of the employer under Item 6 of Schedule IV is established.”

It is established from evidence that the applicant Workmen was first appointed by Department on contract basis extended on year to year basis and thereafter, his services were taken by Department as an outsourced employee supplied by the outsourcing agencies who had employed the Workmen on contract extended on yearly basis.

By not employing a person on permanent regular basis against the permanent vacancy and engaging contract labours for a work of permanent perennial nature either directly or by outsourcing agencies, the management Department is held adopting unfair labour practice which is prohibited under the Act.

Reference may be taken of judgment of Hon'ble Supreme Court in the case of *Jaggo v/s Union of India reported in (2024) SCC Online SC 3826*, the relevant paragraphs of this judgment are being reproduced as follows:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- **Misuse of “Temporary” Labels:-** Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- **Arbitrary Termination:-** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

- **Lack of Career Progression:-** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- **Using Outsourcing as a Shield:-** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- **Denial of Basic Rights and Benefits:-** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.”

The principle laid down in the case of *Jaggo* (Supra) has been followed by Hon'ble Supreme Court in the case of *Shripal Vs. Naqar Niqam Ghaziabad in Civil Appeal No. 8157/2024 (2025 INSC 144)*. The relevant portion of the said judgment is being reproduced as follows:-

“12. The evidence, including documentary material and undisputed facts, reveals that the Appellant Workmen performed duties integral to the Respondent Employer's municipal functions specifically the upkeep of

parks, horticultural tasks, and city beautification efforts. Such work is evidently perennial rather than sporadic or project-based. Reliance on a general “ban on fresh recruitment” cannot be used to deny labor protections to long serving workmen. On the contrary, the acknowledged shortage of Gardeners in the Ghaziabad Nagar Nigam reinforces the notion that these positions are essential and ongoing, not intermittent. By requiring the same tasks (planting, pruning, general upkeep) from the Appellant Workmen as from regular Gardeners but still compensating them inadequately and inconsistently the Respondent Employer has effectively engaged in an unfair labour practice. The principle of “equal pay for equal work,” repeatedly emphasized by this Court, cannot be casually disregarded when workers have served for extended periods in roles resembling those of permanent employees. Long-standing assignments under the Employer’s direct supervision belie any notion that these were mere short-term casual engagements.

14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer’s failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgment of this court in Jaggo v. Union of India

16. The High Court did acknowledge the Employer’s inability to justify these abrupt terminations. Consequently, it ordered re-engagement on daily wages with some measure of parity in minimum pay. Regrettably, this only perpetuated precariousness: the Appellant Workmen were left in a marginally improved yet still uncertain status. While the High Court recognized the importance of their work and hinted at eventual regularization, it failed to afford them continuity of service or meaningful back wages commensurate with the degree of statutory violation evident on record.

17. In light of these considerations, the Employer’s discontinuation of the Appellant Workmen stands in violation of the most basic labour law principles. Once it is established that their services were terminated without adhering to Sections 6E and 6N of the U.P. Industrial Disputes Act, 1947, and that they were engaged in essential, perennial duties, these workers cannot be relegated to perpetual uncertainty. While concerns of municipal budget and compliance with recruitment rules merit consideration, such concerns do not absolve the Employer of statutory obligations or negate equitable entitlements. Indeed, bureaucratic limitations cannot trump the legitimate rights of workmen who have served continuously in de facto regular roles for an extended period. 18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:-

I. The discontinuation of the Appellant Workmen’s services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from thereof their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such

duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms."

In the light of above discussion and findings the reference is answered as follows:-

AWARD

1--The action of the Department in disengaging the workmen in without notice or compensation in violation of section 25G & 25F of the Act, the workmen are held entitled to be reinstated but without back wages and benefits.

2-Holding that the Department has adopted unfair labour practice with respect to the applicant Workmen by taking work from his for years firstly as contract employee of the Department and thereafter as a outsourced employee on contract when the vacancy is of permanent nature and is still available, the Department is directed to initiate a fair and transparent process for recruitment for the position on which, the applicant Workmen has been working, within six months from the date of publication of award in the Gazette Appellant Workmen shall be granted age relaxation for the period he has worked on contract basis with Department or as outsourced employee. The Department shall expedite all necessary administrative processes to ensure that such longtime employees are not indefinitely retained on contractual assignments or through outsourcing, contrary to statutory and equitable norms.

Copy of this judgment be sent to the Ministry as per rules for publication in official Gazette.

DATE:- 05/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1660.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय निदेशक, भारतीय पुरातत्व सर्वेक्षण, भोपाल (मध्य प्रदेश) प्रबंधन के संबद्ध नियोजकों और सचिव, भारतीय पुरातत्व सर्वेक्षण श्रमिक संघ, विदिशा (मध्य प्रदेश) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या आईडी नंबर सीजीआईटी/एलसी /आर/27/2018), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/18/2018 -आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1660.—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. CGIT/LC/R/27/2018), of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Regional Director, Archeological Survey of India, Bhopal (M.P.)** and **The Secretary, Archeological Survey of India Worker's Union, Vidisha (MP) Worker.**

[No. L-42011/18/2018- IR(DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/27/2018

Present: P.K.Srivastava

H.J.S.(Retd.)

The Secretary

Archeological Survey of India Worker's Union

R/o Kila Andar, Near Water Tank, Bais Darwaja Marg

Vidisha (MP) - 464001

Workman

Vs

**The Regional Director,
Archeological Survey of India,
1st Floor, Office Gall, Inner Court Building,
Bhopal (M.P.) - 462003**

Management

(JUDGMENT)**(Passed on this 11th day of AUGUST - 2025)**

As per letter dated 03/05/2018 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-42011/18/2018 (IR(DU)) dt. 03/05/2018. The dispute under reference relates to:

“Whether the demand of Archeological Survey of India Employees Union (ASIEU) for regularization or granting 1/30 status at par with MTS in respect of the workmen Sh Sanjay Dwivedi & 154 others (annexed in A/1), is fair, just & legal? If so, what directions are necessary in the case?”

Notice were issued to the parties, they appeared and filed their respective statement of defense and claims.

The Workman Union has taken a case in their statement of claim that they are a registered trade Union and his affiliated with Bhartiya Mazdoor Sangh, it has resolve to raise dispute in hand on behalf of its members, name mention in the list attached to the reference who have been engaged by the Department as Monuments Attendant in the respective Monuments situated at different places in the State of M.P. These applicants have been continuously working at the different monuments with outmost honesty and to the satisfaction of their superiors. They are getting minimum wages @ 1/30th of the pay at minimum of relevant pay scale plus dearness allowances for Working of 8 hours as directed by the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Trainee) vide its letter dated 07.06.1988. According to the Workman Union these applicants have been working continuously for 240 days in every year. There are 201 Monuments Attendants working against sanctioned strength of 447 to look after the Monuments of 290 Monuments, hence total 246 posts of regular Monument Attendants are lying vacant at present. There are total 631 daily wagers working in the various Offices/Monuments in the Bhopal Circle of the Department. Since, the work of Monuments Attendants could not be done by the existing strength, the Department has engaged daily wagers/ casual labors for this. The Ministry of personnel, public grievances and pension (Department of Personnel and Trainee) has framed a scheme known as Casual Workers (grant of temporary status and regularization) scheme, 1993. According to which the Casual Workers working with the Department are entitled to get temporary status and regularization of their services if they had worked 240/206 days in one year. The Casual Workers who were illegible have also been granted temporary status and benefit of regularization in other circles. The Department decide to discharge the services and attempted to engage the applicants through outsourcing agencies which is unjust, illegal and arbitrary. The job of Monument Attendant is of permanent and perennial nature, hence could not be discharged to contractors. Also, one set of Casual Workers can be replaced only with regular employees and not with other set of causal workers, hence, the action of the Department is unjust and arbitrary. The Union has prayed that, the Department be directed to regularize the services of the applicants and the Department be restrained to change the service conditions of the Applicants.

Notices were served on the Department. They did not appear. A letter dated 05.08.2019 was sent to by the Superintendent Archeologist of the Department to the Secretary stating that these workers have filed a case before the Central Administrative Tribunal, Jabalpur, Indore and Gwalior regarding termination of their services and status quo has been ordered. It is requested in this letter that the proceeding of the case be postponed till the final decision of the Central Administrative Tribunal, Jabalpur Bench.

The Bunch of the cases before the Central Administrative Tribunal, at Jabalpur bench have been decided and a photocopy of the Judgment has been filed by the Workman Union. The Tribunal has disposed the application directing the department to grant the petitioners the status of 1/30th of pay at the minimum of relevant pay scale of Group D + D.A., if they are similarly situated to persons who have already been extended this status in pursuance to orders by different benches of the Tribunal. It was further directed that this exercise be completed within period of 3 years from the date of receipt of copy of this order.

Since, the parties and the dispute before the petition/OA No. 200/600/2017 and connected objections are similar as well has been heard and decided, this Judgment of Central Administrative Tribunal will operate as res judicata. Hence, this reference is also answered as follows –

The Department is directed to grant status of 1/30th of pay at the minimum of the relevant pay scale of a Group C + D.A. to the Applicants within 03 months from the date of publication of the Award in Gazette.

No order as to cost.

DATE:- 11/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1661.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक प्रभारी, न्यू भोपाल टेक्सटाइल मिल, भोपाल, मध्य प्रदेश प्रबंधन के संबद्ध नियोजकों और श्री फूल सिंह यादव, महामंत्री, महासचिव कपड़ा कर्मचारी संघ (इंटक), भोपाल, मध्य प्रदेश के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या आईडी नंबर सीजीआईटी/एलसी/ आर/63/2020), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42011/63/2020 -आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1661.—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. CGIT/LC/R/63/2020), of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to General Manager Incharge, New Bhopal Textile Mill, Bhopal, Madhya Pradesh and Shri Phool Singh Yadav, Mahamantri, General Secretary Textile Employees Union (INTUC), Bhopal, Madhya Pradesh, Worker.

[No. L-42011/63/2020-IR (DU)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/63/2020****Present: P.K.Srivastava****H.J.S..(Retd)**

Shri Phool Singh Yadav, Mahamantri,
General Secretary Textile Employees Union (INTUC),
Shed-B-141, Ashoka Garden,
Govindpura Bhopal, Madhya Pradesh – 462011

Workman**Vs**

General Manager Incharge,
New Bhopal Textile Mill,
Chandbad, Bhopal, Madhya Pradesh -462011

Management**(JUDGMENT)****(Passed on this 05th day of AUGUST - 2025)**

As per letter dated 11/09/2020 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-42011/63/2020 (IR(DU)) dt. 11/09/2020. The dispute under reference relates to:

“क्या टेक्सटाइल एम्प्लॉईस यूनियन (इंटक), भोपाल के पत्र दिनांक 26.12.2017 द्वारा दैनिक वेतन भोगी कर्मचारियों को नियमित कर्मचारियों के समान वेतनमान एवं उनके नियमितकरण की मांग उचित व न्यायपूर्ण है? यदि है, तो उक्त कर्मचारीगण किस तिथि से और किन सुविधाओं के पाने के हकदार होंगे? क्या अन्य आदेश, यदि जरूरी हो तो, इस सम्बन्ध में आवश्यक है?”

Notice were issued to the parties, they appeared and filed their respective statement of defense and claims.

At evidence stage, none of the parties filed any evidences.

None appeared at the stage of argument. I have gone through the record.

The initial burden to proof its case is on the Workman Union in which they have failed. Hence, holding the claim of the Workman Union, not proved they are held entitled to no benefit.

The reference stands answered accordingly.

No order as to cost.

DATE:- 05/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयकर आयुक्त, आयकर भवन, बिलासपुर (छ.ग.); निदेशक, मैसर्स. क्लीनटेक सर्विसेज एवं वर्क फोर्स, रायपुर (छत्तीसगढ़) प्रबंधन के संबद्ध नियोजकों और श्री नारायण प्रसाद श्रीवास, भैसमा कोरबा (छत्तीसगढ़) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या आईडी नंबर सीजीआईटी/एल/आर/103/2018), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/153/2018 -आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1662.—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. CGIT/LC/R/103/2018), of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Income Tax Commissioner, Ayakar Bhawan, Bilaspur (Chhattisgarh); The Director, M/s. Cleantech Services & Work Force, Raipur (Chhattisgarh) and Shri Narayan Prasad Shriwas, Bhaisma Korba (Chhattisgarh), Worker.**

[No. L-42012/153/2018 -IR (DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/103/2018

Present: P.K.Srivastava

H.J.S..(Retd)

Sh. Narayan Prasad Shriwas

S/o Bajrang Lal Shriwas,

Add – Saliha Bhatha, Po- Barpali,

Via – Bhaisma Korba (Chhattisgarh) - 495450

Workman

Vs

- The Income Tax Commissioner,
Ayakar Bhawan, Vyapar Vihar
Bilaspur (Chhattisgarh) – 174001**

2. The Director,**M/s. Cleantech Services & Work Force****Shankar Nagar, Near Water Tanki,****Raipur (Chhattisgarh) - 490042****Management****(JUDGMENT)****(Passed on this 01th day of July - 2025)**

As per letter dated 05/12/2018 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-42012/153/2018 (IR(DU))** dt. 05/12/2018. The dispute under reference relates to:

“Whether the action on the part of the contractor M/s. Cleantech Service & Workforce, Raipur engaged by the Income Tax Department, Bilaspur in terminating the workman Namely Sh. Narayan Prasad Shriwas in the post of Data entry Operator and without paying the terminal benefits and without complying sec-25-f of ID Act is appropriate and justified? If not, what relief the terminated workman Sh. Narayan Prasad Shriwas is entitled to ?

2. Whether the workman in the dispute initially engaged by the Income Tax Department and later on engaged under the contractor is entitled for regularization in the recruitment process?”

After registering a case on the basis of reference, notices were sent to the parties.

According to the Workman, he worked with the Department as a daily wager from November, 2007 to 05.03.2010 and was disengaged without any notice or compensation or enquiry under an oral order of the Management on 18.4.2017, which is unjust, illegal and arbitrary.

The Management or the Outsourcing Agency never appeared in spite of services. They did not file any written statement of defense. The case proceeded ex-parte against the Management.

The Workman did file some photocopy documents which he did not care to prove. He did not file any evidence in support of his claim. He did not appear at the stage of argument also. I have gone through the record.

The initial burden to prove his claim is on the Workman, in which he has failed.

Hence, holding the case of the Workman not proved, the reference deserves to be answered against the Workman and is stands answered accordingly.

No order as to cost.

DATE:- 01/07/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1663.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य पोस्टमास्टर जनरल, होशंगाबाद रोड, भोपाल (म.प्र.); निदेशक, डाक सेवाएँ, इंदौर क्षेत्र, इंदौर (म.प्र.); प्रवर अधीक्षक डाकघर, जबलपुर संभाग प्रबंधतंत्र के संबद्ध नियोजकों और श्री मकसूद अहमद, जबलपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या आईडी नंबर सीजीआईटी/एलसी/आर/52/2019), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-40012/12/2019-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1663.—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. CGIT/LC/R/52/2019**), of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief Post Master General, Hosangabad Road, Bhopal (M.P.); The Director, Postal Services, Indore Region, Indore (M.P.); Senior Superintendent of Post Office, Jabalpur Division and Sh. Maqshood Ahmed, Jabalpur, Worker.**

[No. L-40012/12/2019-IR (DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/52/2019

Present: P.K.Srivastava

H.J.S.(Retd.)

Sh. Maqshood Ahmed,
S/o Late Tasoor Hussain,
R/o 474, Benisingh ki taliya,
Mominpura, Gohalpur,
Jabalpur - 482001

Workman

Vs

1. The Chief Post Master General,
MP Circle Dak Bhawan,
Hosangabad Road, Bhopal (M.P.) – 462012
2. The Director, Postal Services,
Indore Region, Indore (M.P.) – 452001
3. Senior Superintendent of Post Office,
Jabalpur Division, Jabalpur - 482001

Management

(JUDGMENT)

(Passed on this 20nd day of August - 2025)

As per letter dated 19/06/2019 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-40012/12/2019-IR(DU) dt. 19/06/2019. The dispute under reference relates to:

"क्या प्रबंधन चीफ पोस्ट मास्टर जनरल, मध्यप्रदेश सर्कल, डाक भवन, भोपाल मंत्रालय/डायरेक्टर, पोस्ट सर्विसेज, इंदौर रीजन, इंदौर मंत्रालय/ सीनियर सुप्रीन्टेडेंट ऑफ पोस्ट आफिस, जबलपुर डिवीजन, जबलपुर मंत्रालय के द्वारा श्री मकसूद अहमद भूतपूर्व ग्रामीण डाक सेवक को आदेश दिनांक 11.5.2016 के द्वारा सेवा से बर्खास्त किये जाने की कार्यवाही न्यायोचित है यदि नहीं तो संबंधित आवेदक किस अनुतोष के हकदार है?"

In the case in hand, parties appeared and filed their pleadings. A preliminary issue i.e. as follows was decided in favor of the Department holding the Departmental Enquiry legal and proper.

"1. Whether the departmental inquiry conducted is legal and proper ?.

There was found no illegality or material irregularity regarding procedure or substance in the inquiry, hence holding the departmental inquiry legal and proper, preliminary issue was answered accordingly. This order Dated 27/11/2024 is part of this judgment.

The second issue framed was the maintainability of the reference before this Tribunal.

I have heard argument of Learned Counsel for the Workman Mr. Vijay Tripathi and for the Department Mr. S.K. Mishra. I have gone through the record as well.

Section 2(s) of the Industrial Disputes Act, 1947 defines workman as follows:

"workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person:

- (i) *who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or*
- (ii) *who is employed in the police service or as an officer or other employee of a prison, or*
- (iii) *who is employed mainly in a managerial or administrative capacity, or*
- (iv) *who, being employed in a supervisory capacity, draws wages exceeding [ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.*

Learned Counsel for Management has referred to judgment of Hon'ble Supreme Court in **the case of Sub-Divisional Inspector of Post Vaikam and Others Vs. Theyyam Joseph and Others reported in AIR 1996 SC 1271** wherein it has been held that the Postal Department is not an Industry as defined in the Industrial Dispute Act, and the extra departmental agents are not workman under the Industrial Dispute Act, Hence, this Tribunal has no jurisdiction to entertain the claim.

Learned Senior Counsel for workman has referred to another full **Court Judgment of Hon'ble Supreme Court in the case of General Manager Telecom Vs. A. Srinivasa Rao Reported in (1997)8 SCC 767** in which three Judge Bench of Hon'ble Supreme Court overruled its judgment in Telecom Case (supra) and held that the Postal Department is also a Industry as defined in the Industrial Dispute Act. Learned Senior Counsel has submitted that in the light of the Judgment in **Srinivasa Rao case (supra)** this Tribunal is within its power to entertain the reference. This argument has been countered by Learned Counsel for Management with a argument that the observation of Hon'ble Supreme Court in the **case of Theyyam (supra)** that since there are specific rules with respect to recruitment etc. of extra departmental agents, they are not Workman as defined under Section 2(s) of the ID Act, 1947 has not been overruled, the applicant is still not a Workman under the Act. The argument from the side of Management appears to be convincing and is accepted because the finding in the previous judgement in the **case of Theyyam (supra)** that the extra departmental agents are not Workman have not been overruled by the full Bench in **the A. Srinivasa case (supra)**. **Hence, the Applicant is held not a workman as defined under Section 2(s) of the Act and the issue is answered accordingly.**

Consequently, the reference is held not entertainable by this Tribunal.

AWARD

In the light of above discussion and findings, as mentioned above, the reference stands answered against the Workman.

No order as to cost.

DATE:- 20/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1664.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रजिस्ट्रार, डॉ. हरिसिंह गौर विश्व विद्यालय (सेंट यूनिवर्सिटी), सागर (म.प्र.) प्रबंधन के संबद्ध नियोजकों और श्री. अजीत जैन, अध्यक्ष विश्व विद्यालय कामगार यूनियन, सागर (म.प्र.) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या आईडी नंबर सीजीआईटी/एल/आर/71/2018), को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/87/2018-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1664.—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. CGIT/LC/R/71/2018**), of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Ragistrar, Dr. Harisingh Gaur Visvidhayalaya (Cent. University), Sagar (M.P)** and **Shri. Ajeet Jain, President Vishvidhyalaya Kamgar Union, Sagar (M.P.), Worker.**

[No. L-42011/87/2018-IR (DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/71/2018

Present: P.K.Srivastava

H.J.S.(Retd.)

Sh. Ajeet Jain,
President Vishvidhyalaya Kamgar Union,
Padmakar School Gate, Namak Mandi,
Katra Bazar, Sagar (M.P.) - 470003

Workman

Vs

Ragistrar,
Dr. Harisingh Gaur Visvidhayalaya
(Cent. University)
Sagar (M.P.) - 470003

Management

(JUDGMENT)

(Passed on this 01st day of July - 2025)

As per letter dated 13/11/2018 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-42011/87/2018 (IR(DU))** dt. 13/11/2018. The dispute under reference relates to:

"क्या प्रबंधन रजिस्ट्रार, डॉ हरीसिंह गौर विश्वविद्यालय, (केन्द्रीय विद्यालय) सागर मा० प्र० के द्वारा श्री कपिल पचोरी दैनिक वेतन भोगी निम्न श्रेणी लिपिक / सहायक ग्रेड-3 को दिनांक 01.11.2011 से नियोजन में रखने पश्चात स्थाई कर्मचारी के तौर पर निम्न श्रेणी लिपिक / सहायक ग्रेड-3 के पद पर वर्गीकरण न करते हुए उनके वास्तविक पद का वेतनमान प्रदान न करना एवं दिनांक 25.10.2017 से उनकी सेवाएं समाप्त किये जाने की कार्यवाही न्यायोचित है यदि नहीं, तो संबंधित कर्मचारी किस अनुतोष का हकदार है?"

After registering a case on the basis of reference, notices were sent to the parties. The Workman never appeared and did not file any statement of claim.

Management filed its written statement, wherein it was stated that the Workman Kapil Pachori was not appointed against any vacant and sanctioned post. He was only engaged on contractual basis. His term was extended from time to time. He was disengaged after his contract of employment was not extended.

None appeared at the stage of argument. I have gone through the record.

The initial burden to prove his case is on the Workman side. They did not appear and did not even file statement of claim or any evidences.

Hence, holding the claim of the Workmen Union not proved the reference deserves to be answered against the Workman and hence answered accordingly.

No order as to cost.

DATE:- 01/07/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1665.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, एनएचपीसी, पार्वती जलविद्युत परियोजना, चरण- II, नगवाईन, उप-तहसील औट, मंडी (हिमाचल प्रदेश) के प्रबंधतंत्र के संबद्ध नियोजकों और श्री जितेन्द्र सिंह, कुल्लू (हिमाचल प्रदेश) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-2, चंडीगढ़, पंचाट (संदर्भ संख्या 249/2013) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/177/2012-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1665.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 249/2013) of the **Central Government Industrial Tribunal cum Labour Court -2, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **General Manager, NHPC, Parbati HE Project, Stage-II, Nagwain, Sub-Tehsil Aut, Mandi (HP) and Sh. Jitender Singh, Kullu (HP), Workmen.**

[No. L-42012/177/2012-IR (DU)]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH****(Present:- Mr. Kamal Kant, Presiding Officer).**

ID No.249/2013

Registered on:-08.04.2013

Sh. Jitender Singh S/o Sh. Rattan Chand Rana, Village Sarabai, PO Bhunter, Kullu (HP)

----- Workman

Versus

General Manager, NHPC, Parbati HE Project, Stage-II, Nagwain, Sub-Tehsil Aut, Mandi (HP)

----Management

Present:- Ms. Archana Soni, AR for workmen.

Sh. Tarun Gupta, AR for management.

Award : 05.08.2025

Central Government vide Notification No.L-42012/177/2012-IR(DU) dated 07.03.2013, under 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 the action of the management of General Manager, NHPC, Parbati HE Project, Stage-II Nagwain in terminating the services of Jitender Singh S/o Sh. Rattan Chand w.e.f. 05.02.2008 is just and legal? If not, to what relief the workman is entitled to and from which date?”

1. The brief facts, related to the case are that the workman was given employment by the management as training helper w.e.f. 04.05.2005. On account of his ill health from 07.02.2008 to 07.09.2008, he could not join his duty which is evident from the medical certificate dated 06.09.2008 (Annexure W-1) issued by Govt. Medical Civil Health Centre, Ratti. When the workman reported to join his duty on 09.08.2008 to the manager NHPC refused to take his joining report

without any valid and legal reason by stating that he has been removed from the job. On this, the workman submitted detailed representation along with medical certificate dated 06.09.2008 (Annexure W-1) to the managing director, Parbati Project but the said representation was rejected in mechanical manner with the intention to deprive the workman from the job. In the said representation, workman has narrated all the facts regarding his ill-ness and ill-health which is supported by Medical Certificate. But even then the NHPC authority has rejected his request with intention to employ some other person in his place and deprived him from his job for their vested interest. When the permission to start the project in question was given by the State Govt. at the present place, it was specifically agreed by the NHPC Authorities with state Govt. of H.P. to provide job to the land looser and Himachali persons at priority basis. Workman got the job according to the definition of Rehabilitation Resettlement Plan. But now the NHPC has started to remove the employees one by one on false and frivolous allegations and not considered grievances in the medical evidence when they could not join duty on account of illness. This act of NHPC is totally illegal and against the principle of natural justice and they have removed the workman without issuing any notice as required under Section 25-F of the Act. The Managing Director has not cared to note the fact that the absence of the workman was neither intentional nor willful, but which occurred due to his illness. NHPC be directed to allow the workman to join his services and absence period may be treated as duty period for all intents and purposes. It is prayed that the present claim statement be allowed and the order dated 24.11.2008 be set aside and the workman be reinstated in service along with all consequential benefits.

2. Notice of claim was given to the management, who filed reply thereof maintaining therein that the workman was appointed as trainee helper on a total emolument of Rs.4000/- per month for a period of one year under the Rehabilitation and resettlement plan on 04.05.2005. His training period was for a period of one year and then for another year he was supposed to be on probation period. As per terms and conditions of his appointment letter, his services can be terminated at any time without assigning any reason thereof. The workman was a habitual absentee. Since the date of his joining, he never took his job seriously. After two months of his joining, he remained absent w.e.f. 04.07.2005 to 30.06.2006 unauthorizedly during the training period for 130 days. For this notices (Annexure I-A to I-G) were issued to the workman. However, the absence period was regularized on humanitarian ground by sanctioning extra ordinary leave i.e. leave without pay by the management. Despite this, the workman again remained unauthorized absent during training period w.e.f. 24.07.2006 to 03.11.2007 for 82.5 days on different dates (Annexure –II). He was found absent from the duties for a total of 212.5 days during his training period out of which the second portion of 82.5 days is still unregularized. Consequently, memorandum dated 05.11.2007 was issued by the Assistant Manager (Admn.)-cum-Disciplinary Authority to hold an enquiry against the workman under clause no.14 of the Model Standing Orders as applicable in respect of management. The workman has accepted the charges (Annexure III-A dated 18.01.2008) leveled against him and inquiry officer after conducting the domestic inquiry submitted the inquiry report and the charges were proved (Annexure IV dated 11.02.2008). It is further maintained that once again, the workman remained absent w.e.f. 05.02.2008 without prior permission/sanction of leave. Three notices (Annexure V to Annexure VII) were sent through registered post to the workman to resume duty immediately, but were returned back with remarks that eh person concerned is ill and admitted in the hospital. Thereafter, a last and final notice dated 10.04.2008 (Annexure-VIII) was sent to the workman thereby directing him to resume duty within 20 days from the date of issuance of notice. In response, a telegram dated 15.04.2008 (Annexure-IX) received intimating to extend leave on medical ground till recovery. However, no medical certificate or information in support of illness had been sent. Notice of unauthorized absent were also published in two local newspapers on 12.07.2008 (Annexure-X) and on 10.07.2008 (Annexure-XI) directing him to submit his written explanation within a period of 10 days from the date of publishing of the notice. However, the workman failed to submit his written explanation within the stipulated period. Pursuant to memorandum dated 05.11.2007, the gravity of misconduct as well as past record, the facts and circumstances of the case, in consideration of report of enquiry officer and notice dated 10.07.2008, it was presumed that he has left the services on his own accord and accordingly, his name was struck off from the rolls of the management w.e.f. 05.02.2008 i.e. from the date of absence vide order dated 02.08.2008(Annexure-XII). In response to the order dated 02.08.2008, a representation dated 27.09.2008 was received for reinstatement. In reference to the letter of workman, he was called for a personal hearing in the chamber of Chief (HR), where he was shown all the records pertaining to his conduct during his tenure. Accordingly, a reply dated 24.11.2008 (Annexure-XIII) was sent by the Appellate Authority (Chief HR) at his permanent address stating that his plea for reinstatement cannot be accepted taking into account the facts and circumstances of the case. The matter regarding employment of workman was considered by the reviewing authority i.e. Head of the Project and he agreed with the penalty so imposed and his appeal/request was disposed of by reviewing authority, which was communicated to the workman office note dated 17.12.2008 and letter dated 15.01.2009 (Annexure XIV & XV). Thus the services of the workman were terminated after conducting proper inquiry and procedure and opportunity of personal hearing granted to the workman. Hence, there is no violation of Section 25F of the Act. It is prayed that the present claim statement be dismissed along with cost.

3. Parties were given opportunities to lead evidence.

Evidence of workman:

4. Workman has examined himself as WW1 and filed his affidavit in evidence as Ex.A1 and has been cross-examined by the AR of management. He also tendered medical certificate dated 06.09.2008 (Annexure W-1) and notice dated 21.05.2004 (Annexure W-2). AR for workman closed the evidence on behalf of workman on 16.02.2015.

Evidence of respondents:-

5. The respondents have filed affidavit of Sh. Siraj Ahmad, Manager, who filed his affidavit in evidence as Ex.R-1 and has been cross-examined by the learned counsel of workman. He also tendered documents R-2. AR for respondents closed the evidence on 16.09.2015 and the case is fixed for arguments.

List of documents relied upon by both the parties:-

Sr. No.	Document	Dated	Annexure/Exhibit
1.	Medical Certificate	06.09.2008	(Annexure W-1)
2.	Notice	21.05.2004	(Annexure W-2)
3.	Memorandum	05.11.2007	(Annexure-III)
4.	Letter	18.01.2008	(Annexure III-A)
5.	Inquiry Report	11.02.2008	(Annexure-IV)
6.	Notice	15.02.2008	(Annexure-V)
7.	Notice	29.02.2008	(Annexure-VI)
8.	Notice	10.03.2008	(Annexure-VII)
9.	Final Notice	10.04.2008	(Annexure-VIII)
10.	Telegram	15.04.2008	(Annexure-IX)
11.	Publication	10.07.2008	(Annexure-X)
12.	Publication	12.07.2008	(Annexure-XI)
13.	Order	02.08.2008	(Annexure-XII)
14.	Reply	24.11.2008	(Annexure-XIII)
15.	Office Note	17.12.2008	(Annexure-XIV)
16.	Order	15.01.2009	(Annexure-XV)

Submissions of workman:-

6. While arguing the case, AR for workman contended that in this case, workman was appointed as trainee helper vide office order dated 04.05.2005 of the respondent. He became ill from 07.02.2008 to 07.09.2008 as per medical certificate dated 06.09.2008 (Annexure W-1) and thereafter, he went to join duty on 08.09.2008 to the Manager, NHPC, but he refused to take his joining report. Workman is a land less person and was given employment on the basis of RR Plan. Thereafter, workman submitted detailed representation along with medical certificate to the Managing Director, NHPC, but the said representation was rejected vide order dated 24.11.2018, which is totally illegal and without following the procedure under the Act.

Submissions of respondents:-

7. AR for respondents reiterated the reply in his arguments. He stated that the workman was habitual absentee. Therefore, he was served upon a memorandum dated 05.11.2007. The workman has admitted his charges vide letter dated 18.01.2008 and thereafter, vide inquiry report dated 11.02.2008 (Annexure-IV), he was found guilty. Thereafter, he was served upon many notices and ultimately he was removed from service vide order dated 02.08.2008 (Annexure-XII) and his representation dated 27.09.2008 was also decided vide order dated 15.01.2009 (Annexure-XV) after receiving his reply and after giving him full opportunity.

Findings:-

8. I have given due consideration to the arguments advanced by the AR both the parties.

9. Admittedly as per submissions and written documents placed on file, the workman was appointed as trainee helper on 04.05.2005 with one year of training and thereafter one year of probation. The workman after two months started remaining absent and during the period 04.07.2005 to 30.06.2006, he remained absent for about 130 days. However, on humanitarian ground, he was granted extraordinary leave. The workman joined the duty thereafter on 01.07.2016. But he again started remaining absent from 24.07.2006 till 03.11.2007 for about 82.5 days during his period

of probation and training. He thereafter joined on 05.11.2007. Due to remaining absent, he was issued memorandum dated 05.11.2007 (Annexure-III) by the disciplinary authority to hold enquiry against the workman under Clause 14 of the Model Standing Order as applicable to the workman. He was also served upon the articles of charges and list of documents relied upon by the management. On 18.01.2008, the workman accepted the charges through his letter dated 18.01.2008 (Annexure III-A), in which he has stated that he is not physically and mentally fit and as and when he got problem, he remained on leave without intimation and he sought pardon on the ground and stated that he would not repeat it again. Thereafter, inquiry was conducted against him and enquiry officer vide his report dated 11.02.2008 (Annexure-IV) and found that the workman was habitual neglect of work and was in the habit of frequent repetition of the misconduct of remaining absent from his duties despite repeated warning issued by the management and the enquiry officer held him guilty. However, in the meanwhile, workman started remaining absent w.e.f. 05.02.2008 without leave and intimation and remained as such absent till 23.07.2008 for about 170 days. He was sent notices Annexure-V dated 15.02.2008, Annexure-VI dated 29.02.2008 and Annexure-VII dated 10.03.2008 maintaining that you are absent w.e.f. 05.02.2008 and was directed to resume duty immediately. However, he did not join duty and thereafter final notice dated 10.04.2008 (Annexure-VIII) was issued seeking his explanation within 20 days from the date of issue of notice as to why he should not be removed from the services. Thereafter, a telegram dated 15.04.2008 (Annexure-IX) was received from the workman, requesting to extend leave on medical ground till recovery. Thereafter, notice of unauthorized absent was also published in two newspapers dated 10.07.2008 (Annexure-X) and 12.07.2008 (Annexure-XI) regarding his absent and ultimately, he was removed from service vide office order dated 02.08.2008 (Annexure-XII) w.e.f. 05.02.2008. Thereafter, in response to the office order dated 02.08.2008, workman made representation dated 27.09.2008 for his reinstatement and reply was sent on 24.11.2008 (Annexure-XIII) by appellate authority maintaining therein that he could not be reinstated. His appeal was disposed of vide letter/order dated 15.01.2009 (Annexure-XV). Thus the workman was terminated after holding proper enquiry and after affording full opportunity to the workman to defend his case. There is no violation of Section 25F of the Act, since the workman has been removed from the service after holding enquiry in his matter due to his absence. Nothing has been pointed out by the AR for workman that enquiry was not in accordance with the procedure established by law. Mere argument is regarding the non compliance of Section 25F of the Act.

10. It is added here that in this case, there was no necessity of complying with Section 25F of the Act, as the workman, after his holding guilty for misconduct of having unauthorized absent and even his representation dated 27.09.2008 was decided affording him opportunity of being heard and after receiving reply, was removed from service on 02.08.2008 w.e.f. 05.02.2008. There is no ground to interfere in the order dated 02.08.2008 passed by the punishing authority as well as appellate authority dated 24.11.2008.

11. Hence, the case is dismissed with above observations. The reference is answered against the workman.

12. 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, 11 सितम्बर, 2025

का.आ. 1666.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेंटेकल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधतंत्र के संबद्ध नियोजकों और श्री डी. इम्मानुवेल इंबाकुमार, मंदारकुप्पम, नेवेली, कुड्डालोर, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या 51/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/191-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1666.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Sh. D.Immanuvel Inbakumar, Mandarakuppam, Neyveli, Cuddalore, Tamil Nadu, worker.**

[No. L-42025/07/2025/191- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI
ID No. 51/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 15-07-2025

Sh. D.Immanuvel Inbakumar,

No.53, Balaji Nagar,

Mandarakupam, Neyveli,

Cuddalore, Tamil Nadu-607 802 : 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Square Squads Pvt. Ltd.

MIG-306, TNHB, Phase-II, 3rd Main Road

Nolambur, Chennai 600037 : First Respondent

2. The General Manager

M/s. NLC India Limited

Township Administration

Neyveli – 607801 : Second Respondent

Appearance:

For the 1st Party/Petitioner : None

For the Respondent No.2 : M/s. N. Nithianandam

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 01/22/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri D.Immanuvel Inbakumar alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seque Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 51/2022 and due notices were issued to both the parties for their appearance fixing the case to 01.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.10.2022, 28.11.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

(Dictated and transcribed by PA and
corrected and pronounced in the open
court on this day the 15.07.2025)

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1667.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेक्ल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधन के संबद्ध नियोजकों और श्री बी.अशोकन, मारुंगुर पोस्ट, पनरुति, कुड्डलोर, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या 53/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/192-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1667.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Shri B.Asokan, Marungur Post, Panruti, Cuddalore, Tamil Nadu, worker.**

[No. L-42025/07/2025/192- IR DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 53/2022

Present: SUSHIL KUMAR-II, PRESIDING OFFICER

Date: 16-07-2025

Shri B.Asokan

S/o. Balakrishna,

1178, Keezahakollai,

Kumbakonam Main Road,

Marungur Post, Panruti,

Cuddalore, Tamil Nadu-607 103.

:

1st Party/Petitioner

AND

1. The Managing Director

Tentacle Sequare Squads Pvt. Ltd.

MIG-306, TNHB, Phase-II, 3rd Main Road

Nolambur, Chennai -600037.

:

First Respondent

2. The General Manager

M/s. NLC India Limited

Township Administration

Neyveli – 607801.

:

Second Respondent

Appearance:

For the 1st Party/Petitioner

:

None

For the Respondent No.1

:

None

For the Respondent No.2

:

M/s. N. Nithianandam

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 01/24/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri B.Asokan alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seure Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 53/2022 and due notices were issued to both the parties for their appearance fixing the case to 12.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.10.2022, 28.11.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023 and 02.08.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

(Dictated and transcribed by PA and
corrected and pronounced in the open
court on this day the 16.07.2025)

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1668.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेंटकल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधतंत्र के संबद्ध नियोजकों और श्री एम.विजयकुमार, अबथनपुरम, वडालूर, कुड्डालोर, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या 54/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/193-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1668.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 54/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Shri M.Vijayakumar, Abathanapuram, Vadalur, Cuddalore, Tamil Nadu, worker.**

[No. L-42025/07/2025/193- IR-DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 54/2022

Present: SUSHIL KUMAR-II , PRESIDING OFFICER

Date: 16-07-2025

Shri M.Vijayakumar,

S/o. P.Mutavel,

No.75, Panruti Main Road,

Abathanapuram, Vadalur,

Cuddalore, Tamil Nadu-607 303. : 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Sequare Squads Pvt. Ltd.

MIG-306, TNHB, Phase-II, 3rd Main Road

Nolambur, Chennai -600037. : First Respondent

2. The General Manager

M/s. NLC India Limited

Township Administration

Neyveli – 607801. : Second Respondent

Appearance:

For the 1st Party/Petitioner : None

For the Respondent No.1 : None

For the Respondent No.2 : M/s. N. Nithianandam

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 01/25/2021/PDY/Adj/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri M.Vijayakumar alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Sequare Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 54/2022 and due notices were issued to both the parties for their appearance fixing the case to 12.09.2022. Neither the Petitioner nor any Counsel/Authorized Representative turned up resulting further adjournments to 17.10.2022, 28.11.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023 and 02.08.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

(Dictated and transcribed by PA and
corrected and pronounced in the open
court on this day the 16.07.2025)

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1669.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेक्ल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधन के संबंध नियोजकों और श्री यू.मुरली बाबू, इंदिरा नगर, नेवेली, कुड्डालोर, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या 55/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/194-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1669.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Shri U.Murali Babu, Indira Nagar, Neyveli, Cuddalore, Tamil Nadu, worker.**

[No. L-42025/07/2025/194- IR -DU]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI**

ID No. 55/2022

Present: SUSHIL KUMAR-II , PRESIDING OFFICER

Date: 16-07-2025

Shri U.Murali Babu,
S/o. Uthandi,
No.55, B2 Block, Matru Kudiyiruppu,
Indira Nagar, Neyveli,
Cuddalore, Tamil Nadu-607 801. : 1st Party/Petitioner

AND

1. The Managing Director
Tentacle Seure Squads Pvt. Ltd.
MIG-306, TNHB, Phase-II, 3rd Main Road
Nolambur, Chennai -600037. : First Respondent
2. The General Manager
M/s. NLC India Limited
Township Administration
Neyveli – 607801. : Second Respondent

Appearance:

For the 1st Party/Petitioner : None
For the Respondent No.1 : None
For the Respondent No.2 : M/s. N. Nithianandam

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 01/26/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri U.Murali Babu alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seure Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 55/2022 and due notices were issued to both the parties for their appearance fixing the case to 13.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 18.10.2022, 29.11.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023 and 02.08.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.
3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.
5. In the result the reference is answered against the petitioner.
- An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1670.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेन्टल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधन के संबद्ध नियोजकों और श्री के.कानागासबाई, इंदिरा नगर, नेवेली, कुड्डालोर, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या 57/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/195-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1670.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 57/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Shri K.Kanagasabai, Indira Nagar, Neyveli, Cuddalore, Tamil Nadu, worker.**

[No. L-42025/07/2025/195- IR-DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT CHENNAI

ID No. 57/2022

Present: SUSHIL KUMAR-II, PRESIDING OFFICER

Date: 16-07-2025

Shri K.Kanagasabai,
S/o. Kaliyaperumal,
No. B2 Block-45, Matru Kudiyruppu,
Indira Nagar, Neyveli,
Cuddalore, Tamil Nadu-607 801.

:

1st Party/Petitioner

AND

1. The Managing Director

Tentacle Sequare Squads Pvt. Ltd.
MIG-306, TNHB, Phase-II, 3rd Main Road
Nolambur, Chennai -600037.

:

First Respondent

2. The General Manager

M/s. NLC India Limited
Township Administration
Neyveli – 607801.

:

Second Respondent

Appearance:For the 1st Party/Petitioner

:

None

For the Respondent No.1

:

None

For the Respondent No.2

:

M/s. N. Nithianandam

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 01/28/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri K.Kanagasabai alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Sequire Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 57/2022 and due notices were issued to both the parties for their appearance fixing the case to 14.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 03.11.2022, 26.11.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023 and 02.08.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.
4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.
5. In the result the reference is answered against the petitioner.
An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1671.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेन्टैकल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधन के संबद्ध नियोजकों और श्री बी.मणिवन्नन, मुथनाई पोस्ट, विरिधाचलम, कुड्डालोर, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या 58/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/196-आईआर-डीयू]
सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1671.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Shri B.Manivannan, Muthanai Post, Viridhachalam, Cuddalore, Tamil Nadu, worker.**

[No. L-42025/07/2025/196- IR-DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI

ID No. 58/2022

Present: SUSHIL KUMAR-II , PRESIDING OFFICER

Date: 16-07-2025

Shri B.Manivannan,
S/o. Balakrishnan,
No.272, Sengundhar Street,
Muthanai Post, Viridhachalam,

Cuddalore, Tamil Nadu-607 804. : 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Seque Squads Pvt. Ltd.
MIG-306, TNHB, Phase-II, 3rd Main Road
Nolambur, Chennai -600037. : First Respondent

2. The General Manager

M/s. NLC India Limited
Township Administration
Neyveli – 607801. : Second Respondent

Appearance:

For the 1st Party/Petitioner : None
For the Respondent No.1 : None
For the Respondent No.2 : M/s. N. Nithianandam

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 01/29/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri B.Manivannan alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seque Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 58/2022 and due notices were issued to both the parties for their appearance fixing the case to 14.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 03.11.2022, 26.11.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023 and 02.08.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.
4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.
5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1672.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, टेन्टैकल स्क्वायर स्क्वाड्स प्राइवेट लिमिटेड, नोलंबूर, चेन्नई; महाप्रबंधक, मेसर्स एनएलसी इंडिया लिमिटेड, टाउनशिप प्रशासन, नेवेली के प्रबंधन के संबद्ध नियोजकों और श्री आर.रामासामी, मंजाकोल्लई पोस्ट, भुवनागिरी तालुक, तमिलनाडु, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या 60/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/197-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 11th September, 2025

S.O. 1672.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 60/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director, Tentacle Square Squads Pvt. Ltd., Nolambur, Chennai; The General Manager, M/s. NLC India Limited, Township Administration, Neyveli and Shri R.Ramasamy, Manjakollai Post, Bhuvnagiri Taluk, Tamil Nadu, worker.**

[No. L-42025/07/2025/197- IR-DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI

ID No. 60/2022

Present: SUSHIL KUMAR-II , PRESIDING OFFICER

Date: 16-07-2025

Shri R.Ramasamy,
S/o. S.Rajakannu,

Vathanayan Street,
South Veli-470, Manjakollai Post,
Bhuvnagiri Taluk, Tamil Nadu-608 601 : 1st Party/Petitioner

AND

1. The Managing Director

Tentacle Seure Squads Pvt. Ltd.
MIG-306, TNHB, Phase-II, 3rd Main Road
Nolambur, Chennai -600037. : First Respondent

2. The General Manager

M/s. NLC India Limited
Township Administration
Neyveli – 607801. : Second Respondent

Appearance:

For the 1st Party/Petitioner : None
For the Respondent No.1 : None
For the Respondent No.2 : M/s. N. Nithianandam

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 01/31/2021/PDY/ADJ/A1 dated 30.06.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri R.Ramasamy alleging termination of employment w.e.f. 18.08.2020 by the management of Tentacle Seure Squads P Ltd (NLC Contractor) is legal and justified? If not, to what relief the workman is entitled to?”

2. On receipt of the above reference dated 30.06.2022 from the appropriate Government, the dispute was registered as ID No. 60/2022 and due notices were issued to both the parties for their appearance fixing the case to 15.09.2022. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 02.11.2022, 26.12.2022 and 01.02.2023. The Petitioner did not turn up whereas the Second Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 30.06.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 01.06.2023 and 02.08.2023. The Petitioner did not turn up nor any authorized representative of the counsel on his behalf were present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.
4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.
5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2025

का.आ. 1673.—केंद्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना संख्यांक का.आ. 1290, तारीख 3 जुलाई, 2025, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), में तारीख 12 जुलाई, 2025 को प्रकाशित हुई थी, में निम्नलिखित संशोधन करती है, अर्थात् :-

2. उक्त अधिसूचना में, प्रारंभिक पैरा में, “मैसर्स गैस अथॉरिटी ऑफ इंडिया लिमिटेड” अक्षरों और शब्दों के स्थान पर, “गेल (इंडिया) लिमिटेड” शब्द और कोष्ठक रखे जाएंगे।

[फा. सं. एस-38014/03/2021-एसएस-1]

डी.एम. खरे, अवर सचिव

टिप्पण: मूल नियम, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) में तारीख 12 जुलाई, 2025 द्वारा संख्यांक का.आ. 1290 प्रकाशित हुए थे।

New Delhi, the 12th September, 2025

S.O. 1673.— 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 makes the following amendments to the notification of the Government of India in the Ministry of Labour and Employment, number S.O. 1290, dated 3rd July, 2025, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 12th July, 2025, namely:-

2. In the said notification, in the opening paragraph, for the letters and words “M/s Gas Authority of India Limited”, the words and brackets “GAIL (India) Limited” shall be substituted.

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

D.M. KHARE, Under Secy.

Note: The principal notification was published in the Gazette of India, Part II, Section 2, Sub-section (ii), vide number S.O. 1290, dated the 12th July, 2025.

नई दिल्ली, 12 सितम्बर, 2025

का.आ. 1674.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एचडीएफसी स्टैंडर्ड लाइफ इन्सुरेंस कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री सुदीप अरोड़ा के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेन्स नं.-(केन्द्रीय) 04/2012 (सीआईएस-50/2014)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15.09.2025 को प्राप्त हुआ था।

[सं. एल-17012/3/2011-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 12th September, 2025

S.O. 1674.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 04/2012 (CIS-50/2014)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **HDFC Standard Life Insurance Company Limited** and **Shri Sudeep Arora** which was received along with soft copy of the award by the Central Government on 15.09.2025.

[No. L-17012/3/2011-IR(M)]

SALONI, Dy. Director

अनुलग्नक

न्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी: संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)—04 / 2012 (सीआईएस—50 / 2014)

(सीएनआर—आरजेकेटी060000302012)

दिनांक स्थापित: 17.04.2012

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क.

एल—17012/12/3/2011 आईआर(एम) दि.23.02.2012

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)

औद्योगिक विवाद अधिनियम,1947

मध्य

सुदीप अरोड़ा पुत्र श्री सी बी अरोड़ा, द्वारा संयुक्त महामंत्री, हिन्द मजदूर सभा, बंगाली कॉलोनी, छावनी, कोटा प्रार्थी

एवं

सीनियर मैनेजर, जोनल ह्यूमन रिसोर्सज, एचडीएफसी, स्टेडर्डलाईफ इश्योरेंस कम्पनी लि., रजि. ऑफिस रमन हाऊस, एचटी पारेख मार्ग, 169—बेकवे, रिकलेमेन्शन, चर्च गेट, मुम्बई—400020

.....अप्रार्थी नियोजक

उपस्थित

प्रार्थीगण की ओर से प्रतिनिधि:—

श्री पुरुषोत्तम दाधीच

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

एकपक्षीय

:अधिनिर्णय:

दि: 27.12.2024

राजस्थान सरकार, श्रम विभाग की प्रासांगिक अधिसूचना दिनांक 23.02.2012 के द्वारा निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

"Whether Shri Sudeep Arora working as Sales Development Manager, can be treated as workman under Sectino 2-S of the ID Act, 1947 ? If yes, whether the action of the management of HDFC standard Life Insurance Co. Ltd., Mumbai in terminating the service of Shri Sudeep Arora w.e.f. 01-06-2020 is legal and justified? What relief the workman is entitled ?"

2—उक्त विवाद के न्यायालय में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर अपना स्टेटमेन्ट ऑफ क्लेम न्यायालय के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रार्थी को सीनियर मैनेजर, जोनल ह्यूमन रिसोर्सज, एचडीएफसी स्टेण्डर्ड लाईफ इश्योरेंस कम्पनी लि. रजि. ऑफिस रमन हाऊस, एचटी पारेख मार्ग, 169—बेकवे, रिकलेमेन्शन, चर्च गेट मुम्बई, जिन्हें इस विवाद में आगे चलकर नियोजक शब्द से संबोधित किया जावेगा ने नियुक्ति पत्र दिनांक 07.07.2007 के द्वारा सेल्स डवलपमेंट मैनेजर के पद पर कोटा कार्यालय में दिनांक 17.05.2007 से नियोजित किया गया था। यह नियोजन 6 माह के प्रोबेशन पर था। प्रार्थी नियोजक के यहां क्लेरिकल नेचर का कार्य कर रहा था। प्रार्थी को नियोजक के यहां किसी कर्मचारी को नियुक्ति देने, किसी कर्मचारी के विरुद्ध अनुशासनात्मक कार्यवाही करने अथवा किसी कर्मचारी को सेवा से हटाने का कोई अधिकार प्राप्त नहीं था। इसके अतिरिक्त नियोजक के यहां प्रार्थी के नियंत्रण में कोई अन्य कर्मचारी भी नहीं था। ऐसे में प्रार्थी वैधानिक रूप से अधिनियम की धारा 2(एस) के तहत वर्कमेन की परिभाषा में आता है। नियोजक द्वारा प्रार्थी को दिनांक 01.06.2010 के पत्र द्वारा नियुक्ति पत्र दिनांक 07—07—2007 के क्लॉज 10(ए) के अनुसार तुरन्त प्रभाव से हटा दिया गया जो अवैध है। उक्त

क्लॉज में अंकित है कि पक्षकार 3 माह का नोटिस किसी भी समय देकर अथवा तीन माह का वेतन भुगतान करके उक्त नियुक्ति व्यवस्था का परित्याग कर सकता है। उक्त क्लॉज के अनुसार नियोजक ने प्रार्थी को तीन माह का नोटिस नहीं दिया ना ही तीन माह के अग्रिम वेतन का भुगतान किया। इस प्रकार नियोजक द्वारा प्रार्थी को सेवा से अवैध रूप से हटाया गया है, जो कि अधिनियम की धारा 2(ओओ) के अन्तर्गत छंटनी की परिभाषा में नहीं आता है। नियोजक कम्पनी में प्रार्थी को नौकरी से हटाये जाने के पूर्व 12 महीने में 100 से अधिक कर्मचारी नियोजित थे, ऐसे में नियोजक पर अधिनियम की धारा 25 एन के प्रावधान लागू होते हैं ना ही नियोजक ने हटाये जाने से पूर्व वरिष्ठता सूची का प्रकाशन किया है, ऐसे में प्रार्थी को फर्स्ट कम फर्स्ट गो के सिद्धांत की अवहेलना करके नौकरी से हटाया गया है। अंत में निवेदन किया कि प्रार्थी का निष्कासन अनुचित एवं अवैध है एवं प्रार्थी को पिछले संपूर्ण वेतन सहित सेवा में बहाली का अनुतोष प्रदान किया जावे।

3-अप्रार्थी नियोजक की ओर से कोई उपस्थित नहीं आने पर अप्रार्थी के विरुद्ध दिनांक 04.07.2013 को एकपक्षीय कार्यवाही अमल में लायी गयी।

4-साक्ष्य में प्रार्थी पक्ष की ओर से प्रार्थी सुदीप अरोड़ा का स्वयं का शपथ-पत्र प्रस्तुत किया गया। अप्रार्थी के विरुद्ध एकपक्षीय कार्यवाही होने से जिरह नहीं की गयी। प्रार्थी की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गई है जिसका यथा समय उल्लेख किया जावेगा।

5-बहस प्रार्थी एकपक्षीय रूपसे सुनी गई जो उनकी ओर से प्रस्तुत अपने अपने अभ्यावेदनों के अनुरूप ही रही है। प्रार्थी प्रतिनिधि का यह तर्क रहा है कि नियुक्ति पत्र दिनांक 07.07.2007 के द्वारा प्रार्थी को सेल्स डवलपमेंट मैनेजर के पद पर दिनांक 17.05.2007 से नियोजित किया गया था। प्रार्थी नियोजक के यहां क्लेरिकल नेचर का कार्य कर रहा था। प्रार्थी को नियोजक के यहां किसी कर्मचारी को नियुक्ति देने, किसी कर्मचारी के विरुद्ध अनुशासनात्मक कार्यवाही करने अथवा किसी कर्मचारी को सेवा से हटाने का कोई अधिकार प्राप्त नहीं था। इसके अतिरिक्त नियोजक के यहां प्रार्थी के नियंत्रण में कोई अन्य कर्मचारी भी नहीं था। ऐसे में प्रार्थी वैधानिक रूप से अधिनियम की धारा 2(एस) के तहत वर्कमैन की परिभाषा में आता है। नियोजक द्वारा प्रार्थी को दिनांक 01.06.2010 के पत्र द्वारा नियुक्ति पत्र दिनांक 07-07-2007 के क्लॉज 10(ए) के अनुसार तुरन्त प्रभाव से हटा दिया गया जो अवैध है। अंत में प्रार्थी को सेवा में बहाली तथा पिछले वेतन दिलाये जाने का निवेदन किया गया। अपने कथनों के समर्थन में प्रार्थी की ओर से निम्नलिखित न्यायिक दृष्टांत प्रस्तुत किये गये, जिनका ससम्मान अवलोकन किया गया तथा उनसे मार्गदर्शन प्राप्त किया गया :-

1- S.C. FLR Ved Prakash Gupta Vs. M/s. Delton Cable India (P) Ltd. Page 417

2- Vijay Gautam Vs. Union of India & ors. S.B. Civil Writ Petition No. 12584/2010 Decided on 04-02-2011

6-इस प्रकरण में न्यायालय को यह देखना है कि क्या प्रार्थी औद्योगिक विवाद अधिनियम की धारा 2(एस) के अन्तर्गत "कर्मकार (Workman)" की श्रेणी में आता है अथवा नहीं ?

प्रार्थी ने अपने स्टेटमेंट ऑफ क्लेम एवं साक्ष्य में प्रस्तुत शपथ पत्र में स्वयं यह कथन किया है कि उसे प्रतिपक्षी ने दि. 07.07.2007 के द्वारा सेल्स डवलपमेंट मैनेजर के पद पर सेवा में नियोजित किया था। हस्तगत प्रकरण में प्रार्थी श्रमिक प्रदर्श डब्ल्यू. 1 नियुक्ति पत्र प्रस्तुत कर प्रदर्शित कराया गया है जिसमें प्रार्थी को सेल्स डवलपमेंट मैनेजर के पद पर दिनांक 17.05.2007 से नियुक्त किया जाना अंकित किया गया है। इसके अतिरिक्त प्रार्थी को अप्रार्थी के सेवा पृथक्ता के संबंध में जारी पत्र दिनांक 01.06.2010 जो कि प्रार्थी द्वारा प्रदर्श डब्ल्यू. 2 के रूप में प्रदर्शित कराया गया है में भी प्रार्थी की सेल्स डवलपमेंट ऑफिसर के पद से बर्खास्त किये जाने का अंकन है। इसके अतिरिक्त प्रार्थी ने जो दस्तावेजात प्रदर्श डबल्यू. 3 लगायत 16 लेटर ऑफ कन्फर्मेशन व वेतन के संबंध में प्रस्तुत कर प्रदर्शित कराये गये हैं, उन सभी में प्रार्थी का पद सेल्स डवलपमेंट मैनेजर के रूप में अंकित है। प्रार्थी ने अपने स्टेटमेंट ऑफ क्लेम एवं साक्ष्य में प्रस्तुत शपथ-पत्र में भी यह कथन किया है कि उसको अप्रार्थी ने सेल्स डवलपमेंट मैनेजर के पद पर दिनांक 07.07.2007 के नियुक्ति पत्र द्वारा नियोजित किया गया था, जिसे 13740/- रुपये प्रतिमाह वेतन तथा 12000/- रुपये मेडिकल सुविधा तथा 6000/- रुपये एलटीसी की सुविधा प्रदान की गयी थी। औद्योगिक विवाद अधिनियम की धारा 2 (एस) के तहत कर्मकार को परिभाषित किया गया है :-

"कर्मकार" से कोई ऐसा व्यक्ति (जिसके अन्तर्गत शिष्ट भी आता है) अभिप्रेत है, जो किसी उद्योग में भाड़े या इनाम के लिए कोई शारीरिक, अकुशल, कुशल, तकनीकी, संचिकात्मक, लिपिकीय या पर्यवेक्षणिक कार्य करने के लिए नियोजित है चाहे नियोजन के निबंधन अभिव्यक्त हों या विवक्षित, और किसी औद्योगिक विवाद के संबंध में इस अधिनियम के अधीन की किसी कार्यवाही के प्रयोजनों के लिए इसके अन्तर्गत कोई ऐसा व्यक्ति आता है जो उस विवाद के संबंध में या उसके परिणामस्वरूप पदच्युत या उन्मोचित कर दिया गया है या जिसकी छंटनी कर दी गई है अथवा जिसकी पदच्युति, उन्मोचन या छंटनी किए जाने से वह विवाद पैदा हुआ हो, किन्तु इसके अन्तर्गत कोई ऐसा व्यक्ति नहीं आता है जो -

(i) वायुसेना अधिनियम, 1950 (1950 का 45) या सेवा अधिनियम, 1950 (1950 का 46) या नौसेना अधिनियम, 1957 (1957 का 62) के अधीन हो, अथवा

(ii) पुलिस सेवा में या किसी कारागार के अधिकारियों या अन्य कर्मचारी के रूप में नियोजित हो, अथवा

(iii) मुख्यतः प्रबन्धकीय या प्रशासनिक हैसियत में नियोजित हो, अथवा

(iv) पर्यवेक्षणिक प्रबन्धकीय या प्रशासनिक हैसियत में नियोजित हो, अथवा पर्यवेक्षणिक हैसियत में नियोजित होते हुए प्रतिमास (दस हजार) से अधिक मजदूरी लेता हो अथवा या तो पद से संलग्न कर्तव्यों की प्रकृति के या अपने में निहित शक्तियों के कारण ऐसे कृत्यों का प्रयोग करता है जो मुख्यतः प्रबन्धकीय प्रकृति के हैं।"

प्रार्थी द्वारा लिपिकीय प्रकृति के कार्य किये गये हो और प्रबन्धकीय प्रकृति के कार्य नहीं किये गये हो, इस संबंध में कोई साक्ष्य प्रार्थी की ओर से पत्रावली पर पेश नहीं की गयी है।

न्यायिक दृष्टांत Shrikant Vishnu Palwankar Vs presiding Officer Firast Labour on 29 October, 1991 Equivalent citation: 1992II LLJ 378 Bombay High Court में माननीय बॉम्बे उच्च न्यायालय द्वारा यह सिद्धान्त प्रतिपादित किया गया है कि :- "Industrial Disputes Act, 1947-Secs. 2(s) and 10- Foreman-Receiving salary over Rs500/-p.m. - Foreman required to assign work and supervise 6 to 8 employees, to make recommendation regarding grant of leave and make appraisal of workmen working under him- Whether Such Foreman is "workman" within the meaning of Sec. 2(s) of the Act.

Held: It is contended on behalf of the petitioner that he was mainly carrying out work of a technical nature and only incidentally he was doing some supervisory work. If it is assumed that the petitioner was employed as a technical workman, it is difficult to understand how duties, like allocation of jobs, assignment of work, recommendation of leave, carrying out of promotional appraisal leave, carrying out of promotional appraisal could be incidental to his main work. The expression "incidental" necessarily means that it is an appendage or a part of something which is larger and substantial.

It is not disputed that the petitioner's monthly wages were in excess of Rs. 500/- p.m. The Labour Court, in my opinion, has rightly come to the conclusion that the petitioner was not a workman within the meaning of Sec. 2(s) of the Act. The reference was therefore incompetent and the Labour Court rightly rejected the same.

न्यायिक दृष्टांत S.K Maini Vs Carona Sahu Co. Ltd AIR 1994SC 1824 में माननीय उच्चतम न्यायालय द्वारा यह सिद्धान्त प्रतिपादित किया गया है कि Industrial Dispute Act (14 of 1947) S. 2(s)-Workman - Definition of - Test to determine whether an employee is workman - Shop Manager/Incharge of a local shop of a big company- Discharging duties of administrative and managerial nature - He is not a workman though either incidentally he is required to do some clerical work or is not vested with power to appoint or discharge employees under him.

न्यायिक दृष्टांत Arkal Govind Rai Rao Vs. Ciba Geigy of India Ltd. Bombay-1985 LAB I.C. 1008=AIR 1985 S.C. 985, में माननीय उच्चतम न्यायालय द्वारा यह सिद्धान्त प्रतिपादित किया गया है कि Industrial Dispute Act (14 of 1947) S. 2(s)-"Workman"- Who is - determination - Test - Primary and basic duties constitute the criterion and not incidental duties.

न्यायिक दृष्टांत Mcleod and Co. Vs. Sixth Industrial Tribunal, West Bengal and Others-AIR 1958 Calcutta 273 (V 45 C 69) में माननीय कलकत्ता उच्च न्यायालय द्वारा यह सिद्धान्त प्रतिपादित किया गया है कि— "Where it is found that a particular employee belongs to the covenanted staff of officers; that all the privileges and conditions of officers apply to him; that the condition and privileges of services applicable to clerks did not apply to him that he draws a salary of Rs. 575/- p.m. and that he does some supervisory work, he is not workman within S. 2(s) of the Act.

7-अतः उक्त सम्पूर्ण विवेचन से यही प्रकट होता है कि प्रार्थी सेल्स डवलपमेंट मैनेजर के रूप में व्यवस्थापक $\frac{1}{4}$ Managerial $\frac{1}{2}$ कार्यों का सम्पादन करता था तथा उसका वेतन तत्समय प्रतिमाह 10000/-रु. से अधिक था ऐसी स्थिति में माननीय उच्चतम न्यायालय एवं उच्च न्यायालयों द्वारा विभिन्न न्यायिक दृष्टांतों में प्रतिपादित सिद्धांतों के परिप्रेक्ष्य में प्रार्थी औ.वि.अधिनियम की धारा 2(एस) के अन्तर्गत "कर्मकार (Workman)" की श्रेणी में नहीं आएगा। जहां तक प्रार्थी की ओर से प्रस्तुत न्यायिक दृष्टांत Vijay Gautam Vs. Union of India & ors. S.B. Civil Writ Petition No. 12584/2010 Decided on 04-02-2011 का प्रश्न है तो उक्त न्यायिक दृष्टांत में कर्मकार व नियोजक के संबंधों को राज्य सरकार को तय नहीं किये जाने का हवाला दिया गया है जो कि हस्तगत प्रकरण के न्याय निर्णयन से सम्बद्ध नहीं है। इसके अतिरिक्त प्रार्थी की ओर से प्रस्तुत न्यायिक दृष्टांत S.C. FLR Ved Prakash Gupta Vs. M/s. Delton Cable India (P) Ltd. Page 417 के तहत प्रतिपादित सिद्धांत हस्तगत प्रकरण के तथ्यों व परिस्थितियों से भिन्न होने से प्रार्थी को किसी प्रकार की कोई सहायता प्रदान नहीं करती है। अतः प्रार्थी को अधिनियमान्तर्गत किसी भी प्रकार का कोई संरक्षण प्राप्त नहीं होने से वह किसी अनुतोष को प्राप्त करने का अधिकारी घोषित होने योग्य नहीं है और रेफ्रेन्स भी इसी अनुरूप उत्तरित किये जाने योग्य है।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 23.02.2012 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी सुदीप अरोड़ा द्वारा अप्रार्थी सीनियर मैनेजर, जोनल ह्यूमन रिसोर्स, एचडीएफसी, स्टेडर्ड लाईफ इंश्योरेंस कम्पनी लि., रजि. ऑफिस रमन हाऊस, एचटी पारेख मार्ग, 169-बेकवे, रिवलेमेन्शन, चर्च गेट, मुम्बई के नियोजन में सेल्स डवलपमेंट मैनेजर के पद पर व्यवस्थापक हैसियत $\frac{1}{4}$ Managerial Capacity $\frac{1}{2}$ से कार्य संपादित किए जाने से एवं तत्समय उसका वेतन प्रतिमाह 10000/-रु. से अधिक होने से वह अधिनियम की धारा 2 (एस) के अन्तर्गत "कर्मकार (Workman)" की श्रेणी में नहीं आएगा ऐसी स्थिति में प्रार्थी, अप्रार्थी से किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 27.12.2024 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1675.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर केपंचाट(एलसी-आर/118/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/09/2025 को प्राप्त हुआ था।

[सं. एल-22012/134/2012-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1675.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/-R/118/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L., and their workmen, received by the Central Government on **8/09/2025**.

[No. L-22012/134/2012 – IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/118/2012

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Jamuna Prasad,

S/o Radhika Prasad,

Purani Basti,

Distt. – Annupur (M.P.)

Workman

Vs

1. The General Manager,

Sohagpur Area of SECL,

PO – Dhanpuri,

Distt. – Shahdol (M.P.)

2. The Sub-Area Manager,

Amlai-Bangwar SA of SECL,

PO- Bemhour, Distt. Shahdol (M.P.)

Management

(JUDGMENT)

(Passed on this 22nd day of July- 2025)

As per letter dated 22/10/2012 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/134/2012(IR(CM-II))** dt. 22/10/2012. The dispute under reference relates to:

“Whether the action of the Management of the Sohagpur Area of SECL (through Dy. General Manager, Amlai-Bangwar-Damini Sub-Area of SECL) in terminating the service of Shri Jamuna Prasad is legal and justified? To what relief the claimant is entitled for, and from which date?”

Notice were issued to the parties. They appeared and filed their respective statements of claim and defense.

The case of the Workman is mainly that, he was a general Mazdoor, and was transferred along with other 49 workers to Bangwar Mine vide order of management dated 17.05.1994. According to him, he approached the management of Bangwar Colliery to permit him to join his duties and file six applications within 18.05.1994 to

13.09.2000 but management did not issue any joining letter then he filed an application to Director Personnel on 09.11.2005 and to the Chairman on 24.02.2009 in this respect. Management issued a charge-sheet dated 04/11.05.2011 under Clause-26.24 and 26.30 of Certified Standing Orders which is as follows -

26.24- Habitual absence without any sufficient reason.

26.30- Absence without any sufficient reason and without getting any leave sanctioned or over staying while on leave.

He submitted his reply on 13.05.2011. Being not satisfied with his reply, management instituted a Departmental enquiry with respect to the charges vide order dated 20.05.2011. It is further the case of workman that the charges were vague, the enquiry officer acted as a prosecutor and conducted enquiry without following the procedure and also in violation of Principles of Natural Justice. The workman was awarded punishment of removal from service vide order of management dated 25/26.08.2011. The Disciplinary Authority did not issue him show cause with respect to the findings in the enquiry report and also did not supply copy of the enquiry report.

Case of management is that the workman has been habitually absenting himself from duty without any reason and without getting any leave sanctioned. His attendance was 120 days in 1991, 74 days in 1992 and 62 days in 1993. He further absented himself without any sufficient reason from 1994 till date of issuing charge-sheet i.e. 04/17.05.2011. He was issued a charge-sheet and after considering his reply on charge-sheet, disciplinary enquiry was ordered against him. The enquiry was held in five dates. The workman participated in the enquiry with his representative both the parties adduced evidence. The Enquiry Officer submitted report of the enquiry holding him guilty of charges of misconduct under Clause 26.24 and 26.30 of Certified Standing Orders. He was awarded punishment of removal from service by Disciplinary Authority.

Following issues were framed on the basis of pleadings :

1. *Whether, the enquiry conducted against the Workman is just, proper and legal?*
2. *Whether, the charges alleged against the Workman are proved from evidence?*
3. *Whether, the punishment of terminating the services of Workman is legal and proper?*
4. *What relief the Workman is entitled to?*

Issue No. 1 was taken as preliminary issue and was decided vide order dated 20.03.2024 against Management holding the departmental enquiry vitiated in law. This order is part of this judgment.

The Management was given opportunity to prove the charges before this Tribunal.

Management filed affidavit of its witness Aman Kumar Namdeo as his examination in chief. He filed and proved the original enquiry documents. He was cross-examined by the Workman side. Management also filed affidavit of its another witness Parth Chatterjee as his examination-in-chief. The Workman did not turn up to cross-examine him. Hence opportunity of cross-examination was closed.

Workman has not filed any evidence.

I have heard argument of Learned Counsel for Management Mr. Neeraj Kewat. None was present for Workman at the time of argument. I have gone through the record as well.

Issue No. 1 is answered accordingly.

Issue No.2 -

Charges against the Workman have been detailed earlier in this judgment. The management witness Parth Chatterjee has stated in his affidavit that the Workman was a habitual absentee. His attendance particulars were very poor from the year 1992 onwards. He worked only for 120 days in 1991, 74 days in 1992 and 62 days in 1993. He was transferred to Bangwar Underground Mines vide order dated 17.05.1994 and was relieved by Management to join his duties, but he never reached there. He was issued a charge sheet on 14/7.05.2011. His reply was found not sufficient hence a Departmental enquiry was held and a punishment order was passed after the Enquiry Officer concluded that the charges were proved. This Affidavit of the management witness is uncross-examined.

From the uncross-examined affidavit of the Management witness, the unauthorized absence Workman is prima facie established. The burden now was on the Workman to justify his absence. Since, he has not adduced any evidence he has failed in discharging this burden. Hence, in the light of above discussion, the charges as stated above are held proved.

Issue No. 2 is answered accordingly.

Issue No. 3 :

Keeping in view the fact that unauthorized absence is gross misconduct for which dismissal is also one of the punishments and the fact of habitual unauthorized absence of the workman as done above, the punishment of dismissal of the Workman from service appears to be a proper punishment.

Issue No. 3 is answered accordingly.

Issue No. 4 :

On the basis of above discussion and findings the workman is held entitled to no relief.

Reference is answered as follows.

AWARD

Holding the action of the Management of the Sohagpur Area of SECL (through Dy. General Manager, Amlai-Bangwar-Damini Sub-Area of SECL) in terminating the service of Shri Jamuna Prasad is legal and justified, the claimant workman is held entitled to no relief.

No order as to cost.

DATE:- 22/07/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1676.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर कंपाउंड(एलसी-आर/49/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/09/2025 को प्राप्त हुआ था।

[सं. एल-22012/91/2018-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1676.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/-R/49/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L., and their workmen, received by the Central Government on **8/09/2025**.

[No. L-22012/91/2018 – IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/49/2018

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Sanat Kumar Shukla,

Regional Coordinator,

Coal Mine Employees Struggle Committee,

Sheetaldhara Landfill Project,

South Eastern Coal Fields, 684,

Kapildhara Colony,

Post Bijuri, District- Anuppur (M.P.) – 484224

Workman

Vs

Deputy Regional Manager,

Kurja Sub-Area, South Eastern Coal Fields,

PO- Bijuri, Dist- Anuppur (M.P.)- 484224

Management

(JUDGMENT)**(Passed on this 05th day of AUGUST - 2025)**

As per letter dated 05/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-22012/91/2018 (IR(CM-2)) dt. 05/11/2018. The dispute under reference relates to:

“उप क्षेत्रीय प्रबंधक कुर्जा उपक्षेत्र, साउथ ईस्टर्न कोल फील्ड्स लिमिटेड द्वारा कर्मकार श्री सनत कुमार मैकेनिकल फिटर दिनांक 26-05-2013 से 27-06-2013 तक बिना किसी कारण के सेवा हेतु उपस्थित होने के बावजूद उनको अनुपस्थित करना क्या न्यायोचित है? यदि नहीं, तो श्री सनत कुमार शुक्ला, क्या अनुतोष पाने के हकदार है?”

Notice were issued to the parties, they appeared and filed their respective statement of defense and claims.

Case of the workman is that, he is working with the Sheetal Dhara Project as Mechanical Fitter since 1993, and is engaged in Union Activities. He is office bearer of Rashtriya Mazdoor Kishan Union, M.P. Unit. He had reported on duty on 26.05.2013 and found that his absence was marked in the attendance register even on Sunday which was the rest day. He was not allowed to work hence he filed an application before Mines Superintendent for allowing him to work on his workplace which was not granted. He has not been paid his wages for this period since 26.05.2013. He raised a dispute after failure of conciliation, the dispute was referred to this Tribunal.

According to the workman, this action of Management is unjust, illegal and arbitrary. He has prayed that holding the action of Management illegal, he be wages for the period of absence and benefits.

Case of the Management is that, the Workman did not report on duty from 26.05.2013 to 27.06.2013, his absence was marked in the Attendance Register, he reported on duty on 28.06.2013, thus he willfully absented himself from duty without any intimation and authorization from 26.05.2013 to 27.06.2013, which is misconduct in the certified standing orders. That his why his wages for the period he did not worked were not paid. He was put under no enquiry. He was not awarded any other punishment.

At evidence stage, the Workman did not appeared. He did not file any evidence. He has filed letter of Management dated 08.06.2015 which is admitted by Management. The other documents filed by him are notice by the Labour Commissioner during conciliation, copy of reference etc.

Management has filed affidavit of its witness as his examination in chief and has proved documents Exhibit M-1 to M-5, to be referred to as and when required.

The Workman did not appear at the stage of argument, hence argument of Mr. Neeraj Kewat Learned Counsel for Management were heard. No written argument filed by any parties. I have gone through the record.

On perusal of record in the light of arguments, the reference itself appears to be the issue for determination.

The initial burden to prove his case is on the Workman, thus it is on him to prove that he was present on duty and worked within the period 26.05.2013 to 27.06.2013. On the other hand, case of Management that the Workman was absent from duty within this period is proved by uncontroverted affidavit and documents.

Hence, holding the claim of the Workman not proved, he is held entitled to no relief.

The reference stands answered accordingly.

No order as to cost.

DATE:- 05/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1677.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.सी.एल.के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर कंपंचाट(एलसी-आर/63/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/09/2025 को प्राप्त हुआ था।

[सं. एल-22012/79/2018-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1677.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/-R/63/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of N.C.L., and their workmen, received by the Central Government on **8/09/2025**.

[No. L-22012/79/2018 – IR (CM-II)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/63/2018****Present: P.K.Srivastava****H.J.S..(Retd)****President,****Rashtriya Colliery Shramik Sangh,****Quarter No. HB 226,****NCL Colony,****Jhingurada Pariyojna,****Post Jhingurada, District Singrouli (M.P.)****Workman****Vs****General Manger,****Jhingurada Pariyojna, NCL.,****Post Jhingurada, District Singrouli (M.P.)****Management****(JUDGMENT)****(Passed on this 21st day of July- 2025)**

As per letter dated 13/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/79/2018-IR (CM-2)** dt. 13/11/2018. The dispute under reference relates to:

“महाप्रबंधक, झिगुरदा परियोजना एन.सी.एल. द्वारा कर्मकार श्री मनोज कुमार राय को भारत कोकिंग कोल लिमिटेड (बी.सी.सी.एल.) से नार्दन कोलफील्ड्स लिमिटेड (एन.सी.एल.) में स्थानांतरण के पश्चात् उनका पे प्रोटेक्शन (वैल व्हावजमबजपवद) न किया जाना क्या उचित है ? यदि नहीं तो कर्मकार श्री मनोज कुमार राय क्या अनुतो” पाये के पात्र है ?”

After registering the case on the basis of reference, notices were issued to the parties. They appeared and filed their respective statements of claim and defence.

Case of the Workman is mainly that, he was first appointed as Pump Operator category- III in Katras Area BCCL in the year 1993. His initial pay was Rs. 153.72/-. He worked with BCCL till 29.04.2004. He was given an option

by the Head Office of the NCL that he may be transferred as General Mazdoor Category-I as there was no post of Pump Operator available in NCL. He was further assured of protection of his pay which he was getting in BCCL in case he opted for transfer to NCL. He made representation on 10.12.2003 and consented to his transfer to the post of General Mazdoor Category-I on condition of protection of his pay. He was relieved from BCCL to join NCL, the place of his transfer. He was posted as General Mazdoor Category-I in NCL vide order of management dated 06.05.2004, he was not held entitled to any travelling allowances as it was a transfer on his request. The management of NCL fixed his salary at Rs. 126/- per day which is lesser than salary Rs. 153.72/- per day which he was getting while he was working in BCCL.

According to the workman, he had consented for transfer only in case of protection of his pay which the management had agreed, but the management of NCL unilaterally and arbitrarily fixed his salary in breach of the assurance and conditions of protection of pay which they had agreed earlier.

He made several representations in this respect but of no avail. Thereafter he raised dispute with Labour Commissioner. After failure of conciliation the reference was made to this Tribunal.

The workman has further alleged that, this action of management is unjust, arbitrary and *mala fide*. He has prayed that he was held entitled to protection of pay by directing the management of NCL to pay the difference of salary between BCCL and NCL with interest.

Case of the Management is that, firstly, the claim is barred by inordinate delay and latches on part of the workman, the claim related to year 2004 but the dispute was raised in the year 2018 for which there is no justification. According to management, the workman submitted an application for transfer of his service from BCCL where he was working to another company, NCL. He had given an undertaking that he would accept the post of General Mazdoor Category-I with initial pay scale. His request was granted and in these circumstances, he was released from BCCL vide order dated 29-04/03.05.2004 and joined with NCL. Thereafter, he was placed at less scale admissible to General Mazdoor Category-I on his transfer in NCL in the light of his consent in this respect, which was a condition of transfer to his service. According to management, the workman filed an application on 05.01.2015 i.e., after 10 years on his absorption in NCL, asking pay scale for Pump Operator category- III which was not granted. Thus, according to management, the workman had requested for transfer to NCL consenting that he will be posted as General Mazdoor Category-I and will not claim any protection of pay. Management has requested that the reference be answered against the workman.

In evidence, the Workman has filed and proved, office order dated 29.04.2004 office order dated 06.05.2004, his salary slips, and his application dated 10.12.2003 before NCL, Singrouli for his transfer. Application dated 05.12.2015 filed before General Manager, NCL and its reminder dated 19.05.2016, letter of the Union before the Labour Commissioner which are Ex-W/1 to W/7

He has also filed his affidavit as his Examination-in-chief he has been examined by management.

Management has filed affidavit of its witness as his Examination-in-chief. This witness has been examined by workman side, management has also proved documents Ex-M/1 to M/4 which are letter of management dated 02.01.2016, undertaking of the workman dated 10.12.2016, letter of management dated 13.12.2003, order dated 25-26.02.2004.

I have heard argument of Learned Counsel for the workman Mr. K.B. Singh and Mr. Neeraj Kewat Learned Counsel for the Management. I have gone through the record as well.

On perusal of record in the light of rival arguments, the reference itself appears to be the issue for determination.

The peripheral facts in the case in hand are not disputed. Parties are at issue only on the point, whether any undertaking stating that he will not claim any protection of pay in case of his transfer from BCCL to NCL is granted by management was in fact given by the workman or not? Management has referred to application of the workman dated 10.12.2003 which according to them is the undertaking by the workman. This application shows that the workman has specifically stated that he has been working as Pump Operator category- III in Katras Colliery of BCCL he is ready and consenting to be transferred to NCL as General Mazdoor Category-I if his basic salary is not affected. Hence, it is clear that nowhere in this application the workman has relinquished his claim to pay protection rather the workman has consented his transfer if his basic salary in BCCL is not affected in NCL.

The Learned Counsel for management has referred to order of management dated 13.12.2003. On perusal of this letter goes to show that it was sent to Superintendent Engineer, Coal India by Personnel Manager of NCL. It discloses that the management of NCL has communicated their inability to accept the transfer of the workman Manoj Kumar Rai from BCCL vide its letter dated 20.11.2003 Shri Rai came to this office transfer and had given a written undertaking to the effect that he agrees to work as a General Mazdoor Category-I in the event of his transfer from BCCL and requested the Director Personnel, NCL to reconsider his transfer, thereafter, as the letter reveals, his case was reviewed and his request was granted. Order dated 25-26.02.2004 is the office order issued by Superintendent Engineer, Coal India requesting the General Manager, BCCL at Dhanbad to arrange and issue the releasing order in respect to the

workman Shri Rai with a direction to report to General Manager, NCL at Singrouli, also it comes out that this transfer shall be treated as requested transfer. This letter also does not mention any such undertaking by workman giving up his claim for pay protection.

Furthermore, vide order dated 13.01.2025 management was directed by this Tribunal to produce the said undertaking or its duly authenticated copy reference of which has been taken by management in their letter dated 13.12.2003. Management could not produce any such undertaking rather they filed an affidavit of Manager (P) K.P. Sharma stating that no such documents were traceable in their office. This leads to credence to the case of workman and his statement that they had never filed any undertaking as claimed by management in which he has given up his claim regarding protection of pay, rather his request letter dated 13.12.2003 clearly shows that he had consented on transfer if his pay was not decreased on his transfer or in other words his pay was protected on his transfer.

In light of above discussion, holding the claim of the management that the workman had himself given up claim of pay protection on his transfer not proved the case of workman that he had agreed to transfer only in case, his pay was protected, is held proved. Consequently, the action of Management NCL in not granting the pay protection to the workman in case in hand is held unjust, illegal and arbitrary.

As regards the arguments of Learned Counsel for Management that, since the workman has raised a dispute after 10 years of transfer, his claim is liable to be rejected on the ground of delay on his part. The Industrial Dispute Act, 1947, does not provide for any limitation for raising a claim to no doubt it should be raised within a reasonable period. Keeping in view the facts that the workman is a Mazdoor category labour, normally not aware of his rights in law, this delay can be overlooked.

In the light of above discussion and findings the reference is answered as follows:-

AWARD

“Holding the action of management of NCL in not granting pay protection to the workman Manoj Kumar Rai on his transfer from BCCL to NCL, unjust and illegal, the workman is held entitled to pay protection and the management is obligated to pay the difference of wages to the workman within 60 days from the date of publication of award in Gazette failing which interest @ 6% p.a. from the date of award till payment.”

No order as to cost.

DATE:- 21/07/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1678.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय-सह- अतिरिक्त जिला. एवं सत्र न्यायालय, गोदावरीखानी के पंचाट (पहचान संख्या. 01/2025) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/09/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1678—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 01 / 2025**) of the **INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.L.** and their workmen, received by the Central Government on 7/09/2025.

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI.

PRESENT:- SRI Dr.T.SRINIVASA RAO,

CHAIRMAN-CUM-PRESIDING OFFICER.

WEDNESDAY, ON THIS THE 06th DAY OF AUGUST, 2025.

I.D.No.01 of 2025**Between:-**

Gare Prabhakar Ex-Coal Cutter, E.C-2838548, RKNT Mine, H.No.9-31, Arunakka Nagar,
Poshamma Gudi back side lane,

SRIRAMPUR, District: Mancherial – 505 303 (T.G)

... Petitioner/Workman.

A N D

1. The Singareni Collieries Company Ltd.,
Rep. By its General Manager, Srirampur Area,
Naspur Mandal, Mancherial District 504 303.
2. Colliery Manager/Dy. General Manager, RKNT Incline,
The Singareni Collieries Company Ltd., Srirampur Area, Naspur Mandal, Mancherial District 504 303.
3. Chairman and Managing Director,
The Singareni Collieries Company Ltd, Singareni Bhavan,
Red Hills, Khairathabad, Hyderabad 500 004.

...Respondents/Management.

This case coming before me for final hearing in the presence of S/Sri K.Srinivas Rao, A.A.Shareef and R.Rajender, Advocates for the Petitioner/Workman and of Sri T.Ravinder Singh, Advocate for Respondents/Management and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

AWARD

This petition is filed U/Sec.2-A(2) of I.D. Act praying to set aside the dismissal order dt.27.09.2021 passed by the Respondent No.1 and direct the Respondents'/Company to reinstate the petitioner into service with continuity of service, together with all attendant benefits and full back wages.

2. The alpha and omega of the case of the petitioner is as follows:-

2(a). The petitioner was appointed as Badli-Coal Filler on 1988, he was confirmed as regular worker and he used to discharge his duties to the best of his ability and up to the satisfaction of superior Officers. He worked at SRP-1, RK-5 and RKNT mines and while he worked as Coal Cutter at RKNT Mine, charge sheet dt.08.10.2020 was issued under company's standing order 25.1, 25.23 and 25.39 alleging that the petitioner had collected an amount of Rs.4,00,000/- from one Ramineni Ramaswamy, Trammer, RK-5 Incline, in the guise of mediating for his Medical Unfit. Basing on the charge sheet formal enquiry was conducted with prefixed mind and petitioner was not provided any opportunity and he petitioner was dismissed from services vide Proc. dt.27.09.2021.

2(b). While the petitioner was working as Coal Cutter at RKNT, SRP Area, two persons came to the RKNT Mine on 11.09.2020, stating that they are from Vigilance Department of SCCL and asked him whether he borrowed any amount from any of his colleagues as hand loan. The petitioner clearly stated that he has not borrowed any amount from any one and immediately, one of the Officers called one person by name Anumandala Kumar, General Mazdoor of RKNT Incline and gave a dictation to the said Kumar. After that they have asked the petitioner to sign on the said paper. When the petitioner requested to read out as to what was mentioned in the said paper, the Vigilance Officer stated that it is not necessary to the petitioner and stated that the petitioner collected an amount of Rs.4,00,000/- from one Ramineni Ramaswamy, Trammer, RK-5 Incline under the guise of mediating his medical Invalidation. The said officers have forcefully taken the signatures of the petitioner on the said paper and the said allegation is totally wrong.

2(c). The petitioner is an illiterate and except signing, he is unable to read and write and not known any Doctor or higher Officers in the Respondents'/Company. If the petitioner took any amount from Sri. Ramineni Ramaswamy, he has to give complaint to the Police as well as Vigilance Department. But, as per the document dated 27.09.2019 shown to petitioner in the enquiry which was said to be given by Ramineni Ramaswamy, it seems that to book a case against the

petitioner the Vigilance Officers have obtained a false complainant to save the officers who were involved in the Medical Scam. At the time of enquiry, the petitioner requested the Enquiry Officer to call the said Ramineni Ramaswamy/alleged Complainant to examine him and Sri. Bandi Mallaiah. But, the Enquiry Officer not called the Complainant or any one on behalf the Management as their witness. In this case, neither complainant nor any other witness was examined even though the petitioner requested for their examination.

2(d). The enquiry was conducted with a biased manner and with a malafide intention and the petitioner believed them and signed. The petitioner did not know any Doctor of the main Hospital, Kothagudem or any higher Officers in the company and it is not possible to a common man to manage the Medical Board for Medical invalidation, without support of either Doctors or Higher Officers. The enquiry was conducted by fixing to prove the allegations against the petitioner and made him a scapegoat. Even the complaint or his witnesses were not produced before the enquiry Officer though the petitioner requested and the same was also not entered in the enquiry proceedings. Even though the petitioner submitted written request, the request letter was also not taken by the enquiry Officer and not considered. The enquiry Officer has not examined the officers who investigated the case and also not examined the complainant or his witness who said to have given statements on 27.09.2019. No opportunity was given to cross-examine them and the Vigilance officer had approached, after one year of the alleged complaint by Ramineni Ramaswamy. During the enquiry, the petitioner categorically submitted that he did not take any amount from any one including the alleged complainant. But, surprisingly enquiry officer held the charge as proved and basing on such perverse findings of the enquiry officer, the Respondent No.1 imposed the extreme penalty of dismissal from service. The action of the respondent No.1 in dismissing the petitioner from service is illegal, arbitrary and in violation of the principles of natural justice.

2(e). Further, the petitioner is the sole breadwinner in his family and as a result of his dismissal, his whole family rendered without any livelihood. The punishment of dismissal from service is too harsh, excessive and disproportionate to the charges alleged and he has no other employment or any other source of livelihood. He and his family members have become burden to one and all, on account of his dismissal from service. As such, the petitioner craves indulgence of this Court to modify the punishment of dismissal from service to that of any other lesser punishment, so as to survive himself and his family members. Therefore, he prayed to set aside the dismissal order dt.27.09.2021 issued by the Respondent No.1 and direct the respondents to reinstate the petitioner into service with all other consequential benefits, such as continuity of service, back wages and other attended benefits.

3. On the other side, the Respondents'/Company have submitted rejoinder by admitting the employment of the Petitioner/Workman with the Respondents'/Company and inter-alia contended that the Respondents'/Company is a Government Company incorporated under the provisions of Companies Act, 1956 for carrying out the business of winning and selling the coal. Since the coal mining industry is a central subject, the Appropriate Government for this Respondents'/Management is Central Government. The Central Government established an Industrial Tribunal-cum-Labour Court at Hyderabad from 29.12.2000 for adjudication of industrial disputes and the petitioner ought to have approached said tribunal for the redressal of grievance, if any. But, petitioner conveniently avoided filing his petition before the Tribunal established by the Central Government for the reasons best known to him. Hence, the petition is not maintainable under law and same may be dismissed on this ground alone. The maintainability of the dispute raised by the Petitioner before this Court may be decided as preliminary issue before proceeding with the trial.

3(a). The Respondent Company without prejudice to its rights in respect of the above preliminary objection submits that this is a case of corruption, obtaining illegal gratification and cheating other employees, which is a grave misconduct under Company Standing Orders. The petitioner having voluntarily admitted his guilt, the Respondent Company has rightly dismissed the petitioner from services, after conducting disciplinary proceedings in accordance with Law and the I.D is liable to be dismissed in limini. Petitioner was initially appointed as Coal Filler on 09.01.1989 and he worked as Coal Cutter. He is a dishonest person who played fraud and collected money for getting the workmen medically invalidated and a chronic absentee too. With regard to dishonesty and fraud and absenteeism, he was issued the (5) Charge Sheets. But, he failed to change his attitude and committed misconduct under Company's Standing Order Nos. 25.1, 25.23 and 25.039 for collecting a sum of Rs.4 lakhs on the guise of mediation in the medical invalidation process and on absenteeism. The petitioner having continued his corruption, fraud and dishonesty, he was issued with charge sheet No.SRP/RKNT/RK007/20/3844, dt.8/15.10.2020 and the relevant clause of standing orders reads as under:

25.1: *Theft, Fraud or Dishonestly in Connection with employers, business and Property.*

25.23: *Any willful and deliberate act which is subversive of Discipline or which may be detrimental to the interest of the Company.*

25.39: *Abetment of any of misconduct.*

3(b). The Respondent Company has issued enquiry notice dated: 10.02.2021 informing him to attend the enquiry on 18.02.2021 at 4.00pm. The petitioner has attended the enquiry and admitted his guilt vide explanation dt.18.02.2021 and it is evident that he has taken bribe of 4.00 Lakhs. In his deposition before the Enquiry Officer, the petitioner himself admitted the charges leveled against him in the charge sheet and admitted his mistake. The enquiry was conducted according to the principles of natural justice on 18/02/2021, 24/02/2021, 05/03/2021 & 10/03/2021. The Enquiry Officer gave the petitioner opportunity to adduce evidence and to produce documentary evidence, witnesses in support of his

claim, but the petitioner failed to submit documentary evidence and not produced witness and admitted that he is guilty of the charges. The copies of enquiry report, proceedings of enquiry were sent to the petitioner vide show cause Lr. dt.01.04.2021, giving another opportunity to the petitioner to submit his representation within seven days from the receipt of the report. The petitioner has submitted his explanation on 03.04.2021 admitting his guilt. Accordingly the competent authority after going through the evidence on record, statement/application admitting guilt the past record of petitioner, found that the petitioner was issued charge sheet previously on 23.08.2019 for the misconduct for collection of amounts on the guise of mediating in Corporate Medical Board (CMB) and as the charges were proved fully and finding no extenuating circumstances to take a lenient view, the petitioner was imposed the penalty of dismissal from service w.e.f., 28.09.2021 vide Proc. dt.27.09.2021.

3(c). The petitioner admitted his guilt on the charges of taking 4.00 Lakhs from Sri. Ramineni Ramaswamy, on the pretext of mediating in the Corporate Medical Board. The same is evident from the letter dt.11.09.2020 wherein the petitioner voluntarily stated and accepted his guilt and affixed his signatures before A.Kumar and Vigilance Officer. The enquiry was conducted duly following all the principles of natural justice as stated supra and the Petitioner was given full and fair opportunity to defend his case. In his deposition before the Enquiry Officer also, the petitioner himself admitted the charges leveled against him in the charge sheet and admitted his mistake. The enquiry officer gave him opportunity to adduce evidence and to produce documentary evidence, witnesses in support of his claim, but the petitioner did not submit documentary evidence and nor produced any witness nor choose to cross examine the witness and admitted his guilt. The averment of the petitioner that the action of the first respondent in dismissing the petitioner from service in wholly illegal, arbitrary, violation of principles of natural justice is false and denied. Further the averment that the appeal was filed against the dismissal order before the Director (PA&W)-cum-appellate authority is false and denied. He failed to approach the Appellate Authority within the stipulated period as per the company's standing orders and after lapse of 3.5 years, he has knocked the doors of the Hon'ble Court and approached the Hon'ble Court by suppressing all material facts with malafide intention to obtain favourable orders. Therefore, the respondent prayed to dismiss the petition without granting any relief to the petitioner.

4. In support of the claim of the Petitioner/Workman, he got marked Ex.W-1 to Ex.W-6 and on the other side for the Respondents/Company Ex.M-1 to Ex.M-13 were marked.

5. Heard the learned counsel for Petitioner/Workman as well as learned Standing Counsel for the Respondents/Company, besides written arguments on both sides.

6. Now the points for consideration are:-

1. ***Whether this Industrial Dispute is maintainable before this Tribunal or not?***
2. ***Whether the domestic enquiry conducted by the respondents is held valid or not?***
3. ***Whether the charges leveled against the petitioner are proved basing on evidence or not? If so, whether the punishment is disproportionate or not?***
4. ***Whether the dismissal order dt.27.09.2021 is liable to be set aside, if so, the petitioner is entitled to reinstatement with continuity of service with all attendant benefits and full back wages?***
5. ***If not to what relief is the worker entitled to?***

7. From the pleadings of the Petitioner/Workman and Respondents' Company, these are the admitted facts that the petitioner worked as Coal Cutter in the respondent's company and he was dismissed from service. Now coming to the documentary evidence on both sides, on behalf of the Respondents'/Company, Ex.M-1 to Ex.M-13 were marked, wherein, Ex.M-1 is charge sheet issued to petitioner for mediating in medical invalidation and Ex.M-2 is enquiry notice served and duly signed by the petitioner. Ex.M-3 is enquiry proceedings for the charge sheet dt:08/15.10.2020 and Ex.M-4 is enquiry Report. Ex.M-5 is Show Cause Notice along with enquiry report addressed to petitioner. Ex.M-6 is reply representation from the petitioner to enquiry proceedings. Ex.M-7 is dismissal order of petitioner and Ex.M-8 is Name Removal letter of the petitioner. Ex.M-9 is charge sheet issued to petitioner for absenteeism in 2019 and Office Order of punishment of suspension of 10 days from duty against petitioner. Ex.M-10 is charge sheet issued to petitioner for mediating in medical invalidation and Office Order of punishment of reversion of lower stage by reducing three (3) increments against petitioner. Ex.M-11 is charge sheet issued to petitioner for absenteeism in 2016 and Office Order of punishment of reversion of lower stage by reducing two(2) increments against petitioner. Ex.M-12 is charge sheet issued to petitioner for absenteeism in 2015 and Office Order of punishment of reversion of lower stage by reducing two (2) increments against petitioner. Ex.M-13 is statement of the petitioner before the G.M, Vigilance.

7(a). On the other side, the petitioner/workman has got marked Ex.W-1 to Ex.W-6 on his behalf, wherein, Ex.W-1 is Dismissal order issued by R-1. Ex.W-2 is Enquiry Proceedings and Ex.W-3 is Postal receipt. Ex.W-4 is Show cause notice. Ex.W-5 is Postal acknowledgement and Ex.W-6 is O/c of Demand notice. The above documents of both sides are not in much dispute by either side.

8. Here, the learned standing counsel for the respondents'-company has strenuously put forth and set forth that since the coal mining industry is a central subject, the Appropriate Government, which established Central Govt. Industrial Tribunal at Hyderabad for adjudication of Industrial Disputes and the Petitioner ought to have approached the said Tribunal for the redressal of grievance, if any. But, the Petitioner conveniently avoided filing her petition before the Tribunal established by the Central Government and hence this I.D is not maintainable before this Tribunal and the same is liable to be dismissed on this ground alone.

8(a). The learned standing counsel for the respondent's-company further strenuously put forth and set forth that this is a case of corruption, obtaining illegal gratification and cheating other employees, which is a grave misconduct under Company Standing Orders. The petitioner having voluntarily admitted his guilt, the Respondent Company has rightly dismissed the petitioner from services, after conducting disciplinary proceedings in accordance with Law and the I.D is liable to be dismissed in limini. The petitioner is a dishonest person who played fraud and collected money for getting the workmen medically invalidated and a chronic absentee. With regard to dishonesty and fraud and absenteeism, he was issued the (5) Charge Sheets, but he failed to change his attitude and committed misconduct under Company's Standing Order Nos. 25.1, 25.23 and 25.039 for collecting a sum of Rs.4,00,000/- on the guise of mediation in the medical invalidation process and on absenteeism. The petitioner having continued his corruption, fraud and dishonesty, he was issued with charge sheet dt.15.10.2020. The petitioner attended the enquiry and admitted his guilt that he has taken bribe of 4.00 Lakhs. The copies of enquiry report, proceedings of enquiry were sent to the petitioner vide show cause Lr. dt.01.04.2021, to which submitted his explanation on 03.04.2021 admitting his guilt. Further, he was issued charge sheet previously on 23.08.2019 for the misconduct for collection of amounts on the guise of mediating in Corporate Medical Board. Hence, the petitioner was dismissed from service w.e.f., 28.09.2021 vide Proc. dt.27.09.2021. Therefore, he prayed to dismiss the petition, without granting any relief to the petitioner.

9. Per contra, on the point of jurisdiction, the learned counsel for the Petitioner has put forth and set forth that as per the Division Bench Judgment of the Hon'ble High Court reported in 1997 (III) LLJ (Supp.) 11, Between: U. Chinnappa Vs. Cotton Corporation of India, this Tribunal has jurisdiction over Singareni Collieries Company Ltd., to entertain the Industrial Dispute raised by the petitioner though the appropriate Govt. is Central Govt., The petitioner need not raise the Industrial Dispute compulsorily before the Central Govt. Industrial Tribunal, Hyderabad alone, as contended by the respondents' company. Hence, this I.D petition filed by the petitioner is well maintainable before this Tribunal for adjudication of the dispute on merits.

9(a). The learned counsel for the Petitioner further put forth and set forth that the Petitioner is an illiterate and except signing, he is unable to read and write. The petitioner has not taken any amount from Sri. Ramineni Ramaswamy and it seems that to book a case against him, Vigilance Officers have obtained a false complainant to save the officers who were involved in the Medical Scam. The enquiry was conducted with a biased manner and it is not possible to a common man to manage the Medical Board for Medical invalidation, without support of either Doctors or Higher Officers. During the enquiry, the petitioner categorically submitted that he did not take any amount from any one including the alleged complainant. But, surprisingly enquiry officer held the charges as proved and the Respondent No.1 imposed the extreme penalty of dismissal from service. The petitioner is the sole breadwinner and he has no other source of livelihood the punishment of dismissal from service is too harsh, excessive and disproportionate to the charges. Further, the petitioner was born on 12.11.1962 and he already attained superannuation age by 30.11.2023 itself, he prays to set aside the dismissal order and direct the respondent's company to treat the petitioner as if she was retired from service with continuity of service, together with all attendant benefits and full back wages.

POINT No.1:

10. Here, on the point of territorial jurisdiction of this Tribunal, it is settled Law that as per the Division Bench Judgment of the Hon'ble High Court reported in 1997 (III) LLJ (Supp.) 11, Between: U. Chinnappa Vs. Cotton Corporation of India, this Tribunal has got every jurisdiction to entertain the Industrial Dispute raised by the petitioner/workman who was an employee of Singareni Collieries Company Ltd., Even though, the Central Govt. is appropriate Government for the respondents'-Company, the petitioner need not compulsorily raise the Industrial Dispute before the Central Govt. Industrial Tribunal, Hyderabad, as contended by the respondents' company; and he can file this I.D. case before this Tribunal as well. Hence, the contentions of the respondents'-company on the point of jurisdiction of this Tribunal are not sustainable under Law. Accordingly, it is answered in favour of the petitioner and against the respondents' Singareni Collieries Company Limited.

POINT No.2:

11. Further, in this matter, initially the petitioner/workman denied the validity and legality of the enquiry report. But on 29.07.2025, the learned counsel for petitioner filed Memo U/Sec. 11-A of I.D.Act by accepting the procedure of domestic enquiry. Now the next question is whether the misconduct is proved in the facts of the case and the findings are not perverse. So, this Tribunal is to re-appreciate the evidence and come to its own conclusion with regard to finding guilty or not based on evidence. Accordingly, the Point No.1 is answered.

POINT No.3 & 4:

12. In view of the pleadings of the Petitioner/Workman as well as Respondents/Company as well as in view of the rival arguments of their respective counsel now this Court will go into the evidence on record. Admittedly, the petitioner was

dismissed from service by Proc. dt.27.09.2021 for misconduct under Company's Standing Order Nos.25.1, 25.23 & 25.39 for collecting Rs.4.00 Lakhs amount on the guise of mediating in the medical invalidation process of Sri Ramineni Ramaswamy, Trammer. From a perusal of the record, it shows that Charge Sheet dt.08/15.10.2020 was issued to the petitioner, which is marked as Ex.M-1. It is evident from the charge sheet that the during Vigilance enquiry it was found that the petitioner collected Rs.4.00 Lakhs money from Sri Ramineni Ramaswamy, Trammer of RK-5 Incline in the guise of mediating for his medical invalidation. Later, he and his relative B.Mallaiah have attended the CMB held from 26.09.2019 to 27.09.2019 at Main Hospital, Kothagudem. He informed to Sri Ramineni Ramaswamy, Trammer that his medical invalidation process was completed and thus, cheated Sri Ramineni Ramaswamy, Trammer by taking Rs.4.00 Lakhs amount under the guise of mediating in the medical invalidation process. The petitioner's above acts amount to misconduct under company's Standing Order Nos.25.1, 25.23 & 25.39 which reads as follows:

25.1: *Theft, Fraud or Dishonestly in Connection with employers, business and Property.*

25.23: *Any willful and deliberate act which is subversive of Discipline or which may be detrimental to the interest of the Company.*

25.39: *Abetment of any of misconduct.*

13. The petitioner had acknowledged the charge sheet on 16.10.2020 and the enquiry notice dt.10.02.2021 is marked as Ex.M-2. The enquiry proceedings are marked as Ex.M-3, wherein the petitioner deposed his statement. He deposed that he made an agreement with Sri Ramineni Ramaswamy, Trammer that she should pay an amount of Rs.4,00,000/- for his medical invalidation. As a part of agreement, the petitioner took Rs.1,00,000/- in the month of July 2019 and again on 22.09.2019 & 23.09.2019, he has taken balance amount of Rs.3,00,000/- from Sri Ramineni Ramaswamy, in the form of cash. The petitioner further categorically deposed that:

"Later Sri Ramineni Ramaswamy along with his relative Sri B Mallaiah went to Kothagudem. On 27.09.2019 at around 02.00PM I made a call to Sri B.Mallaiah and enquired about medical examination pertaining to Sri Ramineni Ramaswamy. To make this call I have used mobile number 9985675414 which belongs to Smt Gare Shobhana who is my Daughter-in-law and called Sri B Mallaiah (who accompanied Sri Ramineni Ramaswamy for medical invalidation at Main Hospital, Kothagudem) to the mobile number 9949271752 and made a call on 27.09.2019 at 02.00P.M. After I have given instructions to Sri B Mallaiah and I told him that he would receive a phone call from Big doctor. Later I have arranged my younger brother Sri Naresh kumar to make a call to Sri B Mallaiah posing himself as Singareni Official. I have used Mobile No.9010792220 to speak to Sri Ramineni Ramaswamy. I admit that I have done all this to make him believe that I only was responsible for his medical unfit. If by any chance if he is made unfit due to his ill health I wanted to get easy money by telling that I made him unfit. However, I agree that it is my mistake and I deeply regret for what was happened now I have left all this false means and I regularly attending for my duties. I have strongly decided not to repeat any such acts in future. I plead the management to excuse for this time and give me a chance to prove myself. With this I conclude my statement."

14. Apart from the above, during the course of his cross-examination by the Presenting Officer the petitioner categorically admitted and answered as under:-

Q.1 *Have you understood the contents of the statement explained by E.O. in Telugu?*

Ans: *Yes, I understood my statement explained by E.O. in Telugu and I fully accept the same recorded as stated by me.*

Q. *Do you know Sri Ramineni Ramaswamy?*

Ans: *Yes, I know Sri Ramineni Ramaswamy.*

Q. *Do you have any agreement with Sri Ramineni Ramaswamy on medical invalidation?*

Ans: *Yes, we have made an agreement on his medical invalidation.*

Q. *How much money did Sri Ramineni Ramaswamy agreed with you regarding medical invalidation?*

Ans: *Yes, Sri Ramineni Ramaswamy made an agreement of Rs.4,00,000 (Rupees for Four Lakhs Only)*

Q. *Did Sri Ramineni Ramaswamy paid the total amount to you at once?*

Ans: *As a part of our agreement I have taken Rs1,00,000(Rupees one Lakh only) in the month of July, 2019, Again on 22.09.2019 and 23.09.2019 I have taken balance amount of Rs.3, 00,000(Rupees three Lakhs only) from Sri Ramineni Ramaswamy in the form of cash.*

Q. *Have you made any phone call to Sri B. Mallaiah on the date of medical examination?*

Ans: *Yes, I made a call and spoke to Sri B. Mallaiah.*

Q. *Which mobile phone did you use for the purpose of medical invalidation?*

Ans: I have used Mobile No.9985675414 which belongs to Smagare Shobhane who is my Daughter-in-law.

Q. Whom did you arrange to make a phone call posing himself as a Singareni official?

Ans: I have arranged my younger brother Sri Gare Naresh Kumar to make a call posing himself as Singareni official.

Q. Earlier you were guilty in the similar charges in the case of Sri Lankala Lachaiah isn't it?

Ans: Yes, I was guilty in that case. Company imposed punishment on me.

Q. Isn't it your serious misconduct repeating the same mistake again?

Ans: Yes, it is my mistake to repeat the same misconduct, however I realized my mistake and strongly decided to not to repeat this in future.

Q. Do you accept that the statement dt.11.09.2020 submitted to vigilance department which were signed by you?

Ans: Yes, I accepted that the statement dt.11.09.2020 was signed by me.

Q. Do you accept the statement while conducted the enquiry on 05.03.2021 by the enquiry officer?

Ans: Yes, I accepted the statement enquiry conducted by the enquiry officer on 05.03.2021.

Q. Do you accept the charges mentioned in the charge sheet?

Ans: Yes, I admit the charges leveled against me. But I pleaded the management not to take any drastic steps on me.

Q. Do you accept your mistake with freewill?

Ans: Yes

Hence, it is clearly evident that when the petitioner was cross-examined by Sri Kotte Ramesh, Dy. Manager/Presenting Officer, wherein, he (petitioner/workman) clearly admitted that he made an agreement with Sri Ramineni Ramaswamy for an amount of Rs.4,00,000/- and that he received Rs.1,00,000/- in the month of July 2019 and again on 22.09.2019 & 23.09.2019, he has taken balance amount of Rs.3,00,000/- from Sri Ramineni Ramaswamy, in the form of cash. He further clearly admitted the charges leveled against him, accepted his mistake with freewill and requested the management not to take drastic steps on him.

15. Further, a perusal of Ex.M-6 proceedings of enquiry shows that Sri Kotte Ramesh, Dy. Manager/Presenting Officer was examined by the enquiry officer. He categorically deposed in support of the charges framed against the petitioner and deposed as under:-

"I am working as Dy. Manager at RKNT Incline since last (02) year. I have been appointed as Presenting Officer vide Lr. No. SRP/RKNT/R007/20/3969, dt.28.10.2020, to lead the evidence for the charge sheet No.SRP/RKNT/R007/20/3844, dt.15.10.2020, issued to Sri Gare Prabhakar, Coal Cutter, E.C.No.2838548 of RKNT Incline. In this connection It is reported by Company Vigilance department that Sri Gare Prabhakar, E.C.No.2838548, Coal Cutter, RKNT Incline has collected Rs.4,00,000/- (Rupees four Lakhs only) money from Sri Ramineni Ramaswamy, E.C.No. 2609842. Trammer, RK-5 Incline. SRP in the guise of mediating for his medical invalidation Later Sri Ramineni Ramaswamy accompanied by his relative, Sri B Mallaiah attended the CMB held from 26.09.2019 to 27.09.2019 at Main Hospital, Kothagudem. Sri Gare Prabhakar arranged a person to make a phone call on 27.09.2019 by posing himself as an officer to Sri Ramineni Ramaswamy that his medical invalidation work is completed successfully. Later Sri Gare Prabhakar informed through phone call to Sri Ramineni Ramaswamy that his medical invalidation process is completed. Thus, Sri Gare Prabhakar cheated Sri Ramineni Ramaswamy by taking Rs.4,00,000/- (Rupees Four Lakhs only) amount on the guise of mediating in the medical invalidation process Ramineni Ramaswamy.

During enquiry by vigilance department the C.S.E admitted that he has made an agreement with Sri Ramineni Ramaswamy for Rs.4,00,000/- (Rupees Four Lakhs only) amount for getting medical unfit. The C.S.E has also admitted that during July, 2019 he has received for Rs.1,00,000/- (Rupees One Lakh only) amounts as first installment from Ramineni Ramaswamy for getting unfit in medical board. The CSE has also admitted that on 22.09.2019 and 23.09.2019 he has received 3,00,000(Rupees three lakhs only) amount in the form of cash. The C.S.E further admitted that he has used mobile Number 9985675414 which belongs to his daughter in law Smt Gare Shobhana and called Sri B Mallaiah (who) accompanied Sri Ramineni Ramaswamy for medical invalidation at Main hospital, Nothagudem) to the mobile number 9949271752 and made a call on 27.09.2019 at 02.00P.M and gave instructions as if he has arranged everything for medical unfit. Later he informed that he would receive a call from big doctor on medical unfit. He arranged his younger brother Sri Gare Naresh Kumar to act as a Singareni officer and made him call from the mobile number 010792220 to speak to Sri Ramineni Ramaswamy, he spoke to

Sri Ramineni Ramaswaly posing himself as Singareni official. He admitted that he did all this things only to make Sri Ramineni Ramaswamy believe that he was responsible for medical unfit. By any chance if Sri Ramineni Ramaswamy was made unfit he wanted to get easy money in the guise mediating for medical invalidation. The above act of cheating Sri Ramineni Ramaswamy by taking Rs.4,00,000/- (Rupees Four Lakhs only) amount on the guise of mediating in the medical invalidation process of Sri Ramineni Ramaswamy amounts to misconduct under company's standing orders: C.S.O 25.1: Theft, fraud or dishonesty in connection with employer's business or property. CSO 25.23: Any willful and deliberate act which is subversive of discipline or which may be detrimental to the interest of the company. C.S.O 25.39: Abetment of any of misconduct."

16. Apart from the above, the Enquiry Report dt.20.03.2021 is marked as Ex.M-4 wherein it shows that the Enquiry Officer held and concluded that the charges were amply proved against the petitioner basing on the statements and records produced during enquiry; and the petitioner Gare Prabhakar has cheated Sri Ramineni Ramaswamy, Trammer for an amount of Rs.4,00,000/- in the guise of mediating for his medical invalidation and hence, the petitioner/charge sheeted employee is found guilty of misconduct under the Company's Standing Order Nos.25.1, 25.23 and 25.39. Hence, the charges were held proved against the petitioner, basing on record and own admission of the petitioner. Therefore, it can be said that the respondent's-company has no axe to grind against the petitioner. Hence, this Tribunal has no hesitation to hold that the charges leveled against the petitioner/ workman are proved and misconduct of the workman is established basing on the evidence and the findings of enquiry officer are not perverse.

17. Now the question is whether the punishment of dismissal from service is disproportionate or not?

17(a). It is settled law that the object of I.D. Act is to give succor to weaker sections of the society and it is a social welfare legislation. Here, there is no "**Plumb-line Precision**" for deciding the proportionality of punishment, which depends upon the facts and circumstances of each case. The Industrial Tribunal/Labour Court is empowered to exercise discretionary powers Under Sec.11-A of Industrial Disputes Act for judicious adjudication of the industrial disputes. Several factors like nature of duty, past service and plea of petitioner/workman and the punishment must be commensurate with the gravity of charges against the petitioner/ workman etc., by considering the relevant factors and mitigating circumstances of each case are to be taken into consideration so as to mould the relief appropriately and reduce the punishment imposed on the workman.

18. Here, the contention of the Petitioner is that he was appointed in the year 1989 and worked for more than (32) years without any remarks. Further, the respondents' company failed to initiate any criminal proceedings by lodging police complaint against the petitioner. The petitioner hails from a very poor family, he has got no other livelihood and facing untold financial problems, already attained superannuation age as he is aged about 63 years and prayed to consider the case U/Sec.11-A of I.D. Act. Therefore, the learned counsel prayed to set aside the dismissal order and direct the respondents' company to pay full back wages and all other consequential benefits, as if the petitioner/workman retired from service on attaining the superannuation age on 30.11.2023.

19. Per contra, the learned counsel for the respondents' company strenuously contended that filing a criminal case against the petitioner is not mandatory and the respondents' company can initiate disciplinary proceedings. Further in the enquiry statement, the petitioner/Sri Gare Prabhakar clearly admitted that he has done all misconduct of taking bribe of Rs.4,00,000/- from Sri Ramineni Ramaswamy for his illegal gain of easy money. Further, the petitioner also admitted that if by any chance, if Sri Ramineni Ramaswamy is made unfit due to his ill-health, he wanted to get easy money by telling that petitioner made him unfit. The enquiry statement of the petitioner/Sri Gare Prabhakar clearly indicates that he voluntarily with full consciousness has admitted his guilt i.e., collecting money from Sri Ramineni Ramaswamy in the mediating the process of Corporate Medical Board (CMB), which is a serious misconduct and the petitioner deserves no sympathy. Further, after his dismissal from service on 27.09.2021, the petitioner waited for more than 3 ½ years and only attaining the superannuation age, he filed the I.D petitioner before this court in the month of August 2024. The relief of reinstatement into service has already become infructuous and therefore, he prayed to dismiss the petition without granting any relief to the petitioner.

20. In view of the above rival contentions of both sides and the peculiar facts and circumstances this court once again gone through the entire record. Here, it is clearly evident from the enquiry proceedings that the Presenting Officer has categorically deposed in support of the charges framed against the petitioner and produced the following documents, before the Enquiry Officer:

1. Copy of GM(Vigilance) vide Lr.No.CRP/VIG/ 2020/ F(CMB)/429, Dt:22.09.2020.
2. Copy of GM(Personnel)IR RC & PM vide Lr.No.CRP/PER/IR/D/96/1197,Dt:29.09.2020.
3. Copy of Charge sheet vide Ref.No.SRP/RKNT/ R007/20/3844,Dt: 15.10.2020.
4. Copy of Written explanation, Dt: 18.02.2021.
5. Copy of Enquiry notice vide Ref. No. SRP/RKNT/ R007A/21/487, Dt:10.02.2021.

6. Copy of appointment of P.O vide Ref.No.SRP/ RKNT/R007/20/3969, Dt: 28.10.2020.
7. Copy of appointment of E.O vide Ref. No. SRP/PER /13-002/20/6453, Dt: 22.10.2020.
8. Copy of statement of Sri Gare Prabhakar, Dt:11.09.2020.
9. Copy of statement of Sri Ramineni Ramaswamy, Dt:27.09.2019.
10. Copy of statement of Sri B Mallaiah, Dt: 27.09.2019.
11. Copy of photo of Sri Gare Prabhakar certified by Sri Ramineni Ramaswamy.

21. Further, the Enquiry Officer clearly held and concluded that the charges were amply proved against the petitioner basing on the statements and records produced during enquiry. The Enquiry Officer further categorically held that the petitioner Gare Prabhakar has cheated Sri Ramineni Ramaswamy, Trammer for an amount of Rs.4,00,000/- in the guise of mediating for his medical invalidation and hence, the petitioner/charge sheeted employee is found guilty of misconduct under the Company's Standing Order Nos.25.1, 25.23 and 25.39. Hence, the charges were held proved against the petitioner, basing on record and own admission of the petitioner. Here, it is settled law that filing criminal case is not a prerequisite for initiating disciplinary proceedings, and these two processes can occur simultaneously or independently.

22. Apart from the above, the petitioner was dismissed from service vide Proc.dt.27.09.2021 which is marked as Ex.W-1 and Ex.M-7. Here, it is not dispute that he was born on 12.11.1962 and attained (61) years superannuation age by 30.11.2023 and this I.D. petition was filed before this Tribunal on 22.08.2024 seeking the relief of reinstatement into service with full back wages, continuity of service and other consequential attendant benefits. Thus, even prior to filing this I.D, the petitioner already attained the superannuation age of 61 years and the relief of reinstatement into service has become infructuous. Further, is clearly evident from the record that the petitioner/workman himself admitted that he is guilty of the charges framed against him. This is a case of moral turpitude and the petitioner/workman being involved in fraud and corruption, he is guilty of grave misconduct; and hence, does not deserve any sympathetic consideration. Therefore, in view of the above facts and circumstances of the case, this Tribunal is of the considered opinion that there are no mitigating circumstances which require any reduction of punishment imposed by the Respondent No.1. Consequently, petitioner/workman is not entitled to any relief. Accordingly, the Point No.3 & 4 are answered against the petitioner/workman and in favour of the respondents/ Company. However, it is made clear that the petitioner is entitled to his terminal benefits from the respondents' company as per his eligibility, if not already paid.

23. IN THE RESULT, the petition is dismissed. However, it is made clear that the petitioner is entitled to his terminal benefits from the respondents' company as per his eligibility, if not already paid. Copy of the Award be sent to the appropriate Government for publication. Both parties shall bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court, on this the 06th day of August, 2025.

Dr.T.SRINIVASA RAO, Chairman-cum-Presiding Officer

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR WORKMAN:-

-Nil-

FOR MANAGEMENT:-

-Nil-

EXHIBITS MARKED

FOR WORKMAN:-

Ex.W-1	Dt.	27.09.2021	Dismissal order issued by R-1.
Ex.W-2	Dt.	10.03.2021	Enquiry Proceedings
Ex.W-3	Dt.	--	Postal receipt
Ex.W-4	Dt.	01.04.2021	Show cause notice
Ex.W-5	Dt.	04.09.2024	Postal acknowledgement
Ex.W-6	Dt.	31.09.2024	O/c of Demand notice.

FOR MANAGEMENT:-

Ex.M-1	Dt.	08/ 15.10.2020	Original/ Attested Copy of charge sheet for mediating in medical invalidation issued to petitioner vide Lr.No. SRP/ RKNT/RK007/ 20/3844
Ex.M-2	Dt.	10.02.2021	Original/Attested copy of enquiry notice served and duly signed by the petitioner vide Lr.No. SRP/RKNT/R007A/21/487.
Ex.M-3	Dt.	18.02.2021 24.02.2021 05.03.2021 & 10.03.2021	Original/ Attested copies of enquiry proceedings for the charge sheet dt:08/15.10.2020.
Ex.M-4	Dt.	20.03.2021	Original/ Attested copies of enquiry Report
Ex.M-5	Dt.	01.04.2021	Original/Attested copy of Show Cause Notice along with enquiry report addressed to petitioner vide Lr.No.SRP/RKNT/R0072/21/1330.
Ex.M-6	Dt.	03.04.2021	Original/ Attested copy of reply representation from the petitioner to enquiry proceedings.
Ex.M-7	Dt.	27.09.2021	Original/ Attested copy of dismissal order of petitioner vide Lr. No. SRP/ PER/13.008/6441.
Ex.M-8	Dt.	11.11.2021	Original/ Attested Copy of Name Removal letter of the petitioner vide Lr.No. SRP/RKNT/WO/2021/4848.
Ex.M-9	Dt.	20.02.2020 & 05/ 10.12.2020	Original/ Attested Copy of charge sheet issued to petitioner for absenteeism in 2019 vide Lr.No. SRP/RKNT/R007A/ 20/2178 & Office Order of punishment of suspension of 10 days from duty against petitioner vide SRP/RKNT/ R007A/20/434.
Ex.M-10	Dt.	20.08.2019 & 20.07.2020	Original/ Attested Copy of charge sheet issued to petitioner for mediating in medical invalidation vide Lr.No. SRP/ RKNT/ R007A/19/ 3085 & Office Order of punishment of reversion of lower stage by reducing three(3) increments against petitioner vide SRP/PER/13.008/ 4414
Ex.M-11	Dt.	03.02.2017 & 09.11.2018	Original/Attested Copy of charge sheet issued to petitioner for absenteeism in 2016 vide Lr.No. SRP/RKNT/R007A/ 17/591 & Office Order of punishment of reversion of lower stage by reducing two(2) increments against petitioner vide SRP/PER/13.008/7560
Ex.M-12	Dt.	09.02.2016 & 10.09.2016	Original/Attested Copy of charge sheet issued to petitioner for absenteeism in 2015 vide Lr.No. SRP/RKNT/R007A/16/ 670 & Office Order of punishment of reversion of lower stage by reducing two(2) increments against petitioner vide SRP/PER/13.008/5026
Ex.M-13	Dt.	11.09.2020	Original/ Attested copy of statement of the Petitioner before the GM, Vigilance.

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1679.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड; मेसर्स के. आर. बेदमूथा एंड टेक्नो एसोसिएट्स के प्रबंधन के संबंध में नियोजकों और श्री दयाराम के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेंस नं.-(केन्द्रीय) **05/2007 (सीआईएस-107/2014))** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15.09.2025 को प्राप्त हुआ था।

[सं. एल-30012/70/2006-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1679.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 05/2007 (CIS-107/2014)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Bharat Petroleum Corporation Limited; M/s K.R. Bedamutha & Techno Associates** and **Shri Dayaram** which was received along with soft copy of the award by the Central Government on 15.09.2025.

[No. L-30012/70/2006-IR(M)]

SALONI, Dy. Director

अनुलग्नकन्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी— संदीप कुमार शर्मा, आर.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)— 05/2007(सीआईएस-107/2014)

(सीएनआर-आरजेकेटी060002192007)

दिनांक स्थापित: 06.07.2007

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क.

एल-30012/70/2006 आईआर(एम) दि.14.05.2007

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)औद्योगिक विवाद अधिनियम,1947मध्यदयाराम पुत्र श्री जवाहर लाल, द्वारा संयुक्त महामंत्री हिन्द
मजदूर सभा, बंगाली कॉलोनी, छावनी, कोटा (राज.)

.....प्रार्थी श्रमिक

एवं

- 1- The Territory Manager (LPG) Bharat Petroleum Corpn., Ltd. Bharat GasPlant Vill-Lavera Nasirabad, Ajmer
- 2- The Manaer M/s. K.R. Bedmutha & Techno Associates, 10 Poornima Mahatma Phool Road, Mulund/East Mumbai-400081

.....अप्रार्थीगा / नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

श्री पुरुषोत्तम दाधीच

अप्रार्थीगण की ओर से प्रतिनिधि:—

श्री आर.के. गुप्ता व श्री के.के. सनाढ्य

::अधिनिर्णय::

दि.: 27.01.2025

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक आदेश दिनांक 14.05.2007 के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:—

"Whether Sh. Dayaram S/o. Sh. Jawaharlal has worked with M/s. K.R. Bedmutha & Associates, Mumbai-81 contractor of BPCL, Talwandi from 22-02-2005 to 16-12-2005 and has thus completed more than 240 days / If yes whether the action of the management in terminating the service of the workman w.e.f. 16-12-2005 is legal and justified ? If not, to what relief the applicant is entitled to ?**

2—उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेंट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रार्थी को प्रबंधक भारत पेट्रोलियम कॉर्पोरेशन लि. प्रोजेक्ट लीटर, बी-105, इन्द्र विहार, तलवण्डी, कोटा जिन्हें इस विवाद में आगे चलकर नियोजक शब्द से संबोधित किया जावेगा ने दिनांक 22.02.2005 से मांगलिया पाईप लाईन विस्तार परियोजना पर चैन मैन का कार्य करने हेतु सेवा में 3200/- रुपये प्रति माह पर नियोजित किया था। प्रार्थी को नौकरी से हटाने के बाद नियोजक ने बताया कि प्रार्थी को नौकरी प्रबंधक, के.आर. बेडमूथा एण्ड टेक्नी. एसोसिएट्स मुम्बई कॉन्ट्रैक्टर के माध्यम से लगाया था, जिन्हें प्रार्थी नहीं जानता है। नियोजक के अधीनस्थ इन्चार्ज ने प्रार्थी को अचानक बिना कोई कारण बताये बिना किसी पूर्व सूचना के दिनांक 16.12.2005 से नौकरी से हटा दिया है जो अवैध है। प्रार्थी ने दिनांक 19.12.2005 को रजिस्टर्ड ए.डी. डाक द्वारा प्रार्थना पत्र नियोजक को प्रेषित कर पत्र प्राप्त होने के 3 दिन में ड्यूटी पर लेने की मांग की अन्यथा अवधि समाप्त होने पर सक्षम कानूनों के अन्तर्गत कानूनी कार्यवाही करने बाबत सूचित किया। नियोजक को यह पत्र प्राप्त हो चुका है। प्रार्थी का विवाद औद्योगिक विवाद अधिनियम 1947 की धारा 2(ओओ) के अन्तर्गत छंटनी की परिभाषा में आता है। प्रार्थी ने नियोजक के यहां पर दिनांक 22.02.2005 से दिनांक 15.12.2005 तक निरन्तर कार्य किया है तथा इस अवधि में 240 दिन से काफ़ी अधिक समय तक कार्य कर लिया है। प्रार्थी से कार्य नियोजक के अधीनस्थ अधिकारियों द्वारा ही लिया है तथा वेतन भी नियोजक ने ही दिया है। नियोजक ने प्रार्थी को नौकरी से हटाये जाने से पूर्व औद्योगिक विवाद अधिनियम 1947 की धारा 25 एफ के प्रावधानों के अनुसार एक माह नोटिस नहीं दिया है और न इसके बदले में एक माह के अग्रिम वेतन का ही भुगतान किया है। इसके अतिरिक्त नियोजक ने प्रार्थी को नौकरी से हटाये जाने से पूर्व छंटनी का मुआवजा भी नहीं दिया है और न ऑफर ही किया है। नियोजक ने प्रार्थी को नौकरी से निकाले जाने से पूर्व राजस्थान औद्योगिक विवाद रूल्स, 1957 के नियम-77 के प्रावधानों के अनुसार वरिष्ठता सूची का प्रकाशन भी नहीं किया है। प्रार्थी को नौकरी से हटाये जाने के समय प्रार्थी से कनिष्ठ गुड्डू नियोजक के नियोजन में मौजूद था। इस प्रकार नियोजक ने प्रार्थी को लास्ट कम फर्स्ट गो के सिद्धांत की अवहेलना करके नौकरी से निकाला है जो अधिनियम की धारा 25 जी के प्रावधानों की भी अवहेलना है। नियोजक ने प्रार्थी को सेवा से हटाये जाने के बाद प्रार्थी के स्थान पर कन्हैयालाल मेघवाल को सेवा में नियोजित कर लिया है इसे नियोजित किये जाने से पूर्व प्रार्थी को नियोजन हेतु कोई अवसर प्रदान नहीं किया है। जो औद्योगिक विवाद अधिनियम 1947 की धारा 25 एच के साथ पठित राजस्थान औद्योगिक विवाद रूल्स, 1957 के रूल 78 के प्रावधानों की भी अवहेलना है तथा नियोजक का यह कृत्य अनफेयर लेबर प्रैक्टिस की परिभाषा में आता है। अंत में प्रार्थना की कि नियोजक के यहां पर पिछले संपूर्ण वतन सहित मय समस्त पिछले लाभों के सेवा पर बहाल कराया जावे।

3—अप्रार्थी क्रम-1 की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि अप्रार्थी क्रम-1 द्वारा अप्रार्थी संख्या 2 को दिनांक 03.11.2004 को एक कॉन्ट्रैक्ट मुम्बई मनमाड मांगलिया पाईपलाइन की विस्तार परियोजना के संबंध में अस्थाई आधार पर मध्यप्रदेश, राजस्थान, उत्तरप्रदेश, हरियाणा व दिल्ली में टेण्डर दिनांक 08.10.2004 के अनुसार सेवानिवृत्त रेवेन्यू स्टॉफ उपलब्ध कराने हेतु दिया गया था जिसकी अवधि एक वर्ष थी। पाईप लाईन के विस्तार की परियोजना का कार्य पूर्णतः अस्थाई प्रकृति का था। प्रार्थी को इस संदर्भ में प्रतिपक्षी संख्या 2 द्वारा नियोजित किया गया था। प्रतिपक्षी क्रम-2 द्वारा यह सेवा अक्टूबर 2004 से नवम्बर 2005 तक की अवधि के लिये उपलब्ध कराई गई थी और उसके पश्चात यह कार्य समाप्त हो गया और प्रतिपक्षी क्रम-2 के किसी भी कर्मचारी की आवश्यकता नहीं रही है। अतः प्रस्तुत प्रकरण औद्योगिक विवाद अधिनियम के अंतर्गत छंटनी की परिभाषा में नहीं आता। प्रतिपक्षी संख्या 1 एवं प्रार्थी के मध्य किसी भी प्रकार के नियोजक-नियोजित के संबंध नहीं रहे और वह प्रतिपक्षी संख्या 1 का कर्मचारी नहीं था। प्रार्थी ने सहायक श्रम आयुक्त के समक्ष परिवाद भी प्रतिपक्षी क्रम-2 के विरुद्ध दिनांक 03.02.2006 को प्रस्तुत किया था जिसमें प्रतिपक्षी संख्या 1 को पक्षकार नहीं बनाया गया था तथा दिनांक 03.11.2006 को प्रार्थी द्वारा प्रस्तुत समझौता वार्ता के दौरान प्रस्तुत रिजोइण्डर में भी उत्तरदाता प्रतिपक्षी संख्या 1 को पक्षकार नहीं बनाया और समझौता वार्ता की कार्यवाही में भी उत्तरदाता प्रतिपक्षी संख्या 1 के विरुद्ध कोई केस नहीं है अब मात्र दुर्भाग्यवश बनाया गया है। प्रतिपक्षी संख्या 1 द्वारा संविदा दिनांक 03.11.2004 सपठित टेण्डर नोटिस दिनांक 08.10.2004 द्वारा बंबई मांगलिया पाईप लाईन के पियाला/बिजवासन विस्तार कार्य के संबंध में अस्थाई सेवा निवृत्त कर्मचारी व सहायक उपलब्ध करने का कार्य दिया गया था जिसकी अवधि एक वर्ष थी। वह कार्य नवम्बर 2005 में समाप्त हो गया। प्रार्थी को प्रतिपक्षी संख्या 1 द्वारा इसी संबंध में रखा गया था। प्रार्थी ने प्रतिपक्षी संख्या 1 के पर्यवेक्षण एवं नियंत्रण में कभी कार्य नहीं किया। उसके वेतन का भुगतान भी प्रतिपक्षी संख्या 2 द्वारा किया गया जो प्रतिपक्षी क्रम-2 का दायित्व था। अंत में प्रार्थना की कि प्रार्थी का स्टेटमेंट ऑफ क्लेम प्रार्थनापत्र सव्यय खारिज किया जावे।

अप्रार्थी क्रम-2 की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि अप्रार्थी क्रम-1 द्वारा प्रतिपक्षी संख्या 2 को दिनांक 03.11.2004 को एक कॉन्ट्रैक्ट मुम्बई मनमाड मांगलिया पाईपलाइन की विस्तार परियोजना के संबंध में अस्थाई आधार पर मध्यप्रदेश, राजस्थान, उत्तरप्रदेश, हरियाणा व दिल्ली में टेण्डर दिनांक 08.10.2004 के अनुसार सेवानिवृत्त रेवेन्यू स्टॉफ उपलब्ध कराने हेतु दिया गया था जिसकी अवधि एक वर्ष थी। अनुबंध नवम्बर 2005 में समाप्त हो चुका है। प्रार्थी को इस संदर्भ में नियोजित किया गया था। प्रतिपक्षी संख्या 2 द्वारा यह सेवा अक्टूबर 2004 से नवम्बर 2005 की अवधि के लिये उपलब्ध कराई गई थी और उसके पश्चात यह कार्य समाप्त हो गया और प्रतिपक्षी संख्या 2 को किसी भी कर्मचारी की आवश्यकता नहीं रही। प्रार्थी ने नियोजन अवधि में 240 दिन या उससे अधिक कार्य नहीं किया। प्रार्थी ने प्रतिपक्षी संख्या 2 के पर्यवेक्षण एवं नियंत्रण में ही कार्य किया था उसके वेतन का भुगतान प्रतिपक्षी संख्या 2 द्वारा किया गया था। प्रार्थी का नियोजन अस्थाई नियोजन अवधि के समाप्त होने पर स्वतः समाप्त हो गया। प्रार्थी उपरोक्त वर्णित संविदा काय की समाप्ति के पश्चात निश्चित ही लाभप्रद नियोजन में नियोजित रहा है। अंत में प्रस्तुत स्टेटमेंट ऑफ क्लेम खारिज किये जाने का निवेदन किया गया।

4—साक्ष्य में स्वयं प्रार्थी दयाराम व अप्रार्थीगण साक्षी मनोहर रामचन्द्र मुदलीयार एवं संजय गुप्ता के शपथ-पत्र प्रस्तुत हुए जिनसे परस्पर जिरह की गयी। उभयपक्ष की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गयी जिसका यथासमय उल्लेख किया जावेगा।

5—उभयपक्ष के प्रतिनिधिगण की बहस सुनी गयी, जो मुख्यतः उनकी ओर से प्रस्तुत अपने-अपने अभ्यावेदनों के अनुरूप ही रही है। प्रार्थी की ओर से अपनी बहस में मुख्य रूप से यह तर्क रहा है कि प्रार्थी अप्रार्थी संख्या 2 कॉन्ट्रैक्टर के माध्यम से अप्रार्थी संख्या 1 नियोजक के यहां दिनांक 22.02.2005 से चैनमैन के कार्य हेतु नियोजित रहा। प्रार्थी को दिनांक 16.12.2005 से नौकरी से हटा दिया गया है जबकि प्रार्थी द्वारा नियोजक के यहां दिनांक 22.02.2005 से दिनांक 15.12.2005 तक 240 दिवस से अधिक अवधि तक कार्य किया गया है। इसके विपरीत अप्रार्थीपक्ष का यह तर्क रहा है कि प्रार्थी बतौर अनुबंध अप्रार्थी संख्या 2 के माध्यम से अप्रार्थी संख्या 1 के कार्य हेतु नियोजित रहा है जिसे अनुबंध की अवधि समाप्त होने पर हटा दिया गया। प्रार्थी ने अप्रार्थीगण यहां संविदात्मक श्रमिक के रूप में निश्चित अवधि के लिए दिनांक 16.12.2005 तक कार्य किया है। प्रार्थी की सेवा समाप्ति छंटनी की परिभाषा में नहीं आती है, प्रार्थी का यह विवाद अधिनियम की धारा 2 (ओओ)(बीबी) के अन्तर्गत आता है। प्रार्थी की सेवा समाप्ति एक संविदात्मक सेवा समाप्ति है एवं प्रार्थी का यह प्रकरण खारिज होने योग्य है।

6—हस्तगत प्रकरण में जो रेफ़ेंस प्राप्त हुआ है, उसमें सर्वप्रथम इस बिन्दु के संबंध में विवेचन किया जाना आवश्यक है कि क्या प्रार्थी की सेवामुक्ति अधिनियम की धारा 2(ओओ) के अन्तर्गत “छंटनी” की परिभाषा में आती है अथवा उसकी नियुक्ति संविदात्मक (Contractual) आधार पर एक निश्चित अवधि की रहने से उसकी समाप्ति पर छंटनी के रहे अपवाद धारा 2(ओओ)(बीबी) के तहत आती है?

7—इस संबंध में प्रार्थी की ओर से साक्ष्य में स्वयं का शपथपत्र प्रस्तुत किया गया है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है और जिरह में कथन किया है कि यह सही है कि प्रदर्श डब्ल्यू 1 में मेरे द्वारा प्रतिपक्षी संख्या 2 को नोटिस भेजा गया था। मुझे पढ़ना नहीं आता है। प्रदर्श डब्ल्यू 5 में सहायक श्रम आयुक्त केन्द्रीय के यहां मेरे द्वारा प्रतिपक्षी 2 के विरुद्ध ही शिकायत की हो तो मैं पढ़ कर नहीं बता सकता हूं। यह सही है कि प्रदर्श डब्ल्यू 4 सैलेरी स्लिप रिटायर व्यक्ति की है लेकिन इससे मुझे मतलब नहीं है। मुझे पता नहीं है कि प्रतिपक्षी 1 द्वारा प्रतिपक्षी 2 को मुम्बई मनमाड मांगलिया पार्इपलाईन की विस्तार परियोजना के सम्बन्ध में अस्थाई आधार पर रिटायर रेवेन्यू स्टॉफ उपलब्ध करवाने हेतु ठेका दिया हो। यह सही है कि मेरे द्वारा जो नोटिस दिये गये हैं और शिकायत की गई है वह प्रतिपक्षी 2 के विरुद्ध की गई है, प्रतिपक्षी 1 के विरुद्ध क्यों नहीं की गई इसका मुझे पता नहीं है। यह सही है कि पत्रावली में ऐसा कोई दस्तावेज उपलब्ध नहीं है जो यह बताता हो मैंने किस समय से किस समय तक प्रतिपक्षी 2 के यहां कार्य किया है। अजखुद कहा कि मेरे पास वेतन भुगतान की बैंक पासबुक और चैक हैं। यह कहना गलत है कि नवम्बर 2005 प्रतिपक्षी 2 का कार्य समाप्त हो गया हो। मुझे पता नहीं है कि प्रतिपक्षी नम्बर 2 का कॉन्ट्रैक्ट वर्तमान में है या नहीं, मैं तो इसलिए कह रहा हूं कि मैं जब काम करता था उस समय काम करने वाले आज भी काम कर रहे हैं। यह मुझे पता नहीं है कि वो किसके अन्तर्गत काम कर रहे हैं। अजखुद कहा कि बी.पी.सी.एल के अन्तर्गत काम कर रहे हैं। यह सही है कि पत्रावली में ऐसा कोई दस्तावेज नहीं है कि मुझे प्रतिपक्षी 1 द्वारा कार्य पर रखा गया हो। यह कहना गलत है कि प्रतिपक्षी 2 का कार्य समाप्त हो गया हो तो मेरा कार्य भी समाप्त हो गया हो बल्कि मेरे को नौकरी से हटाया गया था। यह कहना गलत है कि मैंने 240 दिन काम नहीं किया हो। अजखुद कहा कि मैंने दिनांक 22.02.2005 से दिनांक 15.12.2005 तक निरन्तर कार्य किया है। यह सही है कि प्रस्तुत प्रकरण का रेफरेन्स भी प्रतिपक्षी 2 के विरुद्ध ही आया था।

8—साक्ष्य में अप्रार्थी संख्या 1 की ओर से संजय गुप्ता का शपथ पत्र प्रस्तुत किया गया है जिसमें उन्होंने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है एवं जिरह में गवाह ने कथन किया है कि यह सही है कि टेण्डर देने की विज्ञप्ति निकाल है जो टेण्डर निकालने की विज्ञप्ति एम 2 है। उसे पता नहीं है कि टेण्डर के लिए कितने ठेकेदार आए थे। ठेके संबंधी श्रम विभाग में रजिस्ट्रेशन का प्रमाण पत्र उनके विभाग में था लेकिन वह पत्रावली पर पेश नहीं किया। उस समय कितने ठेकेदार ठेके के लिए आए थे उसे पता नहीं है। यह सही है कि प्रतिपक्षी सं. 2 को ठेका दिया था। प्रतिपक्षी सं. 2 को ठेके पर काम करवाने का रजिस्ट्रेशन पत्रावली पर पेश नहीं है। यह सही है कि मांगलिया विस्तार योजना का कार्य चला था। उक्त कार्य दिनांक 22.02.2005 से 15.12.2005 तक चला था। उसे पता नहीं है कि प्रार्थी को कब लगा था एवं कब हटाया गया था क्योंकि वह ठेकेदार का कर्मचारी था, प्रार्थी से उनका कोई लेना देना नहीं था। यह सही है कि जो वर्तमान में जो पार्इपलाईन है उसकी देखरेख के लिए सिक्थोरिटी गार्ड बगैर रखे जाते हैं वो भी ठेकेदार द्वारा ही रखे जाते हैं। मांगलिया पार्इपलाईन की कमीशनींग 2007 के आसपास हुई थी इसलिए इस पर सिक्थोरिटी गार्ड वर्ष 2007 के बाद ही ठेकेदार द्वारा नियुक्त करवाए गए थे। दि. 22.02.2005 से 15.12.2005 तक हाजरी ठेकेदार के यहां हाजरी लगती थी जिसकी उन्हें कोई जानकारी नहीं है तथा उनका उससे कोई लेना देना नहीं है। यह गलत है कि 22.02.2005 से 15.12.2005 तक की अवधि की हाजरी का विवरण उन्हें भेजी जाती हो। यह मैनपावर कॉन्ट्रैक्ट ना होकर सर्विस कॉन्ट्रैक्ट था इसलिए ठेकेदार के कर्मियों की उन्हें कोई जानकारी नहीं है। दिनांक 22.02.2005 से 15.12.2005 तक अवधि का ठेकेदार उन्हें उसके यहां कार्य करने वाले किसी भी कर्म का विवरण नहीं भेजता था। दिनांक 03.11.2004 को प्रतिपक्षी संख्या 2 को लैटर ऑफ इंटेंड दिया गया था जो प्रदर्श एम 1 है। ठेका समाप्ति की तिथि प्रदर्श एम 1 की तिथि से एक वर्ष की थी। यह कहना गलत है कि गलत है कि अप्रार्थी सं. 1 ने प्रार्थी से ठेका समाप्ति के उपरांत कोई कार्य लिया हो अजखुद कहा है कि ठेका अवधि में भी प्रार्थी से अप्रार्थी सं. 1 से कोई कार्य नहीं लिया, प्रार्थी से अप्रार्थी सं. 2 ने ही कार्य करवाया है। ठेका नवम्बर 2005 को समाप्त हो गया था। मुझे पता नहीं है कि किस तारीख को ठेका समाप्त हुआ। यह गलत है कि अप्रार्थी सं. 1 ने श्रमिक से 15.12.2005 तक कार्य लिया हो। यह गलत है कि प्रार्थी श्रमिक की हाजरी अप्रार्थी सं. 1 का स्टाफ लगाता था। यह सही है कि ठेकेदार को अप्रार्थी सं. 1 ने किस समय कितना भुगतान किया वह उन्होंने पत्रावली पर पेश नहीं किया। यह कहना सही है कि अप्रार्थी संख्या 2 ठेकेदार द्वारा अप्रार्थी सं. 1 को दिया गया बिल पत्रावली पर पेश नहीं किया है। यह गलत है कि श्रमिक ने अप्रार्थी 1 व 2 के समक्ष लगातार 10 माह काम किया हो और उसे छंटनी का मुआवजा दिए बगैर निकाल दिया हो, कार्य समाप्त होने के बाद श्रमिक का अप्रार्थी सं. 2 के पास कोई कार्य नहीं था।

साक्ष्य में अप्रार्थी संख्या 2 की ओर से मनोहर रामचन्द्रन मुदलीयार का शपथ पत्र प्रस्तुत किया गया है जिसमें उन्होंने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है एवं जिरह में गवाह ने कथन किया है कि दयाराम ने उनके पास दिनांक 22.02.2005 से 15.12.2005 तक निरन्तर कार्य किया है। भुगतान प्रार्थी को वाउचर से किया जाता था। यह बात सही है कि वाउचर पत्रावली में पेश नहीं है क्योंकि वेतन का विवाद ही नहीं है। प्रदर्श डब्ल्यू 4 में जून 2005 में दयाराम का नाम भी है। प्रदर्श डब्ल्यू 1 उन्हें भेजा होगा पर उसे याद नहीं है। यह कहना गलत है कि दिनांक 16.12.2005 को प्रार्थी को उनके द्वारा छंटनी की गयी हो इसलिए मुआवजा देने का प्रश्न ही पैदा नहीं होता है। दिसम्बर 2005 में उनका कार्य समाप्त हो गया था। टेंडर उनका 1 वर्ष का था। उनके द्वारा टेंडर की प्रति पत्रावली में पेश नहीं की गई है। यह सही है कि प्रतिपक्षी कम-1 द्वारा उन्हें उक्त टेंडर प्रदान किया था। यह कहना गलत है कि प्रार्थी को हटाकर उन्होंने कन्हैयालाल मेघवाल को काम पर रख लिया हो। यह सही है कि उनके पास कितने कर्मचारी कार्य कर रहे थे उनकी सूची पेश नहीं की है लेकिन प्रार्थी ने पेमेंट शीट पेश कर रखी है जिसमें सबके नाम हैं।

9—पत्रावली पर उपलब्ध साक्ष्य के विवेचन व विशलेषण से यह प्रकट हो रहा है कि प्रार्थी स्वयं ने अपने स्टेटमेंट ऑफ क्लेम में एवं साक्ष्य में प्रस्तुत शपथ पत्र में कथन किया है कि उसे अप्रार्थी संख्या 2 कॉन्ट्रैक्टर के जरिये अप्रार्थी संख्या 1 के यहां कार्य करने हेतु दिनांक 22.02.2005 को नियुक्त किया था और अप्रार्थी के यहां उसने दिनांक 22.02.2005 से 15.12.2005 तक लगातार कार्य करते हुए 240 दिवस से अधिक दिन तक कार्य किया है। जबकि अप्रार्थीगण की ओर से प्रार्थी के उक्त कथनों के संबंध में यह कथन किया गया है कि प्रार्थी श्रमिक को निश्चित अवधि के लिए ठेकेदार अप्रार्थी संख्या 2 के माध्यम से अप्रार्थी संख्या 1 के कार्य हेतु नियोजित किया गया था। प्रार्थी की सेवा समाप्ति संविदात्मक तौर पर होने से छंटनी की परिभाषा में नहीं आती है, प्रार्थी का केस धारा 2 (ओओ)(बीबी) के अन्तर्गत आता है। प्रार्थी द्वारा अपने कथनों के समर्थन में प्रदर्श डब्ल्यू 6 अप्रार्थी संख्या 2 द्वारा समझौता अधिकारी के समक्ष प्रस्तुत जवाब में प्रार्थी को मैन पावर उपलब्ध कराये जाने हेतु अप्रार्थी संख्या 1 के लिए अक्टूबर 204 से नवम्बर 2005 तक के लिए संविदा आधार पर निविदा के माध्यम से कार्यरत होना अंकित है। प्रार्थी द्वारा प्रकरण में अपने कथनों के समर्थन में कोई दस्तावेजी साक्ष्य प्रस्तुत नहीं की गई। प्रार्थी की ओर से जो साक्ष्य प्रस्तुत की गयी है उसमें जिरह के दौरान प्रार्थी ने कथन किया है कि “उसे पता नहीं है कि प्रतिपक्षी संख्या 1 द्वारा प्रतिपक्षी संख्या 2 को मुम्बई मनमाड मांगलिया पार्इपलाईन की विस्तार परियोजना के संबंध में अस्थाई आधार पर रिटायर रेवेन्यू स्टॉफ उपलब्ध करवाने हेतु ठेका दिया हो। यह सही है कि पत्रावली में ऐसा कोई दस्तावेज नहीं है कि उसे प्रतिपक्षी संख्या 1 द्वारा कार्य पर रखा गया हो। यह सही है कि प्रस्तुत प्रकरण का रेफ़ेंस प्रतिपक्षी संख्या

2 के विरुद्ध ही आया था। यह सही है कि उसके द्वारा जो नोटिस दिये गये और शिकायत की गयी वह प्रतिपक्षी संख्या 2 के विरुद्ध की गई है।" इस प्रकार प्रार्थी द्वारा अपनी मौखिक साक्ष्य में भी ऐसे किसी भी तथ्यों को प्रकट नहीं किया है जो उसकी संविदात्मक कार्य की प्रकृति को नकारती हो। जहां तक प्रार्थी की ओर से सेलेरी माह जून 2005 की प्रति प्रस्तुत की गयी है तथा ई एस आई का कार्ड प्रस्तुत किया गया है, उसमें प्रार्थी के द्वारा अप्रार्थीगण के यहां कार्यरत होने की पुष्टि करती है, लेकिन उक्त दस्तावेज साक्ष्य यह साबित करने हेतु पर्याप्त नहीं है कि प्रार्थी अप्रार्थीगण के यहां पर निविदा के तहत कार्यरत न हो। प्रार्थी द्वारा अपने कथनों के समर्थन में कोई विश्वसनीय साक्ष्य प्रस्तुत नहीं की गई है जिससे उसके कथनों की पुष्टि होती हो अपितु प्रार्थी की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लेम तथा शपथ पत्र से यह प्रकट होता है कि प्रार्थी अप्रार्थी संख्या 1 के यहां अप्रार्थी संख्या 2 के द्वारा निविदा के माध्यम से सेवाएं उपलब्ध कराये जाने के संबंध में अप्रार्थी संख्या 1 के यहां कार्यरत था और उक्त निश्चित अवधि समाप्त होने के पश्चात उसका नियोजन भी स्वतः ही समाप्त हो गया। इसके अतिरिक्त अप्रार्थीगण द्वारा अपने जवाब स्टेटमेंट ऑफ क्लेम में स्पष्ट रूप से प्रार्थी की नियुक्ति निश्चित समयावधि के लिए संविदा के तहत किया जाना कथन किया है। इसके अतिरिक्त अप्रार्थी संख्या 2 की ओर से उपस्थिति साक्षी ने जिरह में स्पष्ट कथन किया है कि दिसम्बर 2005 में उनका कार्य समाप्त हो गया था। डेंडर उनका 1 वर्ष का था। यह कहना गलत है कि प्रार्थी को हटाकर उनके द्वारा कन्हैयालाल मेघवाल को काम पर रख लिया हो।" इसके अतिरिक्त अप्रार्थी संख्या 1 के यहां संजय गुप्ता ने जिरह में कथन किया कि कॉन्ट्रैक्ट मेनपावर न होकर सर्विस कॉन्ट्रैक्ट था इसलिए ठेकेदार के कर्मियों की उन्हें कोई जानकारी नहीं है। दिनांक 03.11.2004 को प्रतिपक्षी संख्या 2 को लेटर ऑफ इंटेंड दिया गया था जो प्रदर्श एम 1 है। ठेका समाप्ति की तिथि प्रदर्श 1 की तिथि से एक वर्ष की थी। ठेका नवम्बर 2005 को समाप्त हो गया था। उसे पता नहीं कि किस तारीख को ठेका समाप्त हुआ। यह कहना गलत है कि श्रमिक से 15.12.2005 तक कार्य लिया हो श्रमिक का संबंध अप्रार्थी संख्या 2 से था इसके बारे में उसे जानकारी नहीं है।" इस प्रकार अप्रार्थी संख्या 1 द्वारा हालांकि उक्त ठेका नवम्बर 2005 को समाप्त होने का कथन किया है परंतु उसके पश्चात ही ठेका किस तारीख को समाप्त हुआ यह भी अनभिज्ञता व्यक्त की है परंतु इस सम्बन्ध में प्रदर्श एम. 1 के जरिये दस्तावेज पेश कर कथन किया है कि दिनांक 03.11.2004 को प्रतपक्षी संख्या 2 को लेटर ऑफ इंटेंड दिया गया था। इस प्रकार दिनांक 03.11.2004 को दिये गये लेटर ऑफ इंटेंड से ठेका 1 वर्ष तक के लिए दिये जाने का कथन किया गया है, जिसके संबंध में प्रदर्श एम. 1 के तहत कॉन्ट्रैक्ट पिरियड के संबंध में स्पष्ट अंकन है कि The overall contractual period for the providing the services shall be 1 year from the date of LOI (letter of indent) subject to renewal for the subsequent period on mutually agreed terms. इस प्रकार उक्त दस्तावेजी साक्ष्य से स्पष्ट है कि संविदा सर्विस जो प्रदान की जानी थी उसके लिए था और वह लेटर ऑफ इंटेंड के 1 वर्ष की अवधि तक के लिए था। ऐसे में जबकि लेटर ऑफ इंटेंड दिनांक 03.11.2005 को जारी हुआ है उससे एक वर्ष की अवधि में टेण्डर समाप्त होना था परंतु चूंकि ठेका सर्विस हेतु था अर्था जो कार्य दिया गया है उसे पूरा करना था। इस संबंध में अप्रार्थी संख्या 1 के गवाह संजय गुप्ता ने जिरह में स्पष्ट कथन किया है कि "यह सही है कि प्रतिपक्षी संख्या 1 को उन्होंने ठेका दिया था। उक्त कार् दिनांक 22.02.2005 से 15.12.2005 तक चला था।" ऐसे में उक्त कार्य दिनांक 15.12.2005 को चलने के पश्चात उक्त कार्य के संबंध में जारी संविदा समाप्त समझी जाने के संबंध में भी लेटर ऑफ इंटेंड प्रदर्श एम. 1 में स्पष्ट अंकन है। इस प्रकार उक्त निश्चित अवधि समाप्त होने के पश्चात् प्रार्थी की संविदात्मक नियुक्ति भी दिनांक 16.12.2005 के साथ ही समाप्त हो गई, ऐसे में प्रार्थी का मामला उक्तानुसार छंटनी के "अपवाद" अधिनियम की धारा 2(ओओ)(बीबी) में आने तथा धारा 2(ओओ) के बाहर का होने से अधिनियम के आज्ञापक प्रावधानों की पालना अप्रार्थी नियोजक के लिए किया जाना आवश्यक नहीं था।

10—अतः उपरोक्त समग्र विवेचन से यह स्पष्ट है कि प्रार्थी को अप्रार्थी संख्या 2 संस्थान ने चेनमेन के पद पर अस्थायी रूप से एक निश्चित समयावधि जो कार्य पर निश्चित थी के लिए "संविदात्मक (Contractual)" नियुक्त किया था उक्त अवधि की समाप्ति व कार्य की समाप्ति से प्रार्थी की सेवायें अप्रार्थी संख्या 1 व अप्रार्थी संख्या 2 के मध्य हुए संविदा कराकर तथा अप्रार्थी संख्या 2 व प्रार्थी के मध्य रही सेवा-शर्तों के अनुसार दि. 16.12.2005 से स्वतः समाप्त हो गयी थी जिसे अधिनियम की धारा 2(ओओ)(बीबी) के "अपवाद" के रहते हुए धारा 2(ओओ) के तहत "छंटनी" की श्रेणी में नहीं माना जा सकता और ऐसी स्थिति में अप्रार्थी नियोजक के लिए अधिनियम की धारा 25 में वर्णित आज्ञापक प्रावधानों की पालना की कोई आवश्यकता नहीं थी। अतः प्रार्थी, अप्रार्थीगण के विरुद्ध किसी भी प्रकार कोई अनुतोष पाने का अधिकारी घोषित होने योग्य नहीं है और उक्त रेफ्रेन्स इसी अनुरूप उत्तरित किये जाने योग्य है।

11—जहां तक प्रार्थी के अप्रार्थी संख्या 2 के यहां दिनांक 22.02.2005 से 16.12.2005 तक की अवधि में 240 दिवस से अधिक अवधि तक कार्य किये जाने का प्रश्न है तो इस संबंध में प्रार्थी व अप्रार्थी के द्वारा प्रस्तुत दस्तावेजी साक्ष्य एवं मौखिक साक्ष्य में किसी प्रकार का मतभेद नहीं है और उक्त निश्चित समयावधि के दौरान किये गये कार्य को अप्रार्थीपक्ष की ओर से प्रार्थी द्वारा किया जाना स्वीकार किया गया है परंतु चूंकि उक्त कार्य निश्चित समयावधि तथा निश्चित कार्य की समाप्ति तक ही किया जाना था, ऐसे में प्रार्थी के द्वारा अप्रार्थी संख्या 2 के यहां 240 दिन से अधिक कार्य किया जाना किसी भी रूप में प्रार्थी को कोई सहायता प्रदान नहीं करता है क्योंकि प्रार्थी का सेवा से पृथक् किये जाने को अधिनियम की धारा 2(ओओ)(बीबी) के "अपवाद" के रहते हुए धारा 2(ओओ) के तहत "छंटनी" की श्रेणी में नहीं माना जा सकता है और रेफ्रेन्स भी उक्त विवेचनानुसार उत्तरित किये जाने योग्य है।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 14.05.2007 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी श्रमिक दयाराम को अप्रार्थीगण ने चेनमेन के पद पर अस्थायी रूप से निश्चित समयावधि के लिए "संविदात्मक (Contractual)" नियुक्त किया था उक्त अवधि की समाप्ति से प्रार्थी की सेवायें उभयपक्ष के मध्य रही सेवा-शर्तों के अनुसार दिनांक 16.12.2005 से स्वतः समाप्त हो गयी थी, ऐसी स्थिति में प्रार्थी का प्रकरण अधिनियम की धारा 2(ओओ) छंटनी की परिधि में नहीं आकर धारा 2(ओओ)(बीबी) छंटनी के "अपवाद" में आने से प्रार्थी श्रमिक, अप्रार्थीगण से किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 27.01.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1680.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री ओमसिंह राजावत के प्रबंधन के संबद्ध नियोजकों और पत्थर खान कामगार यूनियन, श्री कूका सिंह, श्रीमती सुरती बाई (वाइफ), विजया (पुत्री) एंड कुमारी गीतू के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेन्स नं.- (केन्द्रीय) 09/2008 (सीआईएस-81/2014)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15.09.2025 को प्राप्त हुआ था।

[सं. एल-29011/3/2006-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1680.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 09/2008 (CIS-81/2014)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Shri Omsingh Rajawat and Stone Mines Workers Union, Shri Kuka Singh, Smt. Surati Bai (wife), Vijaya (daughter) and Km. Geetu** which was received along with soft copy of the award by the Central Government on 15.09.2025.

[No. L-29011/3/2006-IR(M)]

SALONI, Dy. Director

अनुलग्नकन्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी— सदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)—09/2008(सीआईएस-81/2014)

(सीएनआर—आरजेकेटी060001722008)

दिनांक स्थापित: 02.04.2008

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्र.

एल-29011/3/2006(आईआर(एम))दि. 31.05.2006

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)औद्योगिक विवाद अधिनियम, 1947मध्य

1—कूका सिंह पुत्र श्री माना (दौराने विचारण मृत्यु)

1/1—सूरती बाई, 1/2—विजया,

1/3—कुमारी लीला बाई, 1/4 कुमारी गीतू,

(मृतक श्रमिक के कायममुकामान कमश: पत्नी, पुत्र—पुत्रीगण)

द्वारा महामंत्री, पत्थर खान कामगार यूनियन, बंगाली कॉलोनी,

छावनी, कोटा

—प्रार्थी श्रमिक

एवं

ओमसिंह राजावत, माईन्स लीज होल्डर, सकतपुरा, कोटा

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

श्री पुरुषोत्तम दाधीच

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री मेघराज सिंह

::अधिनिर्णय::

दिनांक:20.01.2025

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक आदेश दिनांक 31.05.2006 के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ निम्नानुसार प्राप्त हुआ।

"Whether Sh. Kuka S/o Sh. Mana is in regular service of the management of Sh. Om Singh Rajawat S/o Sh. Kalayan Singh, Mines Contractor, Saketpura, Distt. Kota w.e.f. 01/01/97 to 12/10/2004 for 240 days? If yes, whether the action of the Mines Contractor in terminating the service of Sh. Kuka S/o Mana W.e.f. 12/10/2004 is justified? If not, to what relief the workman is entitled to?"

2—उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेंट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि उसको अप्रार्थी ने दि. 01.01.97 से राजपुरा माईन्स पर स्टोन कटर का कार्य करने हेतु सेवा में नियोजित किया। श्रमिक जितना काम रोजाना करता था, नियोजक का मुंशी रोजाना उसकी पर्चीया लिखकर देता था उनमें से अधिकांश पर्चीया श्रमिक के पास मौजूद है, इसके अतिरिक्त नियोजक ने श्रमिक को 3000/-रु. मासिक वेतन देना तय किया हुआ था। श्रमिक महिने के अंत में वेतन की मांग करता था परन्तु श्रमिक को नियोजक यह कहता था कि हिसाब बाद में कर लेंगे, गुजारे के लिए पैसे लेते रहो, श्रमिक को 200/-रु. प्रतिमाह सप्ताह गुजारे खर्च का दिया जाता था। श्रमिक ने यूनियन के माध्यम से अलग से वेतन का विवाद संयुक्त श्रम आयुक्त (केन्द्रीय) कोटा के समक्ष प्रस्तुत किया हुआ है। अक्टूबर 2004 में श्रमिक व श्रमिक के भाई कैलाश ने नियोजक से पिछले वेतन का हिसाब करने की मांग की तो 1-2 दिन तो नियोजक टालता रहा तथा दि. 12.10.2004 को नियोजक, उसके मुंशी व अन्य कुछ लोगों ने माईन्स पर कार्य करते हुए मारपीट कर भगा दिया। श्रमिक के गांव रोजा का तलाब पर जाकर भी मारपीट की तथा श्रमिक व उसके परिवार का गांव में रहना मुश्किल हो गया तो दि. 16.10.2004 को पुलिस अधीक्षक बूंदी को शिकायत की व दि. 18.11.2004 को जिलाधीश, बूंदी को शिकायत की तब जाकर श्रमिक व उसके परिवार के साथ नियोजक का मारपीट करना बंद हुआ। नियोजक ने श्रमिक को दि. 12.10.2004 से नौकरी से हटा दिया है जो अवैध है। श्रमिक ने नियोजक के यहां पर दि. 01.01.97 से 11.10.2004 तक 240 दिन से अधिक निरंतर कार्य किया है। अप्रार्थी ने प्रार्थी को नौकरी से हटाते समय नोटिस, नोटिस वेतन व छंटनी मुआवजा नहीं देकर अधिनियम की धारा 25 एफ, प्रार्थी से कनिष्ठ श्रमिकों को नियोजन में रखकर प्रार्थी को हटाकर अधिनियम की धारा 25 जी एवं प्रार्थी को हटा कर उसके स्थान पर नए श्रमिक को नियोजित कर अधिनियम की धारा 25 एच के प्रावधानों की अवहेलना की है एवं नियोजक का यह कृत्य अनफेयर लेबर प्रैक्टिस की परिभाषा में आता है। नियोजक ने श्रमिक को दि. 01.01.97 से नौकरी से हटाए जाने तक बकाया 2,70,600/-रु. का भुगतान नहीं किया है तथा श्रमिक के विरुद्ध उल्टे 57,369/-रु. एडवांस राशि लेना निकाल रखा है और प्रार्थना की है कि प्रार्थी को पिछले सम्पूर्ण वेतन सहित सेवा में बहाली का अनुतोष प्रदान किया जावे।

3—अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि प्रार्थी उनके नियोजन में कभी भी कार्यरत नहीं रहा है ना ही उसने उसने उनके यहां कभी कोई कार्य किया है। ना ही उनके मध्य कर्मकार-नियोजक के संबंध स्थापित रहे है। इसलिए प्रार्थी का क्लेम प्रार्थना पत्र खारिज किए जाने योग्य है।

4—साक्ष्य में प्रार्थी पक्ष की ओर से विजय व अप्रार्थी की ओर से ओम सिंह के शपथ-पत्र प्रस्तुत हुए जिनसे परस्पर जिरह की गयी। प्रार्थी की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गयी जिसका यथासमय उल्लेख किया जावेगा।

5—उभयपक्षों की बहस सुनी गई, जो कि उनकी ओर से प्रस्तुत अपने-अपने अभ्यावेदनों के अनुरूप ही रही है।

6—हस्तगत प्रकरण में मुख्यतः यही देखा जाना है कि क्या प्रार्थी श्रमिक कूका ने अप्रार्थी के नियोजन में उसके द्वारा वर्णित सेवा पृथक्ता दि. 12.10.2004 से पूर्व के एक कलेण्डर वर्ष निरन्तर 240 दिन कार्य किया गया है अथवा नहीं?

इस संबंध में प्रार्थी पक्ष की ओर से साक्ष्य में विजय का शपथ पत्र प्रस्तुत हुआ है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है एवं यह कथन किया है कि उसने कोई काम नहीं किया परन्तु उसके पिताजी ने काम किया है। जब उसके पिताजी काम करते थे उस समय में पढ़ाई करता था। यह कहना गलत है कि उसके पिताजी कूका ने जितने फिट काम किया उतने फिट का पैसा उसके पिता को दिया हो बल्कि स्वयं ने कहा कि उसके पिताजी को 3 हजार रुपये मासिक देने का वादा किया था। यह बात सही है कि उसके पिताजी को घर खर्च के लिए 200 रुपये सप्ताह के देते थे। यह बात सही है कि हिसाब-किताब की कोई भी पर्ची पत्रावली में शामिल नहीं है तथा कोई भी रक्कत जिस पर भुगतान हुआ हो उसके सम्बन्ध में कोई भी दस्तावेज पत्रावली में नहीं है। दिनांक 01.01.1997 से लेकर 12.10.2004 तक उसके पिताजी ने काम किया है। उक्त समय का कार्य करने का नियमित रूप से कोई भी दस्तावेज पत्रावली में पेश नहीं है। यह बात सही है कि इससे पूर्व कोई शिकायत की हो उसका दस्तावेज भी पेश नहीं है। यह बात सही है कि जिस समय उसके पिताजी खान पर काम करते थे उस वक्त वह साथ में नहीं रहता था। खुद कहा कि प्रत्येक रविवार को वह पिताजी के साथ जाता था। जब तक पिताजी काम करते थे तब तक वह वहां पर ही रुकता था। केवल वह रविवार को ही जाता था बाकि में प्रत्येक दिन पढ़ाई करता था। जब उसके पिताजी को हटाया, उन्होंने उसी समय कार्यवाही कर दी थी। यह कहना गलत है कि उसके पिताजी ने जितने दिन कार्य किया उतने दिन की हाजिरी दे दी हो।

अप्रार्थी की ओर से साक्ष्य में ओम सिंह का शपथ पत्र प्रस्तुत किया गया है जिसमें उसने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की ओर जिरह में यह कथन किया है कि यह बात सही है कि जवाब प्रार्थना पत्र के प्रथम पेज का पैरा नम्बर 5 में लिखी ए से बी इबारत सही है। यह बात सही है कि जवाब प्रार्थना पत्र के द्वितीय पेज का पैरा नम्बर 1 विशेष कथन का सी से ही भाग सही है। यह बात सही है कि कर्मकार ने कब-कब काम किया जिसका रिकॉर्ड उसके पास नहीं होने पर पेश नहीं किये गये है। प्रार्थी जब भी काम करने आता था उसका उसी दिन का नापतोले करके हिसाब कर दिया जाता था जिसके कारण उनके पास कोई दस्तावेज उपलब्ध नहीं है। उस समय का लेखा-जोखा का इन्द्राज नहीं किया जाता था। जितना पेमेन्ट प्रार्थी का बनता था उतना दे देते थे। वह आय-व्यय का विवरण आयकर विभाग को नहीं देते थे। यह बात सही है कि उनका राजपुरा गाईन्स में स्टोन कट का कार्य होता था। प्रत्येक दिन कार्य करने वाले मजदूर का भुगतान पर्ची देखकर उसी दिन भुगतान कर देते थे। यह बात सही है कि समझौता अधिकारी के समक्ष प्रदर्श डब्ल्यू 2 उसके द्वारा ही पेश किया गया था। यह बात सही है कि जवाब प्रार्थना पत्र के पेज नम्बर 3 में पैरा नम्बर 2 में ए बी भाग सही है। यह बात सही है कि उसने जो प्रार्थी को अग्रिम राशि दी है उसका विवरण उसने न्यायालय में पेश नहीं किया है।

कूका ने दिनांक 01.01.1997 से 11.10.2004 तक नियमित रूप से उसके पास काम नहीं किया है। कूका के भाई कैलाश ने भी उसके पास यहा थोड़े दिन काम किया था। यह कहना गलत है कि दिनांक 12.10.2004 को उसके मुंशी तथा कुछ लोगो ने मारपीट करके भगा दिया हो। यह कहना गलत है कि प्रार्थी ने उनसे अक्टूबर 2004 को वेतन मांगा हो और उन्होने भगा दिया हो। यह कहना गलत है कि प्रार्थी को 2,70,600/- के भुगतान नही करके उसके बदले 57369/-अग्रिम राशि का भुगतान करके बाकी बची राशि का भुगतान नही किया हो। यह कहना गलत है कि श्रमिक ने हमारे यहा 8 साल लगातार काम किया हो। राशि 57,369/- का भुगतान उन्होने अलग-अलग तिथि में किया है परन्तु उसका विवरण पत्रावली में पेश नहीं किया है। श्रम विभाग का माईन्स का रजिस्टर्ड प्रमाण पत्र पेश नहीं किया क्योंकि माईन्स उसके नाम से रजिस्टर्ड नहीं है।

7-साक्ष्य के उपरोक्त विवेचन से यह प्रकट हो रहा है कि प्रार्थी श्रमिक द्वारा अप्रार्थी के नियोजन में दि. 01.01.97 से 11.10.2004 तक 240 दिन से अधिक कार्य करने का कथन किया गया है तथा यह भी कथन किया है कि अप्रार्थी ने प्रार्थी श्रमिक को नौकरी से हटाने समय बकाया वेतन का भुगतान नहीं किया ना ही उन्होने अधिनियम के आज्ञापक प्रावधानों की पालना की। अप्रार्थी पक्ष का यह कथन रहा है कि प्रार्थी श्रमिक व उनके मध्य कर्मकार-नियोजक के संबंध स्थापित नहीं रहे है ना ही उन्होने प्रार्थी श्रमिक का कभी नियोजित किया है ना ही प्रार्थी श्रमिक ने उनके यहां कभी कोई कार्य किया है यदि फिर भी प्रार्थी श्रमिक द्वारा उनके यहां कभी कोई कार्य किया गया होगा तो उनके द्वारा उसे उसी समय भुगतान कर दिया गया होगा, इसलिए प्रार्थी पक्ष का क्लेम निरस्त किए जाने योग्य है। प्रार्थी पक्ष की ओर से पत्रावली पर जो दस्तावेज साक्ष्य प्रस्तुत की गई है उनमें प्रदर्श डब्ल्यू 1 प्रार्थी का समझौता अधिकारी के समक्ष प्रस्तुत प्रार्थना पत्र, प्रदर्श डब्ल्यू 2 अप्रार्थी का जवाब प्रार्थना पत्र, प्रदर्श डब्ल्यू 3 प्रार्थी पक्ष का प्रत्युत्तर, प्रदर्श डब्ल्यू 4 असफल वार्ता प्रतिवेदन है। प्रार्थी को वांछित अनुतोष प्राप्त करने के लिए यह प्रमाणित करना आवश्यक है कि उसने उसकी सेवा समाप्ति दिनांक 12.10.2004 से पूर्व के एक कलेण्डर वर्ष अर्थात् दि 12.10.2003 से 11.10.2004 तक में निरंतर 240 दिन कार्य किया हो। प्रार्थी श्रमिक पर 240 दिन लगातार काम करने के तथ्य को साबित करने का जो भार है, उसमें प्रार्थी श्रमिक द्वारा केवल मात्र अपने शपथ-पत्र में यह लिख देना कि उसने 240 दिन तक लगातार काम किया, पर्याप्त नहीं होगा, अपितु उसे किसी ठोस मौखिक एवं प्रलेखीय/दस्तावेजी साक्ष्य से इस तथ्य को साबित करना होगा जिससे कि यह तथ्य सम्पुष्ट हो सके। किन्तु प्रार्थी पक्ष द्वारा अपने कथनों के समर्थन में कोई हाजरी रजिस्टर, वेतन स्लीप, मस्टरोल इत्यादि दस्तावेज पेश नहीं किए हैं एवं हस्तगत प्रकरण में पत्रावली पर उपलब्ध साक्ष्य से प्रार्थी पक्ष यह तथ्य साबित करने में पूर्णतया असफल रहा है कि प्रार्थी श्रमिक द्वारा बताई गई सेवा समाप्ति की दिनांक से ठीक पूर्व के 12 कलेण्डर माह की अवधि में उसने अप्रार्थी के नियोजन में निरंतर 240 या उससे अधिक कार्य किया है। माननीय सर्वोच्च न्यायालय द्वारा निम्नलिखित न्यायिक दृष्टांतों में इस संबंध में समय-समय पर यही सिद्धांत प्रतिपादित किया है—

Ranip Nagar Palika Vs. Babuji Gabhaji Thakore-IX(2007) SLT 805 SC में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि LABOUR LAW- 240 days completion of service- Burden of proof lies on workman to show he worked continuously for 240 days for preceding one year - It is for workman to adduce evidence apart from examining himself to prove factum of being in employment of employer.

State of Gujrat vs Pratamsingh Narsinh Parmar, (2001) 9 SCC 713. में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि In our opinion the Tribunal was not right in placing the onus of 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 appeallant. It was them for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filling 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.

Rajasthan State Ganganagar Sugar Mills Ltd. Vs State of Rajasthan and Anr. v(2004) LST 686=2004(8)SCC161, (पैरा 6) में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि "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 appellatant. It was for the claimant to lead evidence to show that he had in fact worked up to 240 days in the year preceding his termination. He has filed an affidavit. It is only his own statement which is in his favour 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. These aspects were highlighted in **Range Forest Officer vs S.T. Hadimani, 2002 (3) SCC 25.** No Proof of receipt of salary or wages for 240 days or order or record in that regard was produced. Mere Non-production of the muster roll for a particular period was not sufficient for the Labour Court to hold that the workman had worked for 240 days as claimed."

Manager Reserve Bank of India Bangalore Vs S. Mani and Others 2005 (5) SCC page 100 में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि The Initial burden of proof was on the workman to show that he had completed 240 days of service. Tribunal's view that the burden was on the employer was held to be erroneous.

R.M. Yellatti Vs The Asst. Executive Engineer (2006 (1) SCC 1006) 2005 AIR SCW 6103 में माननीय सर्वोच्च न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया है कि "Analysing the above decisions of this court, it is clear that the provisions of the Evidence Act. in terms do not apply to the proceedings under section 10 of the Industrial Disputes Act. However, applying general principles and on reading the aforesaid judgements we find that this court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year.

8—इस प्रकार उपरोक्त विवेचन व विश्लेषण के आधार पर प्रार्थी पक्ष अपनी साक्ष्य से यह सिद्ध कर पाने में असफल रहा है कि प्रार्थी श्रमिक कूका ने अप्रार्थी के यहाँ उनके द्वारा बताई गई सेवा समाप्ति दिनांक 12.10.2004 से ठीक पूर्व के एक कलैण्डर वर्ष, अर्थात् 12 कलैण्डर माह में निरन्तर 240 दिन कार्य किया है। प्रार्थी पक्ष द्वारा पत्रावली पर ऐसी भी कोई साक्ष्य प्रस्तुत नहीं की गई है जिससे यह सिद्ध हो कि अप्रार्थी ने प्रार्थी श्रमिक को हटाते समय अधिनियम के किसी आज्ञापक प्रावधान की अवहेलना की हो। इसलिए प्रार्थी पक्ष, अप्रार्थी से कोई अनुतोष प्राप्त करने की अधिकारी घोषित होने योग्य नहीं है एवं सम्प्रेषित निर्देश/रेफ्रेन्स इसी अनुरूप उत्तरित होने योग्य है।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 31.05.2006 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी पक्ष अपनी साक्ष्य से यह सिद्ध करने में पूर्णतया असफल रहा है कि प्रार्थी श्रमिक कूका ने उसके द्वारा वर्णित सेवा पृथक्ता दिनांक 12.10.2004 से पूर्व के एक कलैण्डर वर्ष में निरन्तर 240 दिन या उससे अधिक समय तक कार्य किया हो। अतः प्रार्थी श्रमिक के कायममुकामान, अप्रार्थी से किसी प्रकार का अनुतोष प्राप्त करने की अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 20.01.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1681.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **एसीसी सीमेंट वर्क्स लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, पठार खान, यातायत श्रमिक संघ के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेन्स नं.-(केन्द्रीय) 17/2007 (सीआईएस-04/2014)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15.09.2025 को प्राप्त हुआ था।

[सं. एल-29012/40/2007-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1681.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 17/2007 (CIS-04/2014)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ACC Cement Works Limited** and **President, Pathar Khan, Yatayat Labour Union** which was received along with soft copy of the award by the Central Government on 15.09.2025.

[No. L-29012/40/2007-IR(M)]

SALONI, Dy. Director

अनुलग्नक

न्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी— संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)—17/2007(सीआईएस-04/2014)

(सीएनआर-आरजेकेटी060000112007)

दिनांक स्थापित: 22.10.2007

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क.

एल-29012/40/2007 (आईआर(एम)) दि.:10.09.2007

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)

औद्योगिक विवाद अधिनियम, 1947

मध्य

अध्यक्ष, पत्थर खान, यातायात लेबर यूनियन, लाखेरी, बूंदी

—प्रार्थी श्रमिक

एवं

महाप्रबंधक, ए.सी.सी. सीमेंट वर्क्स लि., लाखेरी, बूंदी

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

कोई उपस्थित नहीं

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री के.के. शर्मा

::अधिनिर्णय::

दि.: 09.01.2025

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक आदेश दिनांक 10.09.2007 के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ निम्नानुसार प्राप्त हुआ है:—

"Whether the demand of Pathar Khan yatayat Labour Union for payment of bonus for the year 2004-2005 from the ACC Ltd., Lakheri and its various contractors engaged for transportation of Lime Stone namely, S/Sh. Rambabu Sharma, Proprietor, M/s Sharma Brothers and M/s Garima Trading Company, Lakheri, Shyam Purohit, Chiranjilal Shrimal, Proprietor M/s Giriraj Brothers, Bundi is just and fair? If so, to what relief the workmen are entitled?"

2—उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेंट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रतिपक्षी एक लिमिटेड कम्पनी है जहां पर स्थायी व अस्थायी कर्मचारी काम करते हैं इसके अलावा कम्पनी ने अपने कार्य हेतु ठेकेदारों को अपनी कम्पनी में कॉन्ट्रैक्ट बेसिस पर यातायात कार्य हेतु कॉन्ट्रैक्टर व सप्लायर्स हेतु 1—राम बाबू शर्मा, लाखेरी, 2—रमेश श्री माल, इन्द्रगढ़, श्याम पुरोहित, लाखेरी से कॉन्ट्रैक्ट किया। उक्त ठेकेदारों के पास ड्राइवर, हेल्पर, मुंशी का काम अनेक व्यक्ति करते हैं जिनको कम्पनी द्वारा अथवा ठेकेदारों द्वारा किसी प्रकार का बोनस की राशि नहीं दी जाती है, साथ ही साथ पी.एफ. भी नहीं काटा जाता है, गेटपास जारी नहीं किया जाता है बल्कि 12-12 घंटे की ड्यूटी ली जाती है, उक्त ड्राइवर हेल्पर व मुंशी को न तो वर्दी दी जाती है और न ही होली डे की सवैतनिक व साप्ताहिक अवकाश भी नहीं दिया जाता है, सेफटी शूज भी नहीं दिए जाते हैं, वेतन की पर्ची भी नहीं जाती है और ना ही ओवरटाइम दिया जाता है। बल्कि कर्मचारियों को परेशान किया जाता और निर्धारित समय से ज्यादा समय कार्य लिया जाता है और प्रार्थना की है कि प्रार्थी श्रमिक भी अन्य राज्य कर्मचारियों के अनुसार ड्राइवर, हेल्पर व मुंशी को भी उपरोक्त सभी प्रकार की सुविधा को कम्पनी से दिलाए जाने का अनुरोध प्रदान किया जावे।

3—अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि विपक्षी कम्पनी ने समझौता अधिकारी के नोटिस का जवाब प्रस्तुत कर निवेदन किया कि जिन व्यक्तियों के विषय में बोनस की मांग की गई है वे ठेकेदार के कर्मचारी हैं व विपक्षी कम्पनी के कर्मचारी नहीं हैं उनमें विपक्षी कम्पनी में स्वामी एवं सेवक का किसी प्रकार का कोई संबंध नहीं है। न तो विपक्षी कम्पनी ने उनको कभी नियुक्त किया, ना ही उन पर कभी विपक्षी कंपनी का नियंत्रण रहा। विपक्षी कम्पनी पेमेंट ऑफ बोनस एक्ट अथवा कॉन्ट्रैक्ट अथवा पेमेंट ऑफ वेजेज एक्ट अथवा अन्य किसी भी विधि के प्रावधान के अनुसार प्रार्थी यूनियन के श्रमिकों को बोनस का भुगतान करने के लिए उत्तरदायी नहीं है। ठेकेदारों द्वारा अपने श्रमिकों को जो बोनस प्राप्त करने के योग्य थे उन्हें ठेकेदारों द्वारा बोनस राशि का भुगतान किया गया है व भुगतान का स्टेटमेंट भी समझौता अधिकारी के समक्ष प्रस्तुत किया गया। विपक्षी कम्पनी ने ठेकेदारों को अपनी खानों से कारखाने तक लाईम स्टोन पहुंचाने के लिए ट्रांसपोर्टेशन का ठेका दे रखा था व उक्त कार्य के लिए ठेकेदारों ने अपने कर्मचारी रखे हुए थे, जो कि प्रार्थी यूनियन के श्रमिकगण हैं। प्रार्थी यूनियन के कर्मचारियों का नियोजक ठेकेदार है इसलिए कॉन्ट्रैक्ट लेबर (रेगुलेशन एण्ड अबोलिशन) एक्ट के प्रावधानों के अनुसार विपक्षी कम्पनी के विरुद्ध कोई रेफरेंस प्रेषित नहीं किया जा सकता है व विवाद प्रस्तुत नहीं किया जा सकता है एवं प्रार्थी यूनियन उनसे वर्ष 2004-2005 के लिए बोनस की राशि अथवा अन्य कोई लाभ प्राप्त करने की अधिकारी नहीं है और प्रार्थना की है कि प्रार्थी का क्लेम निराधार होने से सव्यय निरस्त किया जावे।

4—प्रार्थी यूनियन की ओर से साक्ष्य में अब्दुल गफ्फूर का शपथ प्रस्तुत किया गया है किन्तु जिरह हेतु गवाह के उपस्थित नहीं आने के कारण आदेश दि. 19.07.2024 से उसकी साक्ष्य बंद की गई एवं अप्रार्थी द्वारा साक्ष्य प्रस्तुत नहीं करने के कारण आदेश दिनांक 26.12.2024 द्वारा अप्रार्थी पक्ष की साक्ष्य बंद की गई।

5—प्रार्थी पक्ष की ओर से तारीख पेशी दि. 22.10.24, 28.11.2024, 13.12.2024, 26.12.2024 एवं 27.12.2024 को किसी के उपस्थिति नहीं आने के कारण अप्रार्थी पक्ष के प्रतिनिधि की बहस सुनी गयी। प्रार्थी पक्ष की ओर से किसी के उपस्थित नहीं होने के कारण पत्रावली उपलब्ध सामग्री एवं अप्रार्थी प्रतिनिधि की बहस के आधार पर प्रकरण का निस्तारण किया जा रहा है।

6—सुना गया, पत्रावली का अवलोकन किया गया। चूंकि प्रार्थी यूनियन का यह मामला वर्ष 2007 से इस न्यायाधिकरण में लम्बित है और प्रकरण दिनांक 19.05.2022 से साक्ष्य प्रार्थी में नियत चला आ रहा है, जिसमें प्रार्थी पक्ष द्वारा काफी अवसर दिये जाने के उपरांत भी प्रार्थी पक्ष का गवाह जिरह हेतु न्यायालय में उपस्थित हुआ जिसके कारण आदेश दिनांक 19.07.2024 द्वारा प्रार्थी पक्ष की साक्ष्य बंद की गई एवं अप्रार्थी द्वारा भी साक्ष्य प्रस्तुत नहीं करने के उसकी भी साक्ष्य आदेश दि. 26.12.2024 द्वारा बंद की गई एवं पत्रावली को बहस अंतिम हेतु नियत किया गया है। प्रार्थी पक्ष की ओर से तारीख पेशी दि. 22.10.24, 28.11.2024, 13.12.2024, 26.12.2024 एवं 27.12.2024 को किसी के उपस्थित नहीं आने के कारण प्रकरण में प्रार्थी पक्ष की उदासीनता को प्रकट करता है और इससे प्रकट होता है कि प्रार्थी यूनियन अपने क्लेम के प्रति युक्तियुक्त रुचि नहीं रखती है। प्रार्थी पक्ष न्यायालय के समक्ष अनुतोष हेतु अपना मामला लेकर आया है तो उसे पूर्ण तत्परता व सजगता से अपना पक्ष रखने हेतु स्वयं अथवा अपने अधिकृत प्रतिनिधि को न्यायालय में प्रत्येक पेशी पर उपस्थित रखकर अपने मामले में अभिरुचि दिखानी चाहिए थी, किन्तु प्रार्थी यूनियन की ओर से गत कई पेशियों से न्यायालय में कोई उपस्थित नहीं आया। जबकि यह प्रकरण इस न्यायालय के लक्षित 100 प्रकरणों में क्रम सं. 58 पर लम्बित है एवं यह प्रकरण इस न्यायाधिकरण में लगभग 17 वर्षों से लम्बित है तथा माननीय राज. उच्च न्यायालय द्वारा ऐसे मामलों को त्वरित गति से निस्तारित किये जाने हेतु दिशानिर्देश प्राप्त हुए हैं। ऐसी स्थिति में प्रकरण को अनिश्चित काल के लिए लम्बित रखा जाना औचित्यपूर्ण नहीं है और उक्त विवेचन के परिप्रेक्ष्य में प्रार्थी यूनियन का यह मामला “विवाद रहित” हो जाता है व सम्प्रेषित निर्देश/रेफ्रेन्स भी इसी अनुरूप उत्तरित होने योग्य पाया जाता है।

परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 10.09.2007 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी यूनियन अध्यक्ष पत्थर खान लेबर यूनियन, लाखेरी, बूंदी द्वारा कोई साक्ष्य प्रस्तुत नहीं करने एवं प्रार्थी पक्ष की ओर से किसी के उपस्थित नहीं होने के कारण प्रार्थी यूनियन का यह मामला “विवाद रहित” हो जाता है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 09.01.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1682.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्री रामशरण के प्रबंधतंत्र के संबद्ध नियोजकों और राष्ट्रीय मजदूर संघ (इंटक) के बीच अनुबंध में निर्दिष्ट औद्योगिक अधिकरण एवं श्रम न्यायालय, कोटा, पंचाट (रिफरेन्स नं.-(केन्द्रीय) 03/2019 (सीआईएस-05/2019)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 15.09.2025 को प्राप्त हुआ था।

[सं. एल-28011/1/2018-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1682.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. (Central) 03/2019 (CIS-05/2019)**) of the **Industrial Tribunal cum Labour Court, Kota** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Shri Ramsharan and Rashtriya Mazdoor Sangh (INTUC)** which was received along with soft copy of the award by the Central Government on 15.09.2025.

[No. L-28011/1/2018-IR(M)]

SALONI, Dy. Director

अनुलग्नक

न्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय), कोटा

पीठासीन अधिकारी: संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक: औ.न्या.-03/2019(सीआईएस-05/2019)

(सीएनआर-आरजेकेटी060000522019)

दिनांक स्थापित: 24.01.2019

प्रसंग: भारत सरकार, श्रम एवं रोजगार मंत्रालय अधिसूचना संख्या L-28011/1/2018-IR(M) दिनांक 13-12-2018

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

राष्ट्रीय मजदूर संघ (इंटक) जरिये मंत्री रामगोपाल गुप्ता, रामगंजमण्डी, जिला कोटा (राज.)

.....प्रार्थी श्रमिक

एवं

मै. रामशरण पुत्र श्री रामजीदास जी मोदी, खदान गेप एरिया, पीपाखेड़ी, लीज मालिक, मकान नं. 17, 18, रूमकणी विला, तलवंडी, कोटा (राज.)

.....अप्रार्थी-नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:-

श्री चन्द्रमोहन वर्मा

अप्रार्थी नियोजक की ओर से प्रतिनिधि:-

कोई उपस्थित नहीं

:अधिनिर्णय:

दिनांक 30.05.2025

राजस्थान सरकार, श्रम विभाग की प्रासांगिक अधिसूचना दिनांक 13.12.2018 के द्वारा निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है:-

"क्या श्री रामशरण पुत्र श्री रामजीदास मोदी, लीज मालिक, मकान नं. 17-18, रूमकणी विला, तलवंडी, कोटा की खदान (गेप एरिया), पीपाखेड़ी खदान में कार्यरत श्रमिकों एवं कर्मचारियों के लिये प्रार्थी यूनियन राष्ट्रीय मजदूर संघ (इन्टक) की वर्ष 2016-17 के लिये 20 प्रतिशत की दर से बोनस भुगतान करने की मांग उचित एवं विधि सम्मत हैं ? यदि हाँ, तो खदान में कार्यरत श्रमिक किस राहत के हकदार हैं ?

2-निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना/नोटिस विधिवत जारी कर अवगत करवाया गया।

3-हस्तगत निर्देश/रेफ्रेन्स, नियोजक श्री रामशरण पुत्र श्री रामजीदास मोदी, लीज मालिक, मकान नं. 17-18, रूमकणी विला, तलवंडी, कोटा की खदान (गेप एरिया), पीपाखेड़ी खदान में कार्यरत श्रमिकों एवं कर्मचारियों को वर्ष 2016-17 के लिये 20 प्रतिशत की दर से बोनस भुगतान करने की उचितता एवं वैधता के प्रश्न के विनिश्चयार्थ इस न्यायाधिकरण को प्राप्त हुआ जिसके सम्बन्ध में प्रार्थी पक्ष की ओर से अपना अभ्यावेदन प्रस्तुत किया गया है।

4- प्रकरण अप्रार्थी की ताकील हेतु नियत चला आ रहा है। प्रार्थी ने न्यायाधिकरण के समक्ष दि. 30.05.2025 को स्वयं मय प्रतिनिधि उपस्थिति होकर प्रार्थना पत्र प्रस्तुत कर कथन किया है कि प्रकरण में प्रतिपक्षी रामशरण की मृत्यु हो चुकी है फर्म खदान भी निष्क्रिय हो चुकी है, प्रार्थी श्रमिक पक्ष की ओर से अब किसी अनुतोष की प्राप्ति की चाहत शेष नहीं है और प्रकरण को विद्वा के आधार पर निस्तारित करने का निवेदन किया है।

5-मैंने उभयपक्ष को सुना पत्रावली का अवलोकन किया चूँकि प्रार्थी ने मय प्रतिनिधि न्यायाधिकरण में उपस्थित होकर यह कथन किया कि वह प्रकरण को वापस लेना चाहता है एवं आगे नहीं चलाना चाहता है जिससे प्रार्थी का यह मामला अब "विवाद रहित" हो जाता है व सम्प्रेषित निर्देश/रेफ्रेन्स भी इसी अनुरूप उत्तरित होने योग्य है।

परिणामस्वरूप भारत सरकार, श्रम विभाग द्वारा प्रासांगिक आदेश दिनांक 13.12.2018 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि हस्तगत प्रकरण को प्रार्थी वापस लेना चाहता है तथा आगे नहीं चलाना चाहता है जिससे प्रकरण "विवाद रहित" हो जाता है।

संदीप कुमार शर्मा, न्यायाधीश,

अधिनिर्णय आज दिनांक 30.05.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1683.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उप मंडल अभियंता, बीएसएनएल, नागभीड, जिला-चंद्रपुर, चंद्रपुर (एम.एस.); महाप्रबंधक, बीएसएनएल, चंद्रपुर (एम.एस.) के प्रबंधतंत्र के संबद्ध नियोजकों और श्री गंगाधर, चंद्रपुर (एम.एस.) के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार

औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या-सीजीआईटी/एनजीपी/04/2019-20) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-40012/10/2019-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1683.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **CGIT/NGP/04/2019-20**) 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 Sub Divisional Engineer, BSNL, Chandrapur (M.S); The General Manager, BSNL, Chanderpur (M.S)** and **Sh. Gangadhar, Chanderpur (M.S)**.

[No. L-40012/10/2019 -IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/04/2019-20

Date: 04.07.2025.

Party No.1:

1. The Sub Divisional Engineer,
BSNL, Nagbhid, Distt-Chandrapur,
CHANDRAPUR (M.S) - 442401
2. The General Manager,
BSNL, Chandrapur, Tah & Distt - Chandrapur
CHANDRAPUR (M.S) – 442401

V/s.

Party No.2:

Sh. Gangadhar S/O Devaram Chanekar
R/o Chikmara, Tah & Dist – Chandrapur
CHANDRAPUR (M.S.) - 442401

AWARD

(Dated: 04th July, 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 BSNL and their Workman Shri Gangadhar Devaram Chanekar for adjudication, as per letter **No. L-40012/10/2019 (IR(DU)) dated 11.04.2019**, with the following schedule:-

“Whether the action of the management of M/s Bharat Sanchar Nigam Limited, Nagbhid Distt – Chandrapur in terminating the service of Sh. Gangadhar Devaram Chanekar, worker, should reinstate him on his usual work and along with back wages from 09.01.2016 to till his actual joining in his service, is just, fair or legal? if not, to what relief the concerned workman is entitled to?”

2. Case called out. Representative of the respondent is present before the Court. None is present on behalf of the petitioner. The petitioner is not coming to the court since 02/04/2020. 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 further more. Claim of the petitioner is not proved, so it is closed.

Hence, it is ordered.

ORDER

“The action of the management of M/s Bharat Sanchar Nigam Limited, Nagbhid Distt – Chandrapur in terminating the service of Sh. Gangadhar Devaram Chanekar, worker, is just, fair and legal. The workman is not entitled to any relief.”

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1684.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बालाजी एसोसिएट्स, नागपुर; निदेशक, विश्वेश्वरैया राष्ट्रीय प्रौद्योगिकी संस्थान, नागपुर के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, वीएनआईटी कंट्राति मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/10/2023-24) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/199-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1684.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/10/2023-24) 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 **M/s Balaji Associates, Nagpur; The Director, Visvesvariya National Institute of Technology, Nagpur** and **The President, VNIT Kantrati Majdoor Sangh, Nagpur**.

[No. L-42025/07/2025/199-IR (DU)]

SALONI, Dy. Director

ANNEXURE

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

Case No.CGIT/NGP/10/2023-24

Date: 03.07.2025.

Party No.1:

1. M/s Balaji Associates,
Contractor, GS-37, Amar jyoti Palace,
Lokmat Square, Wardha Road, Nagpur,
Pin-440012.
2. The Director,
Visvesvariya National Institute of Technology,
South Ambajhari Road, Gopal Nagar, Nagpur
Pin-440022.

V/s.

Party No.2:

The President,
VNIT Kantrati Majdoor Sangh,
BMS Office, Behind Apana Bhandar,
Mandir Marg, Sitabuldi, Nagpur (MH).
Pin 440012.

AWARD(Dated: 03rd July, 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 Visvesvaraya National Institute of Technology Nagpur through its Director, M/s Balaji Associates, Nagpur, and their workmen/ The President, VNIT Kantrati Majdoor Sangh, Nagpur, for adjudication, as per letter **No. NGP/8(02)/2023-ID(RLC(C) dated 20.05.2023**, with the following schedule:-

“Whether the action of the management of Balaji Associates in not allowing 15 workmen (List of workmen mentioned below) to resume their work in the premises of Visvesvaraya National Institute of Technology, Nagpur w.e.f. 05/09/2022 is legal and justified? If not, to what relief the workmen are entitled to?”

List of workmen: 1. Naresh Sayam, 2. Dinesh Shende, 3. Mahesh Raut, 4. Amar Patil, 5. Mahendra Singh Parihar, 6. Akash Khadse, 7. Chudaman Thavkar, 8. Amit Takit, 9. Dhiraj Bhelkar, 10. Omkar Thavkar, 11. Eknath Patil, 12. Rajesh Raut, 13. Sanjay Raut, 14. Sushil Pandhare, 15. Niketan Thakur.

2. Case is called out. Both parties absent. From perusal of record, it is apparent that petitioner is not coming to the Court since 23.02.2024. 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 Balaji Associates in not allowing 15 workmen (List of workmen mentioned below) to resume their work in the premises of Visvesvaraya National Institute of Technology, Nagpur w.e.f. 05/09/2022 is legal and justified. The workmen are not entitled to any relief.

List of workmen: 1. Naresh Sayam, 2. Dinesh Shende, 3. Mahesh Raut, 4. Amar Patil, 5. Mahendra Singh Parihar, 6. Akash Khadse, 7. Chudaman Thavkar, 8. Amit Takit, 9. Dhiraj Bhelkar, 10. Omkar Thavkar, 11. Eknath Patil, 12. Rajesh Raut, 13. Sanjay Raut, 14. Sushil Pandhare, 15. Niketan Thakur.

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य महाप्रबंधक, एन.टी.पी.सी. मौदा, नागपुर; क्षेत्रीय कार्यकारी निदेशक, आईआरडी एनटीपीसी लिमिटेड, मुंबई; प्रबंध निदेशक, एनर्जो कंस्ट्रक्शन लिमिटेड, दिल्ली; महाप्रबंधक, एनर्जो कंस्ट्रक्शन लिमिटेड, नागपुर के प्रबंधतंत्र के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/11/2022-23) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/181/2022-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1685.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/11/2022-23) 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 Chief General Manager, N.T.P.C. Mouda, Nagpur; The Regional Executive Director, IRD NTPC Ltd., Mumbai; The Managing Director, Energo Construction Ltd., Delhi; The General Manager, Energo Construction Ltd., Nagpur and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur.

[No. L-42011/181/2022 -IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/11/2022-23

Date: 03.07.2025.

Party No.1:

1. The Chief General Manager,
N.T.P.C. Mouda,
Tah. Mouda, Nagpur-441104.
2. The Regional Executive Director, IRD
NTPC Ltd.,

2nd Floor, Samradhi Venture Park,
MIDC Marol, Andhrei (East) Chakla,
Mumbai-400093.

3. The Managing Director,
Energo Construction Ltd.
Regd. Office-Flat No. 906-907, Hemkunt
Tower 6, Rajendra Place, New Delhi Central
Delhi-110008.

4. The General Manager,
Energo Construction Ltd.,
NTPC Mouda, Tah-Mouda, Nagpur-441104.

V/s.

Party No.2:

The President,
Mouda Vij Prakalp Mazdoor Sangh,
House of Sh. Prem Rodekar, Tarsa Road,
Kanhana, Tah-Parsoni,
Nagpur-441404.

AWARD

(Dated: 03rd July, 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 NTPC Mouda, M/s Engro Construction Limited, Nagpur, and their workman Shri. Ritesh Dadarao Shende, for adjudication, as per letter **No. L-42011/181/2022 (IR(DU) dated 02.06.2022**, with the following schedule:-

"Whether the claim of Mouda Vij Prakalp Mazdoor Sangh, Nagpur vide letter dated 18.02.2021 that employment of Shri Ritesh Dadarao Shende is illegally terminated w.e.f. 23.12.2020 by the management of M/s Energo Construction Limited, Nagpur (contractor) at NTPC, Mouda, Nagpur, is proper, legal and justified? If yes, to what relief the disputant worker entitled? What other directions, if any, are necessary in this matter?"

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 15.05.2023 despite service of notices. No statement of claim and written statement have been filed by the parties respectively till today. 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 claim of Mouda Vij Prakalp Mazdoor Sangh, Nagpur vide letter dated 18.02.2021 that employment of Shri Ritesh Dadarao Shende is illegally terminated w.e.f. 23.12.2020 by the management of M/s Energo Construction Limited, Nagpur (contractor) at NTPC, Mouda, Nagpur, is improper, illegal and unjustified. The workman is not entitled to any relief.

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1686.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, नीरी, नागपुर; मेसर्स ग्रेट शेरलोक, पूर्व सैनिक सुविधा एवं सुरक्षा, नागपुर के प्रबंधन के संबद्ध नियोजकों और महासचिव, सुरक्षा रक्षक श्रमिक संगठन, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/18/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/167-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1686.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **CGIT/NGP/18/2024**) 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 Director, NEERI, Nagpur; M/s. Great Sherlock, Ex- Serviceman's Facility & Security, Nagpur** and **The General Secretary, Surasha Rakshak Shramik Sangathan, Nagpur.**

[No. L-42025/07/2025/167-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/18/2024

Date: 21.08.2025.

Party No.1:

1. The Director,
NEERI, Nehru Marg,
Wardha Road, Nagpur - 440025
2. M/s. Great Sherlock,
Ex- Serviceman's Facility & Security,
Management Pvt. Ltd. 3, Suyog Apartment,
Opp. Bank of Baroda, Trimurti Nagar,
Bus Stop, Nagpur- 440022

V/s.

Party No.2:

The General Secretary,
Surasha Rakshak Shramik Sangathan,
(Vidarbha Pradesh), 5/2, Somwaru Quarter,
Near E.S.I. Hospital, Nagpur – 440024.

AWARD

(Dated: 21st August, 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 NEERI Nagpur, M/s. Great Sherlock Ex- Serviceman's Facility & Security Management Pvt. Ltd and the applicant, Shri. Uma Pratap Sharma for adjudication vide No. NGP-8(04)/2024-ID(ALCNGP) dt. 31/03/2024, with the following issues framed: -

"Whether the action of the management of the Great Sherlock Ex-Servicemen facility & Security Management Private Limited (Contractor of National Environment Engineering Research Institute, Nagpur) in terminating the service of their workman Shri. Uma Pratap Sharma & others workmen, is legal and justified? If not, to what relief the Union/Workmen are entitled to?"

2. Case is called out. Both the parties absent despite service of notices. No Statement of Claim and Written Statement have been filed by the parties till today. No other evidence has been filed by the petitioner to prove his case. The petitioner is not coming to the court despite service of notices. It appears that the petitioner 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 Great Sherlock Ex-Servicemen facility & Security Management Private Limited (Contractor of National Environment Engineering Research Institute, Nagpur) in terminating the service of their workman Shri. Uma Pratap Sharma & others workmen, is legal and justified. The Union/Workmen are not entitled to any relief."

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1687.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अधीक्षण पुरातत्वविद् (प्रभारी), भारतीय पुरातत्व सर्वेक्षण, नागपुर; वरिष्ठ संरक्षण सहायक, भारतीय पुरातत्व सर्वेक्षण, के प्रबंधन के संबद्ध नियोजकों और श्री मारोती एल. चौधरी, महाराष्ट्र के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/20/2022-23) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/201-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1687.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/20/2022-23) 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 Superintending Archaeologist (I/C), Archaeological Survey of India Nagpur; The Sr. Conservation Assistant Archeological Survey of India and Shri. Maroti L. Choudhary, Maharashtra.**

[No. L-42025/07/2025/201-IR (DU)]

SALONI, Dy. Director

ANNEXURE

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

Case No. CGIT/NGP/20/2022-23

Date: 29.08.2025.

Party No.1:

The Superintending Archaeologist (I/C),
Archaeological Survey of India Nagpur &
The Sr. Conservation Assistant Archeological
Survey of India, Puratva 2nd Floor Bungalow
No. 11, Seminary Hills.

V/s.

Party No.2:

Shri. Maroti L. Choudhary,
Gautam Nagar Ward Near Mahakali,
Temple, Chandrapur, MH -442401

AWARD

(Dated: 29th August, 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 The Superintending Archaeologist (I/C), Archaeological Survey of India Nagpur & The Sr. Conservation Assistant Archeological Survey of India & and the applicant, Shri. Maroti L. Choudhary for adjudication vide No. ALCH-8(05)/2022-ID dt. 16.06.2022, with the following issues framed: -

"Whether the demand of the workman Shri Maroti L. Choudhary for re-instatement in services as Casual Labour (in the establishment of Archaeological Survey of India), is legal and justified? If yes, to what relief the Union/Workman is entitled to?"

2. Case is called out. Both parties are absent. From perusal of record, it is apparent that both parties are not responding and attending the court since 04.04.2023. Accidently, on 13.11.2024 leaned counsel for the petitioner was present but today both parties are absent. The petitioner has not filed his Statement of Claim till today. No other evidence has been filed by the petitioner to prove his case. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

"The demand of the workman Shri Maroti L. Choudhary for re-instatement in services as Casual Labour (in the establishment of Archaeological Survey of India), is illegal and unjustified. The Workman is not entitled to any relief."

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1688.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मानव संसाधन अधिकारी, मेसर्स प्रताप टेक्नोक्रेट्स प्राइवेट लिमिटेड, नागपुर के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, भारतीय व्यापार संघ केंद्र, अमरावती के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/27/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/202-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1688.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/27/2024) 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 Human Resource Officer, M/s Pratap Technocrats Pvt. Ltd., Nagpur** and **The President, Center of Indian Trade Union, Amrawati.**

[No. L-42025/07/2025/202-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/27/2024

Date: 28.08.2025.

Party No.1: The Human Resource Officer,
M/s Pratap Technocrats Pvt. Ltd.,
17/2, IT Park, Parsodi, Gayatri Nagar
Road, Nagpur - 440022

V/s.

Party No.2: The President,
Center of Indian Trade Union,
2nd Floor, Jaipurwala Tower, Gandhi,
Square, Amrawati - 444605.

AWARD

(Dated: 28th August, 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 M/s Pratap Technocrats Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur and the applicant, Shri. Prakash Surpaithankar and Shri. Anil Pradhan for adjudication vide No. NGP-8(08)/2024-ID (RLCNGP) dt. 01/10/2024, with the following issues framed: -

"Whether the action of the management of M/s Pratap Technocrats Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur in terminating the service of their workman Shri. Prakash Surpaithankar and Shri. Anil Pradhan W.E.F. 05.10.2023 is just, fair and legal? If not, to what relief the Union/Workmen are entitled to?"

2. Case is called out. Both parties are absent despite service of notices. The petitioner has not filed his Statement of Claim till today. No other evidence has been filed by the petitioner to prove his case. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

“The action of the management of M/s Pratap Technocrates Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur in terminating the service of their workman Shri. Prakash Surpaithankar and Shri. Anil Pradhan W.E.F. 05.10.2023 is just, fair and legal. The Union/Workmen are not entitled to any relief.”

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1689.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मानव संसाधन अधिकारी, मेसर्स प्रताप टेक्नोक्रेट्स प्राइवेट लिमिटेड, नागपुर के प्रबंधन के संबंधित नियोजकों और अध्यक्ष, भारतीय व्यापार संघ केंद्र, अमरावती के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/28/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/204-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1689.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/28/2024) 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 Human Resource Officer, M/s Pratap Technocrates Pvt. Ltd., Nagpur** and **The President, Center of Indian Trade Union, Amrawati.**

[No. L-42025/07/2025/204-IR (DU)]

SALONI, Dy. Director

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

Case No. CGIT/NGP/28/2024

Date: 28.08.2025.

Party No.1:

The Human Resource Officer,
M/s Pratap Technocrates Pvt. Ltd.,
17/2, IT Park, Parsodi, Gayatri Nagar
Road, Nagpur - 440022

V/s.

Party No.2:

The President,
Center of Indian Trade Union,
2nd Floor, Jaipurwala Tower, Gandhi,
Square, Amrawati - 444605.

AWARD(Dated: 28th August, 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 M/s Pratap Technocrates Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur and the applicant, Shri. Washim Khan Pathan for adjudication vide No. NGP-8(10)/2024-ID (RLCNGP) dt. 01/10/2024, with the following issues framed: -

"Whether the action of the management of M/s Pratap Technocrates Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur in terminating the service of their workman Shri. Washim Khan Pathan W.E.F. 01.08.2023 is just, fair and legal? If not, to what relief the Union/Workman is entitled to?"

2. Case is called out. Both parties are absent despite service of notices. The petitioner has not filed his Statement of Claim till today. No other evidence has been filed by the petitioner to prove his case. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

"The action of the management of M/s Pratap Technocrates Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur in terminating the service of their workman Shri. Washim Khan Pathan W.E.F. 01.08.2023 is just, fair and legal. The Union/Workman is not entitled to any relief."

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1690.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मानव संसाधन अधिकारी, मेसर्स प्रताप टेक्नोक्रेट्स प्राइवेट लिमिटेड, नागपुर के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, भारतीय व्यापार संघ केंद्र, अमरावती के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/29/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/205-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1690.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/29/2024) 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 Human Resource Officer, M/s Pratap Technocrates Pvt. Ltd., Nagpur** and **The President, Center of Indian Trade Union, Amrawati.**

[No. L-42025/07/2025/205-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/29/2024

Date: 13.08.2025.

Party No.1:

The Human Resource Officer,
M/s. Pratap Technocrates Pvt. Ltd.,
17/2, IT Park, Parsodi, Gayatri Nagar
Road, Nagpur - 440022

V/s.

Party No.2:

The President,
Center of Indian Trade Union,

2nd Floor, Jaipurwala Tower, Gandhi
Square, Amravati - 444605

AWARD

(Dated: 13th August, 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 M/s. Pratap Technocrates Pvt. Ltd and the applicant, Shri. Hemant Shilankar and Shri. Sanjay Mohadikar for adjudication vide No. NGP/08(07)/2024-ID (RLCNGP) dt. 01/10/2024, with the following issues framed: -

"Whether the action of the management of M/s. Pratap Technocrates Pvt. Ltd in terminating the service of the workman Shri. Hemant Shilankar And Shri. Sanjay Mohadikar W.E.F. 05.10.2023 is just, fair and legal? If not, to what relief the union/workmen are entitled to?"

2. Case is called out. Both the parties are absent. From perusal of record, it is apparent that the notices have been served to the parties respectively but despite service of notices they are not present before the court. The petitioner has not filed statement of claim till date. The petitioner has also not filed any other evidence to prove his case. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

"The action of the management of M/s. Pratap Technocrates Pvt. Ltd in terminating the service of the workman Shri. Hemant Shilankar And Shri. Sanjay Mohadikar W.E.F. 05.10.2023 is just, fair and legal. The workman is not entitled to any relief".

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1691.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मानव संसाधन अधिकारी, मेसर्स प्रताप टेक्नोक्रेट्स प्राइवेट लिमिटेड, नागपुर के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, भारतीय व्यापार संघ केंद्र, अमरावती के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/30/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/206-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1691.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/30/2024) 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 Human Resource Officer, M/s Pratap Technocrates Pvt. Ltd., Nagpur** and **The President, Center of Indian Trade Union, Amrawati.**

[No. L-42025/07/2025/206-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/30/2024

Date: 19.08.2025.

Party No.1:

The Human Resource Officer,
M/s. Pratap Technocrates Pvt. Ltd.,
17/2, IT Park, Parsodi, Gayatri Nagar
Road, Nagpur – 4400022.

V/s.

Party No.2:

The President,
Centre of Indian Trade Union,
2nd Floor, Jaipurwala Tower, Gandhi
Square, Amravati - 444605

AWARD(Dated: 19th August, 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 Pratap Technocrates Pvt. Ltd., Prasodi, Gayatri Nagar Road, Nagpur and the applicant, Shri. Laxman Marode for adjudication vide No. NGP/8(05)/2024-ID(RLCNGP) dt. 01/10/2024, with the following issues framed: -

"Whether the action of the management of Pratap Technocrates Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur in terminating the service of the workman Shri. Laxman Marode W.E.F. 05.10.2023 is just, fair and legal? If not, to what relief the Union/Workman is entitled to?"

2. Case is called out. Both parties are absent, despite service of notices, petitioner has not filed his Statement of Claim till date. No other evidence has been filed by the petitioner to prove his case. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

"The action of the management of Pratap Technocrates Pvt. Ltd., Parsodi, Gayatri Nagar Road, Nagpur in terminating the service of the workman Shri. Laxman Marode W.E.F. 05.10.2023 is just, fair and legal. The workman is not entitled to any relief.

(Justice (RETD.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1692.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मानव संसाधन प्रमुख, टाटा कंसल्टेंसी सर्विसेज लिमिटेड, नागपुर के प्रबंधन के संबद्ध नियोजकों और श्री पवन सिंह, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या- सीजीआईटी/एनजीपी/39/2022-23) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/203-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1692.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **CGIT/NGP/39/2022-23**) 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 HR Head, Tata Consultancy Services Ltd., Nagpur** and **Shri. Pawan Singh, Nagpur**.

[No. L-42025/07/2025/203-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/39/2022-23

Date: 29.08.2025.

Party No.1:

The HR Head,
Tata Consultancy Services Ltd.,
Mihan SEZ, Village – Dahegaon,

Survey No. 72, Post – Khapri,
Nagpur - 440013.

V/s.

Party No.2: Shri. Pawan Singh,
Plot No. 61 Narmada Society,
Mahadev Ashram, Gorewada,
Nagpur - 440013

AWARD

(Dated: 29th August, 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 The HR Head, Tata Consultancy Services Ltd., Mihaan SEZ, Village – Dahegaon, Survey No. 72, Post – Khapri, Nagpur & and the applicant, Shri. Pawan Singh for adjudication vide No. NGP/7(02)/2023-ID dt. 07.02.2023, with the following issues framed: -

“Whether the workman (Shri Pawan Singh) was terminated from the services or forced to resign without assigning any reason on 15.12.2021 by the management (Tata Consultancy Services Ltd.)? If so whether the action of the management is legal and justified? If not, to what relief the workman is entitled to?”

2. Case is called out. Shri. Rahul Pulewar, Legal Compliance Officer is present on behalf of respondent today in court but on repeated calls no one is present on behalf of petitioner. Although, Statement of Claim and Written Statement has been filed by the parties respectively but no other evidence has been filed by the petitioner to prove his case. The 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 termination of workman Shri Pawan Singh on 15.12.2021 was legal and justified. The workman is not entitled to any relief.”

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1693.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय कार्यकारी निदेशक, आईआरडी, मुंबई; मुख्य महाप्रबंधक, एनटीपीसी, नागपुर; महाप्रबंधक, मेसर्स यूटिलिटी पावरटेक लिमिटेड, ग्राउंड फ्लोर, नागपुर; श्री एस.के. सिंह, मुख्य चिकित्सा अधिकारी, आयुष अस्पताल, नागपुर; प्रबंधक, मेसर्स गौरी इन्फोटेक, नागपुर; प्रबंधक, मेसर्स गौरी इन्फोटेक, नागपुर के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, मौदा विज प्रकल्प मजदूर संघ, नागपुर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय नागपुर (संदर्भ संख्या-सीजीआईटी/एनजीपी/12/2022-23) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/184/2022-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1693.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **CGIT/NGP/12/2022-23**) 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 Regional Executive Director, IRD, Mumbai; The Chief General Manager, NTPC, Nagpur; The General Manager, M/s Utility Powertech Ltd, Ground Floor, Nagpur; Shri S.K. Singh, Chief Medical Officer, Ayush Hospital, Nagpur; The Manager, M/s Gauri Infotech, Nagpur; The Manager, M/s Gauri Infotech, Nagpur and The President, Mouda Vij Prkalp Mazdoor Sangh, Nagpur.**

[No. L-42011/184/2022-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/12/2022-23

Date: 03.07.2025.

Party No.1:

1. The Regional Executive Director, IRD,
NTPC Ltd., 2nd Floor, Samradhi Venture Park,
MIDC Marol, Andheri (East), Chakla,
Mumbai – 400093.
2. The Chief General Manager,
NTPC, Mouda, Tah. – Mouda,
Nagpur – 441104.
3. The General Manager,
M/s Utility Powertech Ltd, Ground Floor,
Shopping Complex, Utkarsh Nagar, Mouda,
PO: Mouda, Nagpur – 441104.
4. Shri S.K. Singh, Chief Medical Officer,
Ayush Hospital, NTPC Mouda, Nagpur,
Pin – 441100.
5. The Manager,
M/s Gauri Infotech,
73, Shrikrishna Nagar, Nagpur – 440008.
6. The Manager,
M/s Gauri Infotech,
NTPC Mouda, Tah. – Mouda,
Nagpur – 441104.

V/s.

Party No.2:

The President,
Mouda Vij Prkalp Mazdoor Sangh,
House of Sh. Prem Rodekar, Tarsa Road,
Kanhani, Tah-Parsoni,
Nagpur-441404.

AWARD

(Dated: 03rd July, 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 NTPC Mouda, M/s Gauri Infotech, Nagpur, and their workman Miss Shabnam Khan, for adjudication, as per letter **No. L-42011/184/2022 (IR(DU) dated 03.06.2022**, with the following schedule:-

“Whether the disengagement of Miss Shabnam Khan as physiotherapist w.e.f. 29.11.2020 by the management of M/s Gauri Infotech, Nagpur as raised by Mouda Vij Prakalp Mazdoor Sangh, Nagpur vide letter dated 10.02.2021 is proper, legal and justified? If not, to what relief including reinstatement the disputant is entitled and what directions, if any, are necessary in the matter?”

2. Case is called out. Learned Counsel for the respondent No. 3 Shri A.K. Neware is present before the Court. No one is present on behalf of the petitioner as well as rest of the respondents despite service of notices. No statement of claim and written statement have been filed by the parties respectively till today. Petitioner is not coming to the Court since 07.07.2022. It appears that petitioner 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 disengagement of Miss Shabnam Khan as physiotherapist w.e.f. 29.11.2020 by the management of M/s Gauri Infotech, Nagpur as raised by Mouda Vij Prakalp Mazdoor Sangh, Nagpur vide letter dated 10.02.2021 is proper, legal and justified. The disputant is not entitled to any relief.

(Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer)

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1694.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स वर्सेड डिटेक्टिव एंड सिक्योरिटीज़ प्राइवेट लिमिटेड, गुडगांव, हरियाणा; डीएमआरसी, मेट्रो भवन, दिल्ली के प्रबंधन के संबद्ध नियोजकों और श्री कपिल कुमार, दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-1 नई दिल्ली पंचाट(संदर्भ संख्या 106/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/76/2017-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1694.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 106/2018) of the **Central Government Industrial Tribunal cum Labour Court – I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Varsed Detective and Securities Pvt. Ltd., Gurgaon, Haryana; DMRC, Metro Bhawan, Delhi** and **Sh. Kapil Kumar, Delhi.**

[No. L-42012/76/2017-IR (DU)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No.106/2018

Sh. Kapil Kumar S/o Sh. Nand Lal, R/o H.No. 144, First Floor, Gali No.5, Nehru Gali, F-2 Block, West Sant Nagar, Buradi, Delhi-110084.

...Claimant

Versus

1. M/s Varsed Detective and Securities Pvt. Ltd., Plot No. 61, First Floor, Sector-18, Maruti Industrial Area Opposite HIPA, Gurgaon, Haryana.
2. DMRC, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, Delhi-110001.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42012/76/2017 (IR(DU)) dated 29.01.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

‘Whether the services of Sh. Kapil Kumar S/o Sh. Nand Lal from establishment of Delhi Metro Rail Corporation (DMRC) have been terminated illegally and/or unjustifiably by M/s Varsed Detective and Securities Pvt. Ltd. and if so, what relief is he entitled to and what directions are necessary in this respect?’

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Claim statement was filed on behalf of the claimant.

3. rebuttal written statement was also filed by both the managements. Thereafter, issues were framed. After that, none appeared on behalf of the claimant despite serving notice to substantiate his claim.

4. Hence, in these circumstances this tribunal has no option except to pass the no dispute award. No dispute award is passed accordingly. File is consigned to the record room. A copy of this award is hereby send to the appropriate government for notification under section 17 of the I.D. Act, 1947.

Date: 18.07.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, लार्सन एंड टुब्रो लिमिटेड, नई दिल्ली; निदेशक, मेसर्स एक्सेल सिक्योरिटी, गुडगांव; मुख्य परियोजना प्रबंधक, दिल्ली मेट्रो रेल कॉर्पोरेशन, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और श्री बृजपाल सिंह एवं 7 अन्य, दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट (संदर्भ संख्या 169/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है !

[सं. एल-42011/154/2017-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1695.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 169/2018) of the **Central Government Industrial Tribunal cum Labour Court – I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Larsen & Toubro Ltd., New Delhi ; The Director, M/s Excel Security, Gurgaon; Chief Project Manager, Delhi Metro Rail Corporation, New Delhi and Sh. Brijpal Singh & 7 others, Delhi..**

[No. L-42011/154/2017-IR (DU)]

SALONI, Dy. Director

ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.**

ID No.169/2018

Sh. Brijpal Singh & 7 others Through Pragatisheel Mazdoor Sangh I-148 & 161, Karampura, Delhi-110016.

...Claimant

Versus

1. The Director, Larsen & Toubro Ltd., CC-17 Project, 15, Shivaji Marg, New Delhi-110015.

2. The Director, M/s Excel Security, Excel House, MG Road, Sukrali, Gurgaon, Haryana-122001.

3. Chief Project Manager, Delhi Metro Rail Corporation, Opp. Inderlok Metro Station, Shahzada Bagh, New Delhi-110035.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/154/2017 (IR(DU)) dated 06.04.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the workmen Sh. Brijpal Singh and seven others (Listed in Part-II of FoC), employed as Security Guards/Gunmen from 01.08.2014 to 28.07.2015 by M/s Excel Security under the contract with M/s Larsen & Toubro Ltd. in the establishment of CPM-2, Delhi Metro Rail Corporation have been illegally and/or unjustifiably terminated? If so, what relief is the workmen entitled to and what directions are necessary in this respect?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Claim statement was filed. Rebuttal written statement was also filed Management No. 1 and 3.

3. After that, none appeared on behalf of the claimant to substantiate his claim.

4. Hence, in these circumstances this tribunal has no option except to pass the no dispute award. No dispute award is passed accordingly. File is consigned to the record room. A copy of this award is hereby send to the appropriate government for notification under section 17 of the I.D. Act, 1947.

Date: 30.05.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्राचार्य, राजकुमारी अमृत कौर नर्सिंग कॉलेज, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और श्रीमती रोजी, नई दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट(संदर्भ संख्या 241/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/66/2017-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1696.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 241/2018) of the **Central Government Industrial Tribunal cum Labour Court – I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Principal, Raj Kumari Amrit Kaur College of Nursing, New Delhi** and **Mrs. Roji, New Delhi**.

[No. L-42012/66/2017-IR (DU)]

SALONI, Dy. Director

ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.**

ID No.241/2018

Mrs. Roji W/o Sh. Pradeep Sahota, R/o House No. 8-A/93, DDA, Janta Flats, Trilokpuri, New Delhi-110024.

...Claimant

Versus

The Principal, Raj Kumari Amrit Kaur College of Nursing, Lajpat Nagar-IV, New Delhi-110024.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42012/66/2017 (IR(DU)) dated 28.08.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

‘Whether the services of the workman Mrs. Roji W/o Sh. Pradeep Sahota who was working on the post of warden w.e.f. 16.08.2013 have been terminated w.e.f. 21.12.2015 illegally and/or unjustifiably by the Management (Principal, Raj Kumari Amrit Kaur College of Nursing Lajpat Nagar, New Delhi), and if so to what relief is she entitled and what directions are necessary in this respect?’

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Claim statement was filed on behalf of the claimant.

3. Rebuttal written statement was also filed by the management. Thereafter, claimant stopped appearing to substantiate her claim.

4. Hence, in these circumstances this tribunal has no option except to pass the no dispute award. No dispute award is passed accordingly. File is consigned to the record room. A copy of this award is hereby send to the appropriate government for notification under section 17 of the I.D. Act, 1947.

Date: 21.07.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2025

का.आ. 1697.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय निदेशक, इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय, क्षेत्रीय केंद्र-II, राजघाट, नई दिल्ली के प्रबंधतंत्र के संबद्ध नियोजकों और श्री प्रदीप कुमार, दिल्ली के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- 1 नई दिल्ली पंचाट (संदर्भ संख्या 297/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/69/2018-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 15th September, 2025

S.O. 1697.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 297/2018) of the **Central Government Industrial Tribunal cum Labour Court – I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Regional Director, Indira Gandhi National Open University, Regional Center-II, Raj Ghat, New Delhi** and **Sh. Pardeep Kumar, Delhi**.

[No. L-42011/69/2018-IR (DU)]

SALONI, Dy. Director

ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.**

ID No. 297/2018

Sh. Pardeep Kumar S/o Sh. Sohan Lal, rept. through General Udyog Karamchari Union, B-82, Gali No. 7, West Karawal Nagar, Delhi-110094.

...Claimant

Versus

Regional Director, Indira Gandhi National Open University, Regional Center-II, Raj Ghat, New Delhi-110002.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/69/2018 (IR(DU)) dated 25.10.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the claim of the union against the termination of services of Sh. Pardeep Kumar, attendant group D w.e.f. 25.04.2017 (Working since 2.5.2013) upon the management of Regional Center-II, Raj Ghat, New Delhi and demand of reinstatement with full back wages with continuity of services along with all other attendant benefits is legal and justified? If so, what benefits he is entitled to and what directions are necessary in the case?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the management. Both parties had put their appearances through Shri Pradeep Kaushik and Ms. Harsh Chachra respectively. However, claimant had not filed statement of claim. On 30.01.2019, it was submitted on behalf of the claimant that claimant had filed an application before the appropriate Government for correction of name of the union. However, no corrigendum has been received. Claimant has not been appearing in this tribunal since the year 2021 though, notice was issued to him for appearance.

4. In these circumstances, when the claimant is not pursuing his case, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 05.08.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 16 सितम्बर, 2025

का.आ. 1698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 20/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/09/2025 को प्राप्त हुआ था।

[सं. एल-22011/7/2017-आईआर (सी. एम.-II)]

सलोनी, उप निदेशक

New Delhi, the 16th September, 2025

S.O. 1698.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 20/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and **their workmen** received by the Central Government on **08/09/2025**

[No. L-22011/7/2017- IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

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

(Present:- Mr. Kamal Kant, Presiding Officer).

ID No.20/2017

Registered on:-21.03.2018

Food Corporation of India Shramik Union, through its General Secretary, 2715, 2nd floor, Gali No.7, Chuna Mandi, Near Sangatrashan Police Chowki, Paharganj, New Delhi-110055.

----- Union

Versus

1. The General Manager, Food Corporation of India, Regional Office, Sector 31-A Bay No.34-38, Chandigarh.
2. Area Manager, FCI, District Office, SCO 48, Ladowali Road, Jalandhar City-144001.

----Respondents

Present:- Sh. S C Gupta, AR for union.
None for respondent no.1 and 2.

Award : 25.07.2025

Central Government vide Notification No.L-22011/7/2017 (IR(CM-II) dated 28.02.2018, under 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 the action of the management of FCI in converting FCI, FSD, Banga and its concerned Rail Head and Nawanshahar railhead working under departmental workers system into contract labour system and removing departmental labour from there is legal, fair and justified? If not, what relief the union and workmen are entitled to and from which date?”

1. The matter is fixed for cross examination of witness of union. However, today, AR for union vide his separate statement stated that as per telephonically instructions from the General Secretary of the Union Mr. Umesh Gupta, he withdraws the present reference. The same may be returned to the Ministry as withdrawn.
2. In view of the statement of AR for union, 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, 16 सितम्बर, 2025

का.आ. 1699.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्य अस्पताल, अंबाला कैंट, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, चंडीगढ़ 1, के पंचाट (संदर्भ संख्या **80/2014,81/2014,82/2014,83/2014,84/2014,85/2014,86/2014 और 87/2014**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **8/09/2025** को प्राप्त हुआ था।

[सं. एल-14012/06/2014-आईआर (डीयू)]
[सं. एल-14012/07/2014-आईआर (डीयू)]
[सं. एल-14012/08/2014-आईआर (डीयू)]
[सं. एल-14012/09/2014-आईआर (डीयू)]
[सं. एल-14012/10/2014-आईआर (डीयू)]
[सं. एल-14012/11/2014-आईआर (डीयू)]
[सं. एल-14012/12/2014-आईआर (डीयू)]
[सं. एल-14012/13/2014-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 16th September, 2025

S.O. 1699.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref.No. 80/2014,81/2014,82/2014,83/2014,84/2014/85/2014,86/2014 and 87/2014**) of **the Central Government Industrial Tribunal-cum-Labour Court,Chandigarh-1** as shown in the Annexure, in the industrial dispute between the Management of **Military Hospital,Ambala Cantt,** and **their workmen** received by the Central Government on **08/09/2025**

[No. L-14012/06/2014-IR (DU)]

[No. L-14012/07/2014-IR (DU)]

[No. L-14012/08/2014-IR (DU)]

[No. L-14012/09/2014-IR (DU)]

[No. L-14012/10/2014-IR (DU)]

[No. L-14012/11/2014-IR (DU)]

[No. L-14012/12/2014-IR (DU)]

[No. L-14012/13/2014-IR (DU)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Presiding Officer: Sh. Brajesh Kumar Gautam, H.J.S.

1. **ID No. 80/2014, Registered on 09.05.2014,** Tila Rani W/o Sh. Vishnu Bahadur, R/o H.No.658, Housing Board Colony, Sector 7, Ambala City, Haryana. Arising out of Reference No.L-14012/06/2014-IR (DU) dated 30.04.2014.
2. **ID No. 81/2014, Registered on 09.05.2014,** Sunita W/o Sh. Vinod Kumar R/o H.No.249, B.C, Bazaz, Ambala City. Arising out of Reference No.L-14012/07/2014-IR (DU) dated 30.04.2014.
3. **ID No. 82/2014, Registered on 09.05.2014,** Meena W/o Sh. Raj Kumar R/o H.No.152, Durand Road, Near Church, MES Pain Tanki, Ambala Cantt, Ambala, Haryana. Arising out of Reference No.L-14012/08/2014-IR (DU) dated 30.04.2014.
4. **ID No. 83/2014, Registered on 09.05.2014,** Kirna W/o Sh. Naresh Kumar R/o H.No.751, Sikligar Mohalla, Ram Bag Road, Ambala Cantt, Ambala, Haryana. Arising out of Reference No.L-14012/09/2014-IR (DU) dated 30.04.2014.
5. **ID No. 84/2014, Registered on 09.05.2014,** Seema W/o Sh. Rajesh Kumar R/o H.No.47, Shalimar Bag Road, Ambala Cantt, Ambala, Haryana. Arising out of Reference No.L-14012/10/2014-IR (DU) dated 30.04.2014.
6. **ID No. 85/2014, Registered on 09.05.2014,** Soma Devi W/o Sh. Ramesh Kumar R/o H.No.101, Topkhana Bazar, Ambala Cantt., Ambala Haryana. Arising out of Reference No.L-14012/11/2014-IR (DU) dated 30.04.2014.
7. **ID No. 86/2014, Registered on 09.05.2014,** Sushma W/o Sh. Rajesh Kumar R/o H.No.733, Sikligar Mohalla, Ambala Cantt, Ambala, Haryana. Arising out of Reference No.L-14012/12/2014-IR (DU) dated 30.04.2014.
8. **ID No. 87/2014, Registered on 09.05.2014,** Geeta Rani W/o Sh. Arun Kumar R/o H.No.747, Ram Bag Road, Ambala Cantt, Ambala, Haryana. Arising out of Reference No.L-14012/13/2014-IR (DU) dated 30.04.2014.

.....**Workmen**

Versus

The commandant, Military Hospital, Ambala Cantt., Ambala (Haryana).

.....**Management**

Sh. Bir Singh Pathania AR for Workman

Ms. Veena Bhutani AR for Management

Judgment reserved on 17th July, 2025

Judgment Pronounced on 14th August, 2025

JUDGMENT/ AWARD

1. Above noted all industrial dispute cases have arisen and registered on the basis of similar nature of References as received from the Government of India, Labour Ministry. In all these cases the opposite party is same, cause of action also similar and same set of facts have been pleaded in respective claim statements of the workmen, therefore these all seven Industrial Dispute cases are being decided by a common Judgment/ Award.

2. It is also important to be noted that all these cases which were registered on 9th May in the year 2014 on the basis of separate references of similar nature and of same date i.e. 30.04.2014 raising same issue of legality and fairness in respect of termination of services of above noted workmen by the management of Military Hospital, Ambala Cantt, Haryana. It is to be noted that vide order dated 25.08.2015 above noted all the Industrial Dispute Cases were consolidated making ID Case No.80/2014 titled as Tila Rani Versus Military Hospital as leading case.

3. **The case of Workmen/ Petitioners-** From the perusal of individual claim statements in these cases it appears that workmen Tila Rani was appointed on 01.01.2007, Sunita appointed on 05.06.2008, Meena appointed on 01.08.2006, Kirna appointed on 01.08.2006, Seema appointed on 01.08.2006, Soma Devi appointed on 03.09.2006, Sushma appointed on 02.02.2007 and Geeta Rani appointed on 03.08.2006 as Ward Sahayika on different dates noted hereinabove on temporary basis. The services of workmen with the respondent/ management were on daily wages basis but they worked without any break for several years and were paid less than the prescribed rates. They were assured at the time of initial appointment/ joining that they could be regularized as and when vacancies sanctioned. The Military Hospital was taking work for 9 hours a day from 8:00 AM to 17:00 PM. No steps were taken to regularize their services although regular post of Ward Sahayikas were existing. The workmen/ petitioners made several representations before Military Hospital Authorities from time to time to enhance the wages and regularize but refused. Military Hospital Authorities were requested several times for enhancement of wages and regularization of services as promised at the time of joining but every time instead of taking any action on the repeated request the workman were threatened termination of their services. Further case of workman has been that they approached Labour Welfare Officer cum Reconciliation Officer and Authority appointed under Minimum Wages Act, 1948, Ambala with a prayer to direct the Military Hospital to pay minimum rates of wages but prayer has been dismissed for want of jurisdiction by the concerned authority. Vide letter dated 19.05.2009 a cyclostyled agreement was directed by Military Hospital to be signed by these workman but said agreement was not signed and submitted, whereupon the workman were threatened with non regularization and termination of their services. It is further case of workman that on 01.06.2009 these workman received one line order that their services were terminated w.e.f. 19.05.2009 and they were not allowed to enter into Military Hospital premises. Neither salary for the month of May, 2009 was given nor any show cause notice was issued and without holding any enquiry with malafide intention, taking arbitrary action practicing unfair labour practice the workmen were terminated in gross violation of principle of natural justice. According to these workmen there is no compliance of provisions contained in Section 25 (F) of the Industrial Dispute Act as neither any notice nor any pay in lieu of notice was given to them. It is stated in the claim petition that Ward Sahayika who were employed subsequent to the appointment of these workmen and were junior to them in service have been retained which is in violation of provisions contained in Section 25 G, 25 H of the Industrial Dispute Act. According to these workmen the termination of their services is wholly illegal, unlawful, arbitrary, discriminatory and against the Sections 25 F, 25 G, 25 H of the ID Act as well as against the provisions of Minimum Wages Act and principles of natural justice. In all above noted Industrial Dispute Cases the Workmen have sought relief of payment of their respective dues ranging from Rs.60,000/- to Rs.70,000/-, except in case of ID No.81/2014 (Smt. Sunita), wherein the claim of Rs.28,000/- has been made alongwith interest @12% per annum from the date when the amount became due till actual payment. Reinstatement with full back wages has also been prayed in all above noted Industrial Dispute Cases.

4. **The case of Management-** In response to the notices issued in above noted all the cases, the respondent-management appeared and contested the claim of these workmen by filing reply/ written statement in all the cases. The contents of reply/ written statements filed on behalf of contesting management is by and large same in all the above noted cases. According to the management this Tribunal has no jurisdiction to entertain and try the reference and claim of the workman as Military Hospital, Ambala is not covered under the definition of Industry as per Industrial Dispute Act. The claims of workmen are time barred. They were engaged only upto 18.05.2009 as contractual labourer and claim has been raised in year 2014 which is hopelessly time barred. The further case of management has been that the claim of workmen is also barred by doctrine of res-judicata, as they have preferred different petitions before different Judicial Forums and they could not get any relief. According to management these applicants had previously filed a petition before Central Administrative Tribunal Bench, Chandigarh on same cause of action and it was dismissed by Central Administrative Tribunal Bench vide order dated 09.05.2013. Labour Welfare Officer cum Reconciliation Officer and the authority appointed under Minimum Wages Act, 1948, Ambala had also dismissed the applications of these workers/ workmen for payment of minimum wages vide order dated 30.11.2010. These workmen also approached Assistant Labour Commissioner, Karnal and the said Assistant Labour Commissioner Central vide order dated 21.02.2014 recorded that no amicable settlement could be arrive between the parties, hence the conciliatory efforts ended in failure. It is also stated by management that earlier these workmen had filed claim petition under Section 33 C (2) of ID Act, 1947 and same have also been dismissed. While replying to the para wise contents of claimants workman it is stated by the management in its reply that the workman were engaged purely on temporary and contractual basis. They wilfully

became absent without any prior intimation and therefore their engagement was terminated. It has been denied by the management that working hours from 08:00 Hours to 17:00 Hours daily. It is denied by the management that less payment was made to them. According to management as per agreement the amount was being paid to them. At no point of time respondent management had promised to regularize them. Further case of management has been that the worker/workmen were never engaged on regular basis and they were never selected as per rules of Government of India. Management has denied making of any applications/ representations to the Military Hospital Authorities by these workmen for enhancement of wages. It is denied that at any point of time Military Hospital Authorities has threatened the workmen for terminating their services as alleged by them in their respective claim petitions. According to contesting respondent management Military Hospital is not Industry and therefore, question of compliance of Section 25 Industrial Dispute Act does not arise. It is denied that workmen were terminated with malafide intentions and they were cheated. The worker/ Workmen had already been paid as per Agreement and work done by them for the period they remained engaged on temporary basis no cause of action is there in favour of these workmen and they are not entitled for any relief as prayed by them in respective claim petitions.

5. Notably against the reply/ written statement filed on behalf of contesting management, replications on behalf of these workmen have been filed reiterating the same factual contents in all the respective replications. It may be however, noticed that above noted workmen have admitted in their respective replications that they had approached various judicial forums for redressal of their grievances including application under Section 33 C (2) of the ID Act which were dismissed.

6. **Issues-** Since all these cases have arisen on the references received from Ministry of Labour, Government of India and therefore, the terms of reference itself is the issue for adjudication in present case which may be recast as follows:-

“Whether the action of the management of the commandant, Military Hospital, Ambala Cantt, Ambala in terminating the services of above noted workmen w.e.f. 19.05.2009 is just fair & legal? If not, to what relief the workmen are entitled to?”

7. **Evidence-** During hearing of these cases although all the above noted workmen have filed their respective affidavited examination in chief but cross examination of only Tila Rani the workman in leading case ID No.08/2014 has been done. Therefore, the evidence of only Tila Rani on behalf of all the workman shall be treated as evidence on record for the purpose of deciding the present case. It appears that despite the opportunity given no evidence has been adduced on behalf of management. It may be mentioned that on direction of this Tribunal on an application for summoning certain records which were in possession of management some of the records have been produced and brought on record by the management which are marked as Ex. R-1 i.e. (Order of Central Administrative Tribunal dated 09.05.2013), Ex. R-2 i.e. (Order of Authority under Minimum Wages Act, 1948, Ambala dated 30.11.2010), Ex. R-3 i.e. (Report of Assistant Labour Commissioner, Central dated 21.02.2014) and Ex. R-4 i.e. (Letter dated 19.05.2009 by Military Hospital and attendance sheets of all the workman).

8. **Arguments of Parties:** It has been submitted by Ld. Counsel appearing on behalf of claimants-workmen in all these cases that the relationship of employer-employees is not denied by respondent management and management has admitted that these workers/ workmen worked from their date of appointment till they were terminated in May, 2009. According to Ld. Counsel the services of these workers have been illegally terminated in violation of Section 25 F, 25 G of the Industrial Dispute Act. The Ld. Counsel for these workmen has heavily placed his reliance upon reported decisions of Supreme Court reported as **Dharanagadhara Chemicals Works Ltd. Versus State of Saurashtra, AIR 1957, Supreme Court Page 264; Ram Singh and Others Versus Union Territory Chandigarh and others, Civil Appeal No.3166/2022, decided on 07.11.2003 and in Steel Authority of India Ltd. Versus Union of India and others (2007) 1, Supreme Court Cases, Page 630.** The Ld. Counsel for the workman further argued that Military Hospital is well covered under the definition of term Industry as the triple test laid down by the Supreme Court in Bangalore Water Supply case to determine whether an establishment is an Industry or not completely satisfied in the present case. According to Ld. Counsel the Military Hospital is performing systematic medical and administrative services and hence it is qualified to be an industry under the Industrial Dispute Act. It is further argued that principle of respondent No.-judicata does not apply because of dismissal of claim by Central Administrative Tribunal as the order has not been passed on merits. According to Ld. Counsel similarly before Assistant Labour Commissioner dispute regarding termination and regularization was raised but no decision has been given on merit only failure of conciliation process has been reported and therefore principle of res-judicata is not permissible in present case. It is also argued that despite the opportunity given management has not examined any evidence against the claim of above noted workman. It is also argued that payment of salary of these claimants have been made out of regimental funds and this fact is admitted by respondent management and therefore, they cannot deny the due payment of workman for the work they had done. It is further argued that although the claimants were engaged on a temporary basis as contractual laborers but as per the Government of India, Ministry of Defense Policy contained in Office Memorandum dated 12.11.2010 casual workers could be engaged for casual seasons and for which regular post cannot be created. According to Ld. Counsel the respondent management was adopting unfair labour practice and was not giving equal pay for equal work to these workmen. It is also argued that Supreme Court decision in Uma Devi case does not override power of Labour Court under Section 30 of

the Industrial Dispute Act, where violation has been done. According to Ld. Counsel in view of the available material on the record Act of management be declared as unjust, unfair and illegal and these workmen may be ordered to be reinstated with full back wages.

9. **Per Contra** Ld. Counsel appearing on behalf of management argued and submitted that these workers/workmen are only contractual labourers and not regular appointees. Their services came to an end because of their absence from duty in year 2009 itself and they have raised dispute in year 2014 which is highly time barred. In addition to this submission Ld. Counsel for respondent management has also pointed out that Military Hospital is not an Industry and therefore the claim cannot be entertained by this Tribunal. It is also argued by the Ld. Counsel that the similar nature of claim raised before Central Administrative Tribunal has already been rejected and these employees/ workman concealing this fact of rejection by Central Administrative Tribunal has filed the claim petition before this Court which is itself a ground for rejection of claim. The contract between workers and the management itself was very much clear that they would be paid only that much amount mentioned in the said contractual agreement and it is wrong to say that there has been violation of Minimum Wages Act. The Ld. Counsel has also argued that the authority under the Minimum Wages Act has rightly rejected the claim of these workers. It is further argued that in the evidence on behalf of these workmen there had been admission of the fact of dismissal of cases by CAT and by Minimum Wages Act-Authority and there is no other evidence against these documents. It is also pointed out that even one of the workmen who has filed claim before this Tribunal is already engaged as Peon in Session Court and it is admitted in the cross examination of Tilla Rani itself, how a claimant who is already in Government Job can raise a claim in the present case. The Ld. Counsel appearing on behalf of Respondent Management has placed his reliance on reported decisions of Supreme Court of India the Fertilizers and Chemicals Travancore Ltd. & Anr. Versus General Secretary FACT Employees Association & Ors, Punjab & Haryana High Court decision Avtar Singh Versus State of Punjab, Supreme Court decision in Rajasthan State Road Transport Versus Bharat Singh Jhala and Supreme Court decision in Nanu Ram Versus Mahesh Chander. According to Ld. Counsel for the respondent management reference may be dismissed and workmen in above noted cases are not entitled for any relief.

FINDINGS

10. It is admitted fact that above noted all the workmen were initially given appointment as a Part Time female Para Medical Staffs on daily wages basis provided they accept the conditions stipulated in the recommendation of the Board dated 29.07.2006. In the said recommendation of the Board dated 29.07.2006 name of all the above noted workmen in above noted cases were mentioned. As per the condition No.1 daily wages rate was fixed as Rs.50/- per day. Other conditions in the said recommendation of Board show that there were no entitlement of any leave or weekly off and as per condition No.4 all the female Para Medical Staff employed on daily wages were employed for few days only and appointment will not be converted into temporary/ adhoc/ daily basis or permanent appointment. Further condition in the said recommendation of appointment shows that these workers were not entitled for any T.A., D.A., House Rent or any patient care allowance except daily wages fixed by the Hospital Authorities. They were also not entitled for any service gratuity, Insurance etc. As per stipulation No.7 of the conditions, the job can be terminated without any prior notice. It appears that knowing all these conditions, the workmen have accepted these terms and conditions and thereafter, they have been appointed as female paramedical staffs by the Military Hospital. As per documents which are attendance sheets of these workers it appears that some of them had worked from Month of September, 2006 and others from January, 2007 but they worked only upto 20.05.2009. The attendance sheet of Month of May, 2009 shows that workman Tila Rani became absent from 11.05.2009 before passing the Termination Order, so far as claim of payment of less amount than minimum wage is concerned the recommendation for appointment itself shows that only Rs.50/- per day shall be daily wages and therefore it can't be said that it was payment against Minimum Wages Act. It appears that the competent authority under Minimum Wages Act, 1948 Ambala had rejected claim of all these workmen for payment of Minimum Wages vide order dated 30.11.2010 and this order of rejection has been brought on record as Ex.R-2 which is admitted by all the workmen also. It further appears that all these workmen had approached Central Administrative Tribunal by filing case No.532-HR-2011 and they had pleaded before Central Administrative Tribunal that these applicants are daily wagers and they had applied for quashment of steps under way at the hands of respondent to make direct recruitment to the post on which they were working before their termination by impugned order dated 19.05.2009. The Central Administrative Tribunal Bench, Chandigarh presided over by Hon'ble Justice Mr. S.D. Anand Judicial Member and Hon'ble Mr. Ranbir Singh Administrative Member has held vide Paragraph 10 of the Decision dated 09.05.2013 that *'there is plethora of documentation to prove that the applicants herein came to be appointed as Daily Wagers. There is not even an averment, much less proof thereof, that their appointment came about in pursuance of a public notice. By the very nature of things, ad-hoc/contractual/ daily wage appointment of the indicated category are made in order to meet the requirement in a given case. Regularization of their services may come about only in pursuance of a policy formulation at the hands of the Competent Authority. There is no such policy framed by the competent authority in this case. For that reason as well, we do not find any merit in the claim raised by the applicant herein'*.

11. From the Judgment of Central Administrative Tribunal Bench Chandigarh it is clear that order of termination as well as their prayer for prohibiting the respondent management from recruitment to the posts have been well considered and has been rejected and therefore submission on behalf of workman that order of Central Administrative Tribunal was

not on merit cannot be accepted. Not only this as pointed out hereinabove even their claim for minimum wages before the competent authority under Minimum Wages Act is also rejected. It appears that the orders passed by competent authority under Minimum Wages Act and the order of Central Administrative Tribunal became final as there is nothing on record to show that these orders were further challenged before any Forum. So far as claim of workmen before this Tribunal is concerned. It is not stated specifically or proved by these workmen that their initial appointment was in pursuance to a public notice as the establishment where they were recommended to work as Ward Sahayika/ female Para Medical Staff is a Central Government Defense Ministry controlled establishment and any appointment without any public notice is in violation of Article 14 & 16 of Constitution of India. Apart from it the recommendation of Board which is contained in Ex. R-4 shows that the recommendation for appointment as a part time female para medical staff was made only for few days and was on a fixed daily wage basis at the rate of Rs.50/- per day. The recommendation itself stipulated a condition that services can be terminated without any prior notice by the Hospital Authorities. In above view of the matter these workmen/ claimants are not entitled to any relief and the action by respondent management in terminating services of these workmen is held not to be illegal. In the reported decision of High Court of Punjab & Haryana, Chandigarh-CWP No.20093-2003 date of decision 05.04.2022 Avtar Singh Versus State of Punjab it has been held that where employees appointed on contractual basis without any advertisement do not have right to regularization. The office memorandum of Government of India, Ministry of Defense dated 12.11.2010 after referring earlier office memorandum dated 11.12.2006 has clearly states that casual workers and persons on daily wages should not be recruited for work of regular nature, however, they could be engaged only for work of casual or seasonal or intermittent nature or for work which is not for full time wage for which regular post cannot be created. In the present case it appears that the competent authorities has created regular posts and had taken step to make recruitment to those posts which were challenged by these workmen before Central Administrative Tribunal but there challenge was rejected. It is clear from the claim statements that concealing their earlier judicial proceedings taken by them for their grievance, the present claim petition has been filed, however, they have admitted in their evidence that they had earlier approached Central Administrative Tribunal also for the same relief. In above view of the matter it can be held that these workmen have not approached this Tribunal with clean hands and on this ground itself their claim can be held to be not maintainable and liable to be rejected.

12. In the light of discussion made hereinabove and in the facts and circumstances of the present cases, all the references of similar nature of same date as noted in title of cases hereinabove are decided against the workmen/ claimants and it is held that no illegality has been committed by respondent management in passing the impugned termination order dated 19.05.2009.

13. It is therefore-

ORDERED

That all the above noted ID Cases ID No. ID No. 80/2014- Tila Rani, ID No. 81/2014- Sunita, ID No. 82/2014- Meena, ID No. 83/2014- Kirna, ID No. 84/2014- Seema, ID No. 85/2014- Soma Devi, ID No. 86/2014- Sushma, ID No. 87/2014 Geeta Rani are being dismissed without passing any award in favour of respective claimants-workmen.

14. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

Dated: 14.08.2025

B.K. GAUTAM, Presiding Officer

नई दिल्ली, 16 सितम्बर, 2025

का.आ. 1700.—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 10/2022-23) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09/09/2025 को प्राप्त हुआ था।

[सं. एल-22012/55/2022-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 16th September, 2025

S.O. 1700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 10/2022-23**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **9/09/2025**.

[No. L-22012/55/2022– IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/10/22-23

Date: 18.08.2025.

Party No.1: The Sub Area Manager,
Silewara Sub – Area of WCL,
Po- Silewara, Distt. – Nagpur.
Pin- 441107

V/s.

Party No.2: The General Secretary, Rastrhiya Koyala
Khadan Mazdoor Sangh (INTUC),
Head Office – WCL Headquarter Complex,
Telankhedi Road, Nagpur- 440001

AWARD

(Dated: 18th August, 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 Western Coalfields Limited and the applicant, Shri. Nikhil Sudhakar Kakde for adjudication vide No. L-22012/55/2022 IR(CR-II) dt. 03/06/2022, with the following issues framed: -

for granting employment to Shri. Nikhil Sudhakar Kakde dependent Son of Late Sudhakar Ramjee on compassionate ground under the provision s of the NCWA is legal and justified? If yes, to what relief dependent of Late Sudhakar Ramjee is entitled to?

2. Case is called out. Shri. Shishir Dongre learned counsel has put his appearance on behalf of respondent and filed his Vakalatnama today in court, which is taken on record but, none is present on behalf of petitioner. From perusal of record, it is apparent that petitioner is not responding and attending the court since 13/10/2022 and no statement of claim has been filed by the petitioner till date. The petitioner has not filed any other evidence to prove his case. Claim of the petitioner is not proved. So, it is closed

Hence, it is ordered.

ORDER

“The demand of the Union {Rastriya Koyla Mazdoor Sangh (INTUC)} for granting employment to Shri. Nikhil Sudhakar Kakde dependent Son of Late Sudhakar Ramjee on compassionate ground under the provision s of the NCWA is illegal and unjustified. The dependent of Late Sudhakar Ramjee is not entitled to any relief”.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 16 सितम्बर, 2025

का.आ. 1701.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.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 (सन्दर्भ संख्या 21/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/9/2025 को प्राप्त हुआ था।

[सं. एल-22012/24/2019-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 16th September, 2025

S.O. 1701.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D. No. 21/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **8/9/2025**.

[No. L-22012/24/2019– IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 21 OF 2019

PARTIES: Supal Bouri
Son of late Sital Bouri
Vs.
Management of Nabo Kajora Colliery, Kajora Area of M/s. ECL

REPRESENTATIVES:

For the Workman: Mr. Milan Kumar Bandyopadhyay, Advocate
For the Management of ECL: Mr. P.K. Das, Advocate

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 22.07.2025

AWARD

On failure of conciliation proceeding, the Government of India through the Ministry of Labour, 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), vide its Order **No. L-22012/24/2019-IR(CM-II)** dated 19.03.2019 has been pleased to refer the following dispute between the employer, that is the Management of Ghanashyam Colliery of Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management in denial of employment to Sri Supal Bouri Son of Late Sital Bouri, Ex-Looseman of Ghanashyam Colliery of M/s. Eastern Coalfields Ltd. is justified or nor? If not, what relief Sri Supal Bouri is entitled to? ”

1. On receiving Order **No. L-22012/24/2019-IR(CM-II)** dated 19.03.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 21 of 2019** was registered on 02.04.2019 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Supal Bouri, the dependent son of Sital Bouri, the deceased workman filed written statement on 13.06.2023. Management contested the case by filing this written statement on 21.12.2022. Fact of the case in brief is that Sital Bouri was employed as a Looseman, bearing U.M. No. – 564428 at Ghanashyam Colliery under Kajora Area, ECL. Sital Bouri expired on 10.08.1990 at Kalla Central Hospital, Asansol while he was in the service of the company. According to the National Coal Wage Agreement (NCWA), the dependent son of the deceased workman is entitled to employment. Supal Bouri being the son of late Sital Bouri applied for employment under ECL, according to the provisions of clause 9.4.0 of NCWA. Management held screening test and pre-employment medical examination of the dependent son. Proposal for his employment was forwarded to the headquarters of ECL. However, the management regretted the claim for

employment of Supal Bouri after 28 years from the death of his father by issuing letter No. ECL/CMD/C-6B/EMPL/ED-1507/18/95 dated 19.03.2018. According to the dependent son of the workman, the management of ECL delayed the matter by raising objection that Sital Bouri had two wives. Clarification sought for by ECL was submitted and screening test was conducted, where relevant documents were filed by the dependent son. Police verification was held at the instance of the management to establish the relationship between Sital Bouri and Supal Bouri. After being satisfied with claim for employment, a medical examination was held and Supal Bouri was declared fit for employment. Clarification was sought for by the authority through letter No. KA/Dy.CPM/C-6/35/1447 dated 10.11.2010 which was complied. The management asked for further clarification vide letter No. KA/GM(P)/C-6/35/2038 dated 21.02.2012 which was also complied. The management finally regretted the claim for employment on account of delay. The dependent son of Sital Bouri, by raising this Industrial Dispute, has claimed for his employment under the company as per NCWA and back wages from the date of submission of claim for employment.

3. The management of ECL filed this written statement through Agent, Ghanashyam Colliery wherein it is admitted that Sital Bouri was a permanent employee of ECL and posted at Ghanashyam Colliery as a looseman. The workman expired on 10.08.1990 in harness. According to the management, the Industrial Dispute has been raised before the ALC in 2018 i.e. after lapse of twenty eight years from the death of Sital Bouri and the same having failed has been referred to this Tribunal twenty nine years after the death of employee. Relying upon a decision of *M/s.Eastern Coalfields Limited vs. Anil Badyakar & Others* (Civil Appeal No. 3597 of 2009), it is contended that Hon'ble Court disapproved employment to the dependents on compassionate ground after passage of long years and held that such dispute was a stale one and should not be considered for conciliation. According to the management of ECL, Supal Bouri applied for his employment for the first time on 10.09.1996, six years after the death of his father. Further case of ECL is that in the service record excerpt of Sital Bouri, name of his wives were recorded as Rati Bouri and Gedari Bouri. It is inter alia contended that Supal Bouri initially submitted an affidavit that Rati Bouri and Gedari Bouri are same and identical person and later he submitted documents where Gedari Bouri was mentioned as first wife and Rati Bouri as second wife. Despite confusion regarding the number of wives left behind by the deceased, the proposal for employment for Supal Bouri was processed and the dependents of Sital Bouri were directed to submit documents/clarifications regarding certain irregularities/shortcomings by issuance of letter dated 21.02.2012 and the reply was submitted by the dependents after lapse of five years on 07.04.2017, which indicates that dependents were not seriously interested with any employment on compassionate ground. Management contended that the action taken by management in not providing employment to the dependents of Sital Bouri is justified and the petitioner is not entitled to any relief.

4. The point for consideration in this case is whether Supal Bouri is entitled to employment as a dependent son of Sital Bouri and whether the action of the management in denying employment to Supal Bouri is proper and justified?

5. In order to substantiate his case, Supal Bouri has filed an affidavit-in-chief and has been cross examined by the management. Brief substance of his affidavit-in-chief is that his father expired on 10.08.1990 while he was in service of ECL and his mother Gedari Bouri expired on 17.04.2011. Sunil Bouri, the brother of Supal Bouri expired on 12.11.2006. He further stated that his name is recorded in Service Record Excerpt of the deceased employee. It is averred in paragraph six (6) of his affidavit that in the beginning Gedari Bouri applied for her employment but the headquarters of ECL issued a letter to her dated 29.12.1994 communicating their disability to provide her employment. Gedari Bouri thereafter applied on 15.09.1995 before the Agent, Ghanashyam Colliery to provide employment to Supal Bouri, the son as she was suffering from incurable disease. Supal Bouri also claimed employment in place of his father by submitting an application and a letter dated 07.12.1996 was issued where he was called for Initial Medical Examination by Area Medical Officer. The proposal for his employment was returned through letter dated 20.11.2007. Several queries were made to which he submitted his replies. Ultimately through letter dated 19.03.2018, the proposal for employment of Supal Bouri was regretted without any cogent reasons.

In course of his evidence, the workman witness produced the following documents:

- (i) Copy of death certificate of Sital Bouri is produced as Exhibit W-1.
- (ii) Copy of death certificate of Gedari Bouri is produced as Exhibit W-2.
- (iii) Copy of death certificate of Sunil Bouri is produced as Exhibit W-3.
- (iv) Copy of Service Record Excerpt of Sital Bouri is produced as Exhibit W-4.
- (v) Copy of Application dated 15.09.1995 submitted by Gedari Bouri is produced as Exhibit W-5.
- (vi) Copy of Application dated 07.12.1996 for holding an Initial Medical Examination of Supal Bouri is produced as Exhibit W-6.
- (vii) Copy of letter dated 19.03.2018 regretting the claim for employment of Supal Bouri produced as Exhibit W-7.

In cross-examination, the workman witness deposed that Rita Bouri is second wife of Sital Bouri. During lifetime of Gedari Bouri, his father married Rati Bouri as the second wife. Witness denied that he is not entitled to employment as the dependent son.

6. Management examined Proloy Dasgupta as MW-1. An affidavit-in-chief is filed stating that Supal Bouri applied for his employment in 1996, six years after the death of his father. It is further stated that in the Service Record Excerpt of Sital Bouri, name of his two wives Gedari Bouri and Rati Bouri are mentioned. Initially, Sital Bouri submitted an Indemnity Bond and later in an affidavit he submitted that Gedari Bouri and Rati Bouri are the same and identical person. In paragraph six, the management witness averred that while the case for employment was under progress, a legal notice was served in the office by one of the dependents of Sital Bouri which showed that the dependents of Sital Bouri had a family dispute till 2011. Witness stated that some clarifications were sought for by the higher authority on 21.02.2012 and reply was submitted by the dependents after five years on 07.04.2017. Witness claimed that the Industrial Dispute has been raised twenty nine years after death of Sital Bouri and the action taken by the management in regretting the claim for employment is proper and justified.

During his examination-in-chief, the management witness produced the following documents:

- (i) Copy of death certificate of Sital Bouri is produced as Exhibit M-1.
- (ii) Copy of Service Record Excerpt of Sital Bouri is produced as Exhibit M-2.
- (iii) Copy of death certificate of Sital Bouri issued by Central Hospital, Kalla is produced as Exhibit M-3.
- (iv) Copy of Application dated 10.04.1996 submitted by Gedari Bouri for providing employment to Supal Bouri is produced as Exhibit M-4.
- (v) Copy of Application dated 10.04.1996 submitted by Supal Bouri is produced as Exhibit M-5.
- (vi) Copy of Indemnity Bond is produced as Exhibit M-6.
- (vii) Copy of screening report dated 07.09.1996 is produced as Exhibit M-7.
- (viii) Copy of Affidavit dated 25.07.2008 of Gedari Bouri stating that Gedari Bouri and Rati Bouri are one and same person is produced as Exhibit M-8.
- (ix) Copy of legal notice dated 12.08.2011 issued on behalf of Gedari Bouri is produced as Exhibit M-9.
- (x) Copy of Indemnity Bond dated 16.03.2017 submitted by Supal Bouri stating that Gedari Bouri and Rati Bouri are two different persons is produced as Exhibit M-10.
- (xi) Copy of letter issued by Manager (Pers.) (Empl.) dated 21.02.2012 seeking clarification is produced as Exhibit M-11.
- (xii) Copy of reply submitted by Rati Bouri, second wife of Sital Bouri dated 23.03.2017 is produced as Exhibit M-12.
- (xiii) Copy of letter issued by Sr. Manager (Personnel)/Empl (ED) to the Sr. Manager (Personnel)/IC, Kajora Area dated 19.03.2018 regretting the prayer for employment of Supal Bouri on the ground that the claim for employment by children of second wife cannot be considered after twenty eight years from the cause of action, is produced as Exhibit M-13.

In his cross-examination, the witness deposed that Gedari Bouri and Supal Bouri applied for employment of Supal Bouri on 10.04.1996. He further deposed that there is a clear finding in screening committee's report that Supal Bouri is the son of Sital Bouri and denied that Gedari Bouri had ever applied for her own employment. The witness denied that the management company deliberately denied employment to Supal Bouri or that Supal Bouri is entitled to get employment in place of his father.

7. Mr. Bandyopadhyay, learned advocate for the dependent son argued that after death of Sital Bouri on 10.08.1990, the dependent son submitted application for employment on 15.05.1995 (Exhibit W-5). He argued that the name of Supal Bouri appeared in Service Record Excerpt (Exhibit W-4) and management of ECL initiated the process for employment of the dependent holding Initial Medical Examination (IME) as per letter No. KA/PM/C-6/35/2829/7159 dated 07.12.1996 (Exhibit W-6). Learned advocate submitted that the dependent son was found fit for employment. The management accepted the indemnity bond from the dependent son, copy of which is produced as Exhibit M-10. The management after waiting for several years regretted the prayer for employment by issuing a letter dated 19.03.2018 issued by Sr. Manager (Personnel)/Empl (ED) where it is stated that while the process for employment was under process, a legal notice was served upon the office by one of dependents and it indicates that the dependents of ex-employee had a family dispute till 2011 and that the ex-employee had two wives namely Gedari Bouri and Rati Bouri and as per practice, the claim for employment of children of second wife could not be considered. It is argued that twenty eight years have passed and the prayer for employment has been regretted on the ground of factual misrepresentation by the dependents of the deceased. It is argued that management has failed to assign any cogent reason in their letter dated 19.03.2018 regretting claim for employment. It is prayed that Supal Bouri is entitled to employment as per provision of NCWA.

8. Mr. P.K. Das, learned advocate in his reply for the management of ECL argued that the deceased employee had two wives and during the lifetime of Gedari Bouri, the workman married Rati Bouri. After his death, a family dispute surfaced and the dependent son of the deceased delayed in submitting clarification to the management after five years as to whether the deceased had two wives. It is further argued that Supal Bouri submitted his application six years after the death of his father and the dependent son of the deceased workman is more than 53 years of age and the family has been able to overcome the imminent family crisis after the death of Sital Bouri and thereafter for more than twenty nine years. It is urged that the claim for employment has turned stale and the Industrial Dispute is liable to be dismissed, without any relief to the son of the deceased employee.

9. I have considered the arguments advanced on behalf of the workman and management in the light of the facts and circumstances of the case and the reliefs claimed in the written statement. I have also considered the evidence adduced by both parties as well as documents produced. Sital Bouri was a permanent employee of ECL and was posted at Ghanashyam Colliery at the time of his death on 10.08.1990. From paragraph six (6) of the affidavit-in-chief of Supal Bouri, I find that Gedari Bouri, the mother of the petitioner applied for her employment but her prayer was declined through letter dated 29.09.1994. It transpires from further averment in affidavit that Gedari Bouri was suffering from incurable disease and she submitted an application on 15.09.1995 for providing employment to her son. The copy of application by Gedari Bouri addressed to the Agent, Ghanashyam Colliery has been produced as Exhibit W-5. It is evident that the application for employment was made five years after the death of Sital Bouri. Supal Bouri himself submitted an application before the management on 10.04.1996 (Exhibit M-5). The dependents of the deceased employee appeared before the screening committee of the company on 07.09.1996 for the purpose of employment of Supal Bouri.

10. It is undisputed that a family dispute surfaced amongst the dependents of Sital Bouri which continued till 2011. It is also admitted that the management while considering prayer for employment issued a letter dated 21.02.2012 (Exhibit M-11) whereby the file for employment was returned with some queries regarding the two wives of Sital Bouri namely Gedari Bouri and Rati Bouri. The second wife, Rati Bouri replied to the queries only on 23.03.2017 (Exhibit M-12). Much time was consumed in sorting out the ambiguities. It also appears that there were laches on the part of dependent son in submitting his application after a long period, following a family dispute. The management of ECL declined the proposal for employment to the dependent son by issuing letter No. ECL/CMD/C-6B/EMPL/ED-1507/18/95 dated 19.03.2018 (Exhibit M-13). The Industrial Dispute has been raised after lapse of twenty eight years of death of the person. This is a clear case where the claim for employment is defeated due to inordinate delay in claiming employment. In his affidavit-in-chief he has disclosed his age as 53 years. Due to efflux of time, the claim for employment has failed miserably. It appears to me that no purpose would be served by providing employment to the son of the deceased employee who is very close to his age of superannuation. Therefore, I do not find any illegality in the action taken by the management by regretting the claim for employment of the dependent son which is a fallout of their own family dispute.

Hence,

ORDERED

The Industrial Dispute is dismissed on contest. The son of deceased employee is not entitled to any relief in this case and I find no illegality in the action of the management. The management of ECL is directed to disburse the legal dues of Sital Bouri to the legal heirs along with consequential benefits within two months from the award. Let an Award be drawn up on the basis 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, 16 सितम्बर, 2025

का.आ. 1702.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 20/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/9/2025 को प्राप्त हुआ था।

[सं. एल-22012/17/2019-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 16th September, 2025

S.O. 1702.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.20/2019** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **8/9/2025**.

[No. L-22012/17/2019– IR (CM-II)]

SALONI, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 20 OF 2019

PARTIES: Mahendra Roy
(dependent son of Late Dhodo Roy)
Vs.
Management of Bahula Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Basudev Choudhury, Advocate.
For the Management of ECL: Mr. Mani Padma Banerjee, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.08.2025

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-22012/17/2019-IR(CM-II)** dated 13.03.2019 has referred the following dispute between the employer, that is the Management of Bahula Colliery under Kenda Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Bahula Colliery of Eastern Coalfields Ltd in rejection of claim of compassionate appointment in respect of Sri Mahendra Roy, S/o Late Dhodo Roy, Ex-UG. Trammer of Bahula Colliery is justified or not? If not, what relief Sri Mahendra Roy is entitled to? ”

1. On receiving Order **No. L-22012/17/2019-IR(CM-II)** dated 13.03.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 02.04.2019 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. General Secretary of Untied Koila Mazdoor Sangh filed written statement on 22.05.2019 on behalf of Mahendra Roy, son of the deceased employee Dhodo Roy. Bare fact of the case is that Dhodo Roy was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was posted at Jambad (N) Unit of Bahula Colliery under Kenda Area as Trammer bearing UM No. 519570. He died in harness on 28.09.2014. Mahendra Roy, the dependent son applied for his employment on 06.11.2014 as per the provisions under Clause 9.3.2 of National Coal Wage Agreement (hereinafter referred to as NCWA). The Apex Medical Board held on 30.08.2017 at Central Hospital, Kalla assessed the age of Mahendra Roy as thirty-five (35) to forty (40) years. Therefore, his age on the date of submission of his application on 06.11.2014 for employment was less than thirty-five (35) years and his claim for employment is genuine.

3. Management contested the Industrial Dispute by filing their written statement on 20.12.2022. According to the management Dhodo Roy expired on 28.09.2014. Mahendra Roy after the death of his father claimed for employment as per provision of NCWA. He was advised to appear before the Medical Board on 30.08.2017. As per findings of the Apex Medical Board the dependent was found over age for his employment. He was not eligible for being considered for employment and a letter was issued to him regretting the prayer for employment. According to the management of ECL, NCWA is a bipartite agreement and enforceable by law, as such no Industrial Dispute could arise on matters settled under NCWA. According to the management the Industrial Dispute is bereft of merit and it is liable to be dismissed.

4. The central point for consideration is whether rejection of claim for compassionate employment of Mahendra Roy by the management of Bahula Colliery is justified and legal.

5. Union examined Mahendra Roy as Workman Witness No. 1. He filed his affidavit-in-chief and reiterated the facts disclosed in the written statement. The dependent son further claimed that according to his Voter Identity and Aadhaar Card his date of birth is 01.01.1984. He also contended that the assessment of age by the Medical Board is erroneous and he is entitled to get employment in place of his father who died in harness. Witness produced the following documents in support of his case:

- (i) Copy of the application of Jhinkulia Devi, wife of the deceased workman dated 13.01.2015 for employment of her son is produced as Exhibit W-1.
- (ii) Copy of the application for employment of Mahendra Roy dated 04.11.2014, as Exhibit W-2
- (iii) Copy of the Identity Card of Dhodo Roy issued by the management, as Exhibit W-3.
- (iv) Copy of the Certificate of death of Dhodo Roy dated 28.09.2014 issued from Central Hospital, Kalla, as Exhibit W-4.
- (v) Copy of the Death Registration Certificate of Dhodo Roy, as Exhibit W-5.
- (vi) Copy of the application of Jhinkulia Devi, dated 08.10.2014 addressed to the Agent, Bahula Colliery, informing him about death of Dhodo Roy as Exhibit W-6.
- (vii) Copy of the letter dated 14/16.05.2015 issued by the Ch. Manager (P), Kenda Area regarding screening of the dependents, as Exhibit W-7.
- (viii) Copy of the letter dated 29.08.2017 issued by the Area Personnel Manager, Kenda Area addressed to the Asst. Manager (P), Bahula Colliery, regarding appearance of Mahendra Roy before the Apex Medical Board, as Exhibit W-8.
- (ix) Copy of the letter dated 28.01.2015 issued by the Manager (Pers.), Bahula Colliery addressed to Mahendra Roy for his screening, as Exhibit W-9.
- (x) Copy of the letter dated 17.06.2015 issued by the Chief Manager (P), Kenda Area addressed to the Area Medical Officer, Kenda Area for Initial Medical Examination of Mahendra Roy, as Exhibit W-10.
- (xi) Copy of the Report of Apex Medical Board dated 30.08.2017, as Exhibit W-11.
- (xii) Copy of the letter dated 19.06.2018 issued by the Asst. Manager (P), Bahula Colliery, informing Mahendra Roy that he is not eligible for employment, as Exhibit W-12.
- (xiii) Copy of the Medical Examination Form No. III of Mahendra Roy, as Exhibit W-13.
- (xiv) Copy of the Aadhaar Card of Mahendra Roy, as Exhibit W-14.

6. In his cross-examination the witness deposed that he did not attend school. It further transpires that the management declined to provide employment to him on the ground that he was more than 35 years of age on the date of examination. He could not produce any document in support of his age or date of birth except Aadhaar Card.

7. Management examined Mr. Rakesh Kumar Basant, Assistant Manager (Personnel), as Management Witness No. 1. He filed an affidavit-in-chief stating therein that the management of ECL advised Mahendra Roy to appear before the Chief Medical Officer's office for his medical examination on 30.08.2017. On 23/24.03.2018 the Area Personnel Manager, Kenda Area issued letter No. Pers/KND/41/497 informing that the employment proposal of the dependent of Dhodo Roy has been examined but could not be considered due to the reason that he was over age as per provision of NCWA. The same was communicated to Mahendra Roy through letter No. Agent/BC/C-6B/20/18/476 dated 19.06.2018. In course of evidence management placed the following documents :

- (i) Copy of the letter dated 23/27.04.2015 issued by the Manager (Personnel), Bahula Colliery, forwarding the employment proposal of Mahendra Roy to the Chief Manager (Personnel), Kenda Area is produced as Exhibit M-1.

- (ii) Copy of the letter dated 23.02.2016 issued by the Chief Manager (P), Kenda Area forwarding the employment proposal of Mahendra Roy to the Sr. Manager (Pers) Empl/ED, ECL, Sanctoria, as Exhibit M-2.
- (iii) Copy of the letter dated 14.03.2018 issued by the Sr. Manager(P)Empl/ED addressed to the Sr. Manager (P), Kenda Area, regretting employment proposal of the dependent of Dhodo Roy, as Exhibit M-3.
- (iv) Copy of the letter dated 23/24.03.2018 issued by the Area Personnel Manager, Kenda Area informing the Agent of Bahula Colliery that the employment proposal of Mahendra Roy cannot be considered, as Exhibit M-4.
- (v) Copy of the letter dated 19.06.2018 issued by the Asst. Manager (P), Bahula Colliery, informing Mahendra Roy that he is not eligible for employment, as Exhibit M-5.
- (vi) Copy of the Service Book of Dhodo Roy, as Exhibit M-6.
- (vii) Copy of the LTC Form of Dhodo Roy, as Exhibit M-7.

It is stated by the management witness that the petitioner is not entitled to employment as he has exceeded the upper age limit for getting employment as per NCWA.

8. In his cross-examination the witness deposed that at the time of assessment of age on 30.08.2017 the age of Mahendra Roy was between 35 and 40 years (Exhibit W-11). He further deposed that the age of Mahendra Roy was assessed between 31 and 36 years at the time of his examination at Kenda Area on 08.07.2015. The management witness further deposed that Mahendra Roy is not entitled to get any employment in place of his father.

9. Mr. Basudev Choudhury, learned advocate for the union argued that as per provision in Clause 9.3.4 of NCWA the male dependent to be considered for employment should be physically fit and suitable for employment and he should not be aged more than 35 years. There is no qualm that Dhodo Roy died in harness on 28.09.2014 and Mahendra Roy, his dependent son submitted application for employment dated 04.11.2014 (Exhibit W-2). By letter dated 14/16.05.2015 (Exhibit W-7), Mahendra Roy along with others were asked for appearing before Area Screening Committee at Kenda Area on 20.05.2015 along with relevant documents. By letter dated 29.08.2017 (Exhibit W-8) he was asked to appear before the Apex Medical Board at Central Hospital, Kalla on 30.08.2017. It is submitted that the dependent complied the instruction and appeared for his medical examination on 30.08.2017 where after examination by the Medical Board and holding X-Ray examination, bearing investigation No. 3759 dated 30.08.2017, it was found that the age of the candidate was between 35 to 40 years as on the date of examination. Learned advocate argued that if reliance is placed upon the report of the Apex Medical Board, the age of Mahendra Roy would be assessed as thirty-seven and half (37 and ½) years on 30.08.2017 and his age would be computed as thirty-four and half (34 and ½) years on 30.08.2014 and by no stretch of imagination the management of ECL can assume that on the date of submitting his application for employment on 06.11.2014 the workman had crossed the age of 35 years, the maximum age for granting employment in respect of a male dependent of the deceased employee under Clause 9.3.4 of NCWA. It is urged that the management by regretting the prayer for employment has acted in an illegal and arbitrary manner and Mahendra Roy is entitled to employment.

10. Mr. Mani Padma Banerjee, learned advocate appeared for the management of ECL simply argued that the dependent son of Dhodo Roy had crossed the age of 35 years on the date of medical examination as such he is not entitled to employment.

11. Having considered the argument advanced by the learned advocates on behalf of the dependent son of the deceased employee and management of ECL and also considering the materials on record, it appears to me that the bone of contention is whether the dependent son claiming employment after the death of his father in harness had crossed the maximum age for employment on the date of his submitting application before the management. In the instant case Mahendra Roy submitted his application before the Agent, Bahula Colliery on 06.11.2014, disclosing that his father expired on 28.09.2014 at Central Hospital, Kalla and he claimed employment as a dependent son of the deceased employee. According to Circular No. CIL/C-5B/JBCCI/9.4.3/163 dated 25.07.2003, the date for reckoning the age of a dependent was the date of submitting application for employment. From the copy of Service Book of Dhodo Roy (Exhibit M-6) it appears from Column No. 16 that Mahendra Roy is one of the sons of the workman. From the cross-examination of the workman witness it appears that he did not attend any school for education and he was unable to produce any document in support of his age. Be that as it may, admittedly, Mahendra Roy was referred for his medical examination by the Apex Medical Board on 30.08.2017 and after holding scientific medical examination i.e., by conducting X-Ray of various parts of the body, the Medical Board assessed the age of Mahendra Roy between 35 and 40 years on 30.08.2017 (Exhibit W-11). It appears from the report of Medical Board that the age of the dependent son on the date of medical examination was thirty-seven and half (37 and ½) years. Therefore, his age requires to be reckoned as 34 years and 9 months on the date of submitting his application for employment and it can be declared without hesitation that he is below 35 years on the date he claimed his employment, two months after the death of his father. At this juncture it is worthwhile to reproduce the provision under Clause 9.3.4 of NCWA-IX, which lays down that :

“the dependants to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit in case of employment of female spouse would be 45 years as given in Clause

9.5.0. In so far as male spouse is concerned, there would be no age limit regarding provision of employment.”

12. The law is well settled that the terms and conditions agreed upon between the representatives of the management of the employer company and the representatives of the workmen laid down in the NCWA are binding upon the parties. In the case of **Sukumoni Hembram Alias Sukumoni Mejhan Vs. The Union of India and Others [MAT 27 of 2024]**, the Hon’ble High Court at Calcutta while referring to the binding nature of the NCWA observed :

“ 21. NCWA is a negotiated agreement that has been arrived at between the employer and the employees. It is a settlement under section 2 (p) of the Industrial Disputes Act, 1947 and has binding effect on the parties thereto under section 18 (3) of the Act of 1947. NCWA has made provisions for compassionate appointment for the dependents of the deceased employee.”

I, therefore, hold that the provision of Clause 9.3.4 of NCWA-IX is binding upon the employer company just like any other settlement under Section 18(3) of the Industrial Disputes Act, 1947. At the time of his medical examination the Medical Board did not make any adverse observation regarding his fitness for employment. Under the facts and circumstances, I find and hold that Mahendra Roy being the dependent son of the deceased employee, Dhodo Roy and well within the maximum age for employment on the date of submitting his application for employment, he is entitled to get employment under the employer company / ECL according to the provisions of NCWA. It appears that management of ECL has acted in an arbitrary and illegal manner by delaying in reaching a finality and ultimately holding that the candidate was over age for employment. The decision of the management communicated to Mahendra Roy by letter dated 19.06.2018 is without foundation and in violation to the terms of agreement of NCWA. This type of erroneous approach of the management in utter violation of the terms of agreement not only frustrates the legitimate claim of the dependents of the deceased employees in securing their right to employment but creates immense suffering due to non-employment of the family members of the deceased for several years, keeping them waiting. It also results in depreciating human resources of the country in a wasteful manner. The management of Bahula Colliery under Kenda Area of Eastern Coalfields Limited is hereby directed to process the prayer for employment of Mahendra Roy within two (2) months from the date of communication of the Award.

Hence,

ORDERED

that the Industrial Dispute is decided in favour of Mahendra Roy, on contest against the management. The management of Bahula Colliery under Kenda Area of Eastern Coalfields Limited is directed to process the prayer for employment of Mahendra Roy within two (2) months from the date of communication of the Award, failing which the management of Eastern Coalfields Limited shall pay him compensation equivalent to the monthly salary of entry level post till employment is processed. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 16 सितम्बर, 2025

का.आ. 1703.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 01/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8/9/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आईआर (सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 16th September, 2025

S.O. 1703.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.01/2022** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **8/9/2025**.

[No. L-22013/01/2025- IR (CM-II)]

SALONI, Dy. Director

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

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

L. C. APPLICATION NO. 01 OF 2022

PARTIES: Ramsagar Prasad.
Vs.
Director (Personnel), ECL, Sanctoria.

REPRESENTATIVES:

For the Union/Workman: Mr. Mohan Prasad, Advocate.
For the Management of ECL: Mr. Sayantan Mukherjee, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.07.2025

AWARD

1. Instant application under section 33(C)(2) of the Industrial Disputes Act, 1947 was filed by Sri Ramsagar Prasad, Fan Operator at Central Hospital, Kalla under Eastern Coalfields Limited, praying for payment of dues in respect of House Rent Allowance from 01.08.2019 to 01.01.2022, amounting to Rs. 2,56,221.46/- (Rupees two lakh fifty-six thousand two hundred twenty-one and forty-six paise only).

2. Mr. Sayantan Mukherjee, learned advocate appeared for the management of Eastern Coalfields Limited. Ramsagar Prasad, petitioner is represented by Mr. Mohan Prasad, learned advocate. Application under section 33(C)(2) of the Industrial Disputes Act, 1947 is fixed up today for hearing on the point of its maintainability.

3. In the application petitioner has claimed for payment of House Rent Allowance from 01.08.2019 to 01.01.2022, amounting to Rs. 2,56,221.46/- and an interest of twelve percent (12%) per annum. Learned advocate submitted that no prior settlement or Award has been passed in favour of the petitioner for payment of House Rent Allowance. Law is settled that without any prior settlement or Award passed in favour of the workman, he cannot succeed in his claim for payment of monetary benefits.

4. In the case of **Municipal Corporation of Delhi Vs. Ganesh Razak and Another [(1995) 1 SCC 235]**, the Hon'ble Supreme Court held that :

"12 where the very basis of the claim or the entitlement of the workmen to a certain benefit is disputed, there being no earlier adjudication or recognition thereof by the employer, the dispute relating to entitlement is not incidental to the benefit claimed and is therefore, clearly outside the scope of a proceeding under Section 33(C)(2) of the Act."

5. At this stage, an application is filed by the workman stating that he wants to withdraw the case and prayed that liberty may be granted to him for raising an Industrial Dispute in respect of claim made herein. Copy served upon learned advocate for the management. It appears to me that the claim made herein is not maintainable under section 33(C)(2) of the Industrial Disputes Act. Since the workman realised the defect in his application, his prayer for withdrawing the case is allowed. Liberty is granted to the petitioner workman to raise a proper Industrial Dispute before the appropriate authority. L. C. Application No. 01 of 2022 is disposed of on being withdrawn.

Hence,

ORDERED

Let an Award be passed in view of the above discussion. Copies of the Award in duplicate be sent to the Ministry of Labour, Govt. of India, New Delhi under section 33(C)(4) of Industrial Disputes Act, 1947 for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer