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सं. 37] नई दिल्ली, सितम्बर 21—सितम्बर 27, 2025, शनिवार/भाद्र 30—आश्विन 5, 1947
No. 37] NEW DELHI, SEPTEMBER 21—SEPTEMBER 27, 2025, SATURDAY/BHADRA 30—ASVINA 5, 1947

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

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

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

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 सितम्बर, 2025

का.आ. 1704.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड के अधीन केंद्रीय माल और सेवा कर लेखापरीक्षा आयुक्तालय इंदौर के कार्यालय, जिसके 80 प्रतिशत से अधिक अधिकारियों एवं कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

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

प्रीति सेलारे, उप निदेशक (रा.भा.)

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

New Delhi, the 23rd September, 2025

S.O. 1704.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, **CENTRAL GOODS & SERVICES TAX, AUDIT COMMISSIONERATE INDORE** under Central Board of Indirect Taxes and Customs, Department of Revenue where more than 80% staff has acquired the working knowledge of Hindi.

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

PREETI SELLARE, Dy. Director (OL)

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

नई दिल्ली, 17 सितम्बर, 2025

का.आ. 1705.—केन्द्रीय सरकार, कृषि एवं किसान कल्याण मंत्रालय, कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में भा.कृ.अनु.प.- गन्ना प्रजनन संस्थान, क्षेत्रीय केन्द्र, अग्रसेन मार्ग, पोस्ट बाक्स सं.52, करनाल -132001 को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

[फा. सं.13-05/2020-हिन्दी]

एस.के.उपाध्याय, अवर सचिव

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

New Delhi, the 17th September, 2025

S.O. 1705.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules 1976, the Central Government, Ministry of Agriculture & Farmers Welfare, Department of Agricultural Research & Education hereby notifies the ICAR -Sugarcane Breeding Institute Regional Centre, Agarsain Marg, Post Box No. 52, Karnal -132001 where more than 80% of staff have acquired the working knowledge of Hindi.

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

S.K. UPADHYAY, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 सितम्बर, 2025

का.आ. 1706.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अधिसूचि में यथा उल्लिखित तारीखों की संख्या का.आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त, उपयोग का अधिकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड (एच.पी.सी.एल) में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पाद के परिवहन के लिए कर्नाटक राज्य में हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड (एच.पी.सी.एल) की हासन (कर्नाटका) से चेरलापल्ली (तेलंगाना) एलपीजी पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि के बारे में, जिसका संक्षिप्त इस विवरण अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, मार्गाधिकार गतिविधियों को कर्नाटक राज्य में समाप्त किया जाए।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1963 के नियम 4 के स्पष्टीकरण -1 के अधीन उन तारीखों को जिन पर यह अधिसूचना भारत के राजपत्र में प्रकाशित होती है, कर्नाटक राज्य के हासन, तुमकुरु तथा चित्रदुर्गा जिले के नीचे वर्णित गाँवों में मार्गाधिकार गतिविधियों की समाप्ती की तारीख के रूप में घोषित करती है।

अनुसूची

जिला: हासन			राज्य: कर्नाटक
क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
1	922 (अ) दिनांक 25.02.2020	दोड्डाबासवनहल्ली	हासन
2	1470 (अ) दिनांक 28.04.2020	काचानायकनाहल्ली	
3	1471 (अ) दिनांक 28.04.2020	दोड्डहोनेनहल्ली	
4	4783 (अ) दिनांक 16.11.2021	बुस्तेनाहल्ली	
5	4786 (अ) दिनांक 16.11.2021	कस्तूरावल्ली	
6	5304 (अ) दिनांक 03.11.2022	बुवनाहल्ली	
7	5305 (अ) दिनांक 03.11.2022	गेकरावल्ली	
8	800 (अ) दिनांक 04.05.2023	समुद्रवल्ली	
9		तेन्डिहल्ली	
10		जी. मैलानहल्ली	
11		द्यावलापूरा	
12		हंद्रांगी	
13		योगिहल्ली	
14		कोरावंगलकावलु	
15		मायसमुद्रा	
16		दूद्रा	
17		होन्नम्मनाहल्ली	
18		बोम्मनाहल्ली	
19		अट्टावर	
20		मुदिगेरे	
21		अट्टावरा होसहल्ली	
22		रुद्रदेवरहल्ली	
23		मंजेनाहल्ली कावल	

24		मांजेनहल्ली कावल	अरसीकेरे
25		महादेवराहल्ली	

क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
26		मंगलापुर	अरसीकेरे
27		गोल्लरहल्ली	
28		बोरेहल्ली	
29		बी कम्मरगट्टा	
30		बिसलेहल्ली	
31		रंगापुरा कावलु 2	
32		कलकेरे	
33		बेलागुम्बा	
34		रंगापुरा कावलु 1	
35		सलूपरहल्ली	
36		मैलानहल्ली	
37		आदिहल्ली	
38		हरलकट्टा	
39		पूरा	
40		केंनचेनहल्ली	

जिला: तुमकुरु

राज्य : कर्नाटक

क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
1	924 (अ) दिनांक 25.02.2020	बिदरेगुडी कावल	तिपटूर
2	925 (अ) दिनांक 25.02.2020	ग्यरगट्टा	
3	926 (अ) दिनांक 25.02.2020	कोडिहल्ली	
4	2061 (अ) दिनांक 25.06.2020	चौडेनहल्ली	
5	4484 (अ) दिनांक 08.12.2020	होन्नावल्ली	
6	730 (अ) दिनांक 16.02.2021	चिक्कहोनवल्ली	
7	3787 (अ) दिनांक 15.09.2021	अनिवाल	
8	3788 (अ) दिनांक 15.09.2021	रट्टेनहल्ली	
9	4784 (अ) दिनांक 16.11.2021	मल्लिदेवीहल्ली	
10	4785 (अ) दिनांक 16.11.2021	वाडेरहल्ली	

क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
11	228 (अ) दिनांक 17.01.2022	बलूवनेरलू	तिपटूर
12	226 (अ) दिनांक 17.01.2022	मुद्देनहल्ली	
13	5302 (अ) दिनांक 03.11.2022	सुरगोंडनहल्ली	
14	796 (अ) दिनांक 04.05.2023	कमलापुरा	चिक्कनायकनहल्ली
15	798 (अ) दिनांक 04.05.2023	डिग्गेनहल्ली	
16	921 (अ) दिनांक 05.06.2023	मल्लिगेरे	
17		मतिघट्टा	
18		बेलगिहल्ली	
19		उप्पारहल्ली	
20		एल्लेनहल्ली	
21		ओट्टेकेरे	
22		अंकसंद्रा कावलु	
23		बरगुरु	
24		बेलगुली	
25		होसकेरे	
26		तारिकट्टे	
27		एम.एच कावलु	
28		गौरसागरा	
29		अवलागेरे	
30		भैरापुरा	
31		गोट्टिगेनहल्ली	
32		कंदीकेरे	
33		वड्डनकलाहल्ली	
34		हंदीगनडु	
35		बालेनहल्ली	
36		अग्रहारा	
37		बेलवाडी	
38		कुरिहल्ली कावलु	
39		लक्केनहल्ली	
40		बडिकेगुडलु	

क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
41		बोरनाकणीवे	चिक्कनायकनहल्ली
42		होईसालकट्टे	
43		कल्लेनहल्ली	
44		द्वब्बगुटे	
45		मरेनाडु	
46		हुनसेहली	सिरा
47		दंडीकेरे	
48		नारायणपुरा	
49		ध्यागेरहल्ली	
50		होसुरु	
51		मुददेनहल्ली	
52		संकापुर	
53		बेविनाहल्ली	
54		चांगावार	
55		करेहल्ली	
56		नेजन्थि	
57		तडकलूरु	
58		चिरतहल्ली	
59		केंचम्मनाहल्ली	पावागडा
60		पोलेनाहल्ली	
61		सासलाकुंटे	
जिला: चित्रदुर्गा			राज्य: कर्नाटक
क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
1	923 (अ) दिनांक 25.02.2020	पिलाली	हिरियुरु
2	1472 (अ) दिनांक 28.04.2020	वीरव्वनागतिहल्ली	
3	3789 (अ) दिनांक 15.09.2021	दिंडावर	
4	5300 (अ) दिनांक 03.11.2022	लायरदासरहल्ली	
5	5301 (अ) दिनांक 03.11.2022	मडेनहल्ली	
6	5303 (अ) दिनांक 03.11.2022	मालगोंडलहल्ली	

क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुक का नाम
(1)	(2)	(3)	(4)
7	795 (अ) दिनांक 04.05.2023	काटनायकनहल्ली	हिरियुरु
8	797 (अ) दिनांक 04.05.2023	आनेसिदरी	
9	799 (अ) दिनांक 04.05.2023	जे जी हल्ली	
10	801 (अ) दिनांक 04.05.2023	कुरुबारहल्ली	
11		कोडिहल्ली	
12		हलगलादी	
13		खंडेनहल्ली	

1		क्यादिगुंटे	चल्लकेरे
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[फा. सं. आर-12030(27)/2/2019-ओआर-1/ई-30930]

शशि शेखर सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th September, 2025

S.O. 1706.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. numbers and dates as mentioned in the Schedule below issued under Sub-section (i) of section 6, Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the Schedules appended to those notifications.

AND WHEREAS, in exercise of the powers conferred by the Sub-Section (4) of Section 6 of the said Act, the Central Government vested the Right of User in the said lands free from all encumbrances in the Hindustan Petroleum Corporation Limited;

AND WHEREAS, the Competent Authority has made a report to the Central Government that the pipeline has been laid for the purpose of transportation of LPG, in the said lands and hence the operation may be terminated from Hassan (Karnataka) to Cherlapalli (Telangana) Pipeline Project in the state of Karnataka in respect of the said lands which in brief are specified in the Schedule annexed to the Notification;

“Now, therefore, as required under explanation – 1 of rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the dates on which the notification is published in the Gazette of India as the date of “Termination of Operation” in ROU Village mentioned in **Hassan, Tumakuru And Chitradurga** district in the state of Karnataka”

SCHEDULE

District: Hassan			State: Karnataka
Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
1	922(E) Date 25.02.2020	Doddabasavanahalli	Hassan
2	1470(E) Date 28.04.2020	Kachanayakanahalli	
3	1471(E) Date 28.04.2020	Doddahonnenahalli	
4	4783(E) Date 16.11.2021	Busthenahalli	
5	4786(E) Date 16.11.2021	Kasthuravalli	
6	5304(E) Date 03.11.2022	Boovanahalli	
7	5305(E) Date 03.11.2022	Gekaravalli	
8	800(E) Date 04.05.2023	Samudravalli	

9		Tendihalli	
10		G. Mailanahalli	
11		Dyavalapura	
12		Handrangi	
13		Yogihalli	
14		Koravangalakavalu	
15		Mayasamudra	
16		Dudda	
17		Honnammanahalli	
18		Bommenahalli	
19		Attavara	
20		Mudigere	
21		Attavara Hosahalli	
22		Rudradevarahalli	
23		Manjehahalli Kaval	
24		Manjenahalli Kavalu	
25		Mahadevarahalli	
26		Mangalapura	
27		Gollarahalli	Arsikere

Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
28		Borehalli	
29		B. Kammaragatta	
30		Bisalehalli	
31		Rangapura kavalu 2	
32		Kalkere	
33		Belagumba	
34		Rangapura kavalu 1	
35		Saluparahalli	
36		Mailanahalli	
37		Adihalli	
38		Haralakatta	
39		Pura	
40		Kenchenahalli	

District: Tumakuru**State: Karnataka**

Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
1	924(E) Date 25.02.2020	Bidaregudi Kavalu	
2	925(E) Date 25.02.2020	Gyaraghatta	
3	926(E) Date 25.02.2020	Kodihalli	
4	2061(E) Date 25.06.2020	Chowdenahalli	
5	4484(E) Date 08.12.2020	Honnavalli	
6	730 (E) Date 16.02.2021	Chikkahonnavalli	
7	3787 (E) Date 15.09.2021	Anivala	
8	3788 (E) Date 15.09.2021	Rattenahalli	
9	4784(E) Date 16.11.2021	Mallidevihalli	
10	4785(E) Date 16.11.2021	Vaderahalli	

11	228 (E) Date 17.01.2022	Baluvaneralu	
12	226 (E) Date 17.01.2022	Muddenahalli	
13	5302 (E) Date 03.11.2022	Suragondanahalli	

Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
14	796 (E) Date 04.05.2023	Kamalapura	Chikkanayakanahalli
15	798 (E) Date 04.05.2023	Diggenahalli	
16	921 (E) Date 05.06.2023	Malligere	
17		Mattighatta	
18		Belageehalli	
19		Upparahalli	
20		Ellenahalli	
21		Otekere	
22		Ankasandra Kavalu	
23		Baraguru	
24		Belaguli	
25		Hosakere	
26		Taarikatte	
27		M.H Kavalu	
28		Gowrasagara	
29		Avalagere	
30		Bhairapura	
31		Gottigenahalli	
32		Kandikere	
33		Vaddanakallahalli	
34		Handiganadu	
35		Balenahalli	
36		Agrahara	
37		Belavadi	
38		Kurihalli Kavalu	
39		Lakkenahalli	
40		Badikegudlu	
41		Borakananive	

Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
42		Hoyisalakatte	Chikkanayakanahalli
43		Kallenahalli	
44		Dabbagunte	
45		Marenadu	
46		Hunasehalli	Sira
47		Dandikere	
48		Narayanapura	
49		Dyagerahalli	
50		Hosuru	
51		Muddenahalli	

52		Sankapura	
53		Bevinahalli	
54		Changavara	
55		Karehalli	
56		Nejanthi	
57		Thadakaluru	
55		Chirathahalli	
59		Kenchammanahalli	
60		Polenahalli	Pavagada
61		Sasalukunte	

District: Chitradurga			State: Karnataka
Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
1	923(E) Date 25.02.2020	Peelali	Hiriyuru
2	1472(E) Date 28.04.2020	Veeravvanagathihalli	
3	3789(E) Date 15.09.2021	Dindavara	
4	5300(E) Date 03.11.2022	Layaradasarahalli	

Sl.No.	S.O. No. & Date	Name of the Village	Name of the Taluk
(1)	(2)	(3)	(4)
5	5301(E) Date 03.11.2022	Madenahalli	Hiriyuru
6	5303(E) Date 03.11.2022	Malagondanahalli	
7	795(E) Date 04.05.2023	Katanayakanahalli	
8	797(E) Date 04.05.2023	Anesidri	
9	799(E) Date 04.05.2023	J G Halli	
10	801(E) Date 04.05.2023	Kurubarahalli	
11		Kodihalli	
12		Halagaladdi	
13		Khandenahalli	

1		Kyadigunte	Challakere
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[F. No. R-12030(27)/2/2019-OR-I/E-30930]

SHASHI SHEKHAR SINGH, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 19 सितम्बर, 2025

का.आ. 1707.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 16/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/09/2025 को प्राप्त हुआ था।

[सं. एल-20012/113/2011-आई.आर.(सी.एम-1)]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th September, 2025

S.O. 1707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 16/2012**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of BCCL. and **their workmen** received by the Central Government on 18/09/2025.

[No. L-20012/113/2011– IR (CM-I)]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.**Reference Case No. 16/2012**

Parties: The Vice President, Janta Mazdoor Sangh.
Vihar Building, Dhanbad.....Claimant
AND.
The General Manager (J), Kusunda Area.
M/s. BCCL, Dhanbad.....Management

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri S.N. Ghosh, Ld. Advocate.

For the workman :- Sri K.N. Singh, Representative

State : Jharkhand.

Industry:-Coal

Dated 21/08/2025

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) Government Of India through the Ministry of Labour, vide its Order No.L-20012/113/2011-(IR(CM-I)) dated 06/02/2012 has been pleased to refer the following dispute between the employer i.e. management of Kusunda Area of M/s BCCL and their workman through Vice President, Janta Mazdoor Sangh Vihar Building, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Kusunda Colliery of M/s. BCCL in not providing employment to Smt. Sakuna Devi, the dependant widow daughter of late Radhi Kamin under the provisions of NCWA is fair and justified? To what relief Smt. Sakuna Devi, the dependant widow daughter of late Radhi Kamin is entitled to?”

2. The case of the workman as per statement of claim is that the workman Radhi Kamin was a permanent employee of Bastacolla Colliery designated as Wagon Loader. She died on 18.09.2005 while in service leaving behind only the claimant Sakuna Devi, her widow daughter. The husband of the claimant namely Ram Balak Bhuia had already died on 15.02.1996 and after his death the concerned claimant has been living with the ex-employee depending herself on her as dependant. After the death of the ex-employee, the said Sakuna Devi has made her claim for compassionate employment under N.C.W.A. on 28.11.2005 and after consideration of claim she was called in Medical Board on 20.07.2007 at 9:30 A.M. vide letter No. BCCL/Dhan/Area 6/2007 dated 18.07.2007 and accordingly she appeared before the Board. But in spite of fulfilling all the requirement and formalities, the concerned claimant was not provided employment till today. She has approached and represented before the management several times for employment but the management kept mum over it and when the management did not consider the claim of the dependent, she took up the matter before the union. An industrial dispute was raised in the office of A.L.C. (C), Dhanbad over denial to provide employment to the dependent of the ex-employee under N.C.W.A. on 19.07.2009 and the dispute was thereafter converted into industrial dispute. Ultimately no settlement was arrived during conciliation proceeding and the failure report was submitted on 13.09.2011 by the Conciliation Officer to the Ministry of Labour,

Govt. of India which resulted in the present reference. The action of the management in not providing employment to the claimant is not justified and the claimant is entitled for compassionate employment under N.C.W.A. and at last it was prayed to pass an Award holding that the action of the management of Kusunda Area of M/s. BCCL in not providing employment to Sakuna Devi, the dependent widow daughter of Late Radhi Kamin under provision of N.C.W.A. is not fair and justified.

3. On the other hand the case of the management as per written statement is that the deceased Radhi Kamin, Ex-Wagon Loader was an employee of Dhansar Colliery. From the Service Excerpt of the deceased employee it is evident that there were three daughters of the deceased Radhi Kamin and Baiju Bhuiya namely (i) Sakuna-14 years, (ii) Sarsatiya-12 years and (iii) Kumari Sakila- 6 years. The claim for the employment was preferred by Smt. Sakuna Devi, widow daughter. The three daughters were reportedly married. The claimant Sakuna Devi has claimed as widow daughter of Radhi Kamin. Being a married daughter she has failed to explain the details of her in-laws and also did not disclose all the property inherited by her. Late Ram Balak Bhuiya S/o Late Vishun Dhari Bhuiya has died on 15.02.1996 and the Regd. No. has been indicated as 03/2007 dated 01.06.2007 as per letter No. 830 dated 15.04.2009 of the BDO, Dhanbad. It has further been submitted that a committee was constituted by the Chief General Manager, Kusunda Area vide Office Order No. A.5/DOPM/09/860 dated 07.07.2009 to find out the dependency of Smt. Sakuna Devi upon the concerned deceased employee and residing with Radhi Kamin during her life time. The claimant Smt. Sakuna Devi was also intimated about the above vide letter No. 871 dated 3/4.7.2009 to appear before the Chairman of the committee/Area Manager (Planning), Kusunda Area on 06.07.2009 at 11:00 A.M. in the above matter with a copy to other members and the GM (P&IR), BCCL, Koyla Bhawan. The PM (MP&R) vide his letter No. BCCL/PA-VI/3(13)/Ar. VI/09/11868 dated 18/20.07.2009 were intimated in the above matter that the competent authority had regretted the claim for employment being the claim of indirect dependent and was not residing with the mother as well as being a doubtful case and she was not fully dependent upon the earning of Late Radhi Kamin during her life time. The intimation was given to her. It has further been stated that a complaint was also received about Sakuna Devi on 04.12.2007. Accordingly to that she was residing with one Rajesh Chouhan etc. The claimant had sought information under RTI Act, 05 which was supplied to her vide letter No. 2205 dated 06.12.2007 along with letter No. 2825 dated 05.12.2007. A writ was also filed by the claimant Smt. Sakuna Devi bearing WP(L) No. 98 of 2010 and counter affidavit was filed by the management on 13.04.2010. The outcome of the same has not been intimated. In view of the above it is evident that the action of the Management of Kusunda Area is quite in order in not providing employment to Smt. Sakuna Devi as she was not the direct dependent and she could not prove the same in the course of investigation and did not disclose the details asked for about her in laws and the property inherited from them etc. There is no merit in the claim for employment.

By way of rejoinder it has been stated that the statement vide Para 1 of the W/S of the claimant is as per record and reference of the I.D. The contents of Para 2, 4, 9 and 10 of the W/S of the claimant are matter of record. The contents of Para 3 of the W/S of the claimant is not correct. The claimant was married daughter and not dependent on the earning of the deceased workman during her life time and no documents and information asked for could be submitted by the claimant before the management. The contents of Para 5 is not correct as would be evident from the W/S of the Opposite Party. The contents of Paragraph 6 of the W/S are not correct and the same are denied. The employment could not be provided and the intimation was given with reason thereof. She had filed writ and the outcome of the same has not been indicated nor disclosed by her. The contents of Para 7 of the W/S is not correct and denied. The contents of Para 8 of the W/S is partly correct so far taking up the matter by the union. The contents of Para 11 are not correct. The action of the management in not providing her employment as she is not direct dependent and not resided with the deceased employee and could not prove herself as being wholly dependent on her earning, the management has rightly not provided her employment as per the provision of the NCWA correctly.

4. To prove her case the claimant, Sakuna Devi examined herself as WW-1.

5. She has also adduced the following documentary evidences:-

Exhibit W-1- Service Excerpts of Radhi Kamin, Ex-Wagon Loader of Dhansar Colliery.

Exhibit W-2- Letter dated 18.07.07 issued by the Senior Personnel Officer to the claimant to appear before the Medical Board.

Exhibit W-3- Letter of BCCL dated 12.07.2007

Exhibit W-4- Claim rejection letter dated 18/20.07.2009

Exhibit W-5- Letter dated 02.03.2007 issued from the Office of Block Development Officer, Dhanbad to Project Officer, Dhansar Industry Colliery.

6. On the other hand the management has examined Debashish Bagh as MW-1.

7. The following documentary evidence has been adduced from the side of the management:

Exhibit M-1- Claim rejection Letter dated 18/20.07.2009 .

Exhibit M-2- Office order dated 01.07.2009 of Chief General Manager, Kusunda Area.

Exhibit M-3- Letter dated 3/4.7.2009.

8. Heard both sides and perused the materials on record.

9. The Ld. Representative of the workman has submitted that the claimant Sakuna Devi has placed her claim being the widow daughter and dependent on the earning of her late mother Radhi Kamin for employment in her place as she has died on 18.09.2005 while in service of BCCL working as wagon loader leaving behind only claimant Sakuna Devi. She was married but her husband Ram Balak Bhuia has already died on 15.02.1996 and after his death she had been residing with her mother fully dependent on her earning. Her application was considered and she was also called for medical examination before the Medical Board but later on her claim was illegally rejected and therefore she raised this Industrial Dispute and prayed that the action of the management of Kusunda Area of BCCL in not providing her employment under NCWA is unfair and unjustified.

On the other hand the Ld. Counsel for the management has submitted that after death of the Ex-employee, Radhi Kamin, the claimant Sakuna Devi made her claim before the BCCL for employment but during investigation by the committee it was found that after the death of her husband Ram Balak Bhuia she could not disclose the property inherited by her husband. She has also not been able to prove that she was residing with her mother and was fully dependent on her earning and therefore her case was found doubtful and rejected by the management. BDO Dhanbad is not competent authority to issue dependency certificate to Sakuna and at last it was prayed to reject the claim of the claimant.

10. Now, as regards the oral evidence of the management, MW-1 Debashish Bagh, Asstt. Manager Personnel, BCCL, Kusunda Area, Dhanbad has stated in his examination in chief that this case is related to the employment of Sakuna Devi daughter of Late Radhi Kamin who was Wagon Loader in Dhansar Colliery. As per records Radhi Kamin has three daughters namely Sakuna, Saraswatiya and Sakila and all of them were married. He had forwarded the papers of employment of Sakuna to the Headquarter but the same had been rejected. The information of the same was communicated to her. A committee had been established for making enquiry regarding employment of Sakuna but she had not participated therein so they had sent the report to the headquarter as doubtful case. In his cross-examination he has admitted that Radhi Kamin had died in the year 2005. In the year 2012 he was posted in Kusunda Area. He has no knowledge that Sakuna had been sent to Medical Board where she was found fit for employment. She had also submitted a dependency certificate issued by BDO, Dhanbad. He has also admitted that there is a provision of employment of dependent in case of death of an employee as per NCWA. The husband of Sakuna had died in the year 1996.

As regards the documentary evidence of the management, on perusal of **Exhibit M-1** it transpires that this is a letter dated 18/20.7.2009 written by Sri A.K. Singh, PM(MP&R) to the CPM, Kusunda Area by which he has informed him that the claim pertaining to the employment to Smt. Sakuna Devi widow daughter of Late Radhi Kamin was placed before the Competent Authority and the same has been regretted being an indirect dependent and was not residing with mother as well as being a doubtful case as she was not fully dependent upon the earning of Late Radhi Kamin during her life time.

Exhibit M-2 is the office order dated 01.07.2009 of the Chief General Manager, Kusunda Area by which a committee has been constituted consisting four members to find out the dependency of Smt. Sakuna Devi upon the earning of deceased employee and residing with Radhi Kamin during her life time and the report was also directed to be submitted within 3 days.

Exhibit M-3 is letter dated 03/04.07.2009 of the office of the Chief General Manager, Kusunda Area written to Smt. Sakuna Devi by which she has been informed that her application of dependent employment was under process and she was advised to appear before the committee at Area Office in the chamber of R.K. Raman, Chairman of the Committee on 06.07.2009 at 11:00 AM to ascertain the facts and process the same.

11. Now, as regards the oral evidence of the claimant, Smt. Sakuna Devi has stated in her affidavited examination in chief that her mother Late Radha Kamin was a permanent employee of Kusunda Colliery under Kusunda Area designated as Wagon Loader who died earlier on 18.09.2005 while in service leaving behind this witness as her daughter and legal heir. She has further stated that her husband Late Ram Balak Bhuia has already died on 15.02.1996 and after his death she had been living with her mother and after her death she had made her claim for compassionate employment under NCWA on 28.11.2005 and after consideration of the same she was called by the Medical Board on 20.07.2007 at 9:30 A.M. vide letter dated 10.07.2007 and accordingly she appeared before the Board but in spite of fulfillment of all the requirements and formalities, she has not been provided employment. She had represented before the management several times for providing her employment but all went in vain. She is legal and bonafide dependent of the Ex-employee, entitled for compassionate employment under NCWA. The action the management in not providing her employment is not justified whereas she is entitled for the same. In her cross-examination she has stated that her mother died in the year 2005. As per Service Excerpts her age is 14 years. It is not a fact that as per the calculation as on today she was 54 years. It is also not a fact that she is not entitled to get job.

12. Now, as regards the documentary evidence of the claimant, **Exhibit W-1** is the Service Excerpts of Radhi Kamin, Ex-Wagon Loader of Dhansar Colliery and on its perusal it transpires that she had three daughters whose names were given in the column of nominee (i) Kumari Sakuna-14 years, (ii) Kumari Saraswatiya-12 years and (iii) Kumari Sakila- 6 years.

Exhibit W-2 is letter dated 18.07.2007 sent by Senior Personnel Officer, Dhansar/Industry Colliery to Smt. Sakuna Devi for her appearance in Medical Board on 20.07.2007 at 9:30 A.M. for medical checkup along with Service Excerpts and Academic Certificates.

Exhibit W-3 is letter dated 12.07.2007 of Dy. CMO (MB) to the Dy. C.P.M./Agent, Kusunda Area by which he has been requested to direct the claimant Smt. Sakuna Devi, Yogeshwar Dusadh and Ashok Kr. Rajbhar to appear before the Medical Board, Koyla Nagar Hospital on 20.07.2007 at 9:30 A.M. along with Educational Certificate/ Service Excerpt of Ex-employee and all documents in original.

Exhibit W-4 is the same as Exhibit M-1 i.e. rejection of the employment claim of the claimant Sakuna Devi. On its perusal it transpires that this is a letter dated 18/20.7.2009 written by Sri A.K. Singh, PM(MP&R) to the CPM, Kusunda Area by which he has informed him that the claim pertaining to the employment to Smt. Sakuna Devi, widow daughter of Late Radhi Kamin was placed before the Competent Authority and the same has been regretted being an indirect dependent and was not residing with mother as well as being a doubtful case as she was not fully dependent upon the earning of Late Radhi Kamin during her life time.

Exhibit W-5 is letter No. 495 dated 02.03.2007 of the Office of Block Development Officer, Dhanbad sent to the Project Officer, Dhansar Industry Colliery by Block Development Officer, Dhanbad regarding issuance of dependency certificate. It transpires that this has been written in pursuance of letter no. 832 dated 04.11.2006 of Project Officer, Dhansar Industry Colliery and the contents of this letter reveal that on the basis of the enquiry report of Sri Ram Vinay Singh, Dhanbad it is certified that Smt. Sakuna Devi W/o Late Ram Balak Bhuiya who was the daughter of mother Late Radhi Kamin and father Late Baiju Bhuiya, was the heir of her parents and dependent on their earnings.

13. On perusal of the above oral as well as documentary evidence adduced from the side of the claimant, Smt. Sakuna Devi it is evident that she has been able to establish and prove that she was daughter of mother late Radhi Kamin and father late Baiju Bhuiya and she was married to one Ram Balak Bhuiya who died on 15.02.96 and after his death she started living with her mother Radhi Kamin being fully dependent on the earnings of her mother who was working as Wagon Loader in BCCL and died on 18.09.2005 which also finds corroboration from Exhibit W-5 which certifies that she was dependent on the earnings of her parents and as per NCWA, the claimant being widow daughter and dependent on the earnings of her late mother workman Radhi Kamin, is fully entitled to get employment.

14. On perusal of the evidence led from the side of the management though as per Exhibit M-3 it transpires that the claim of the claimant Sakuna Devi has been rejected on the ground that she was not fully dependent upon the earnings of Late Radhi Kamin but this is not sustainable because the NCWA-II itself does not use the words “fully dependent ” rather it uses the words “almost wholly dependent” and secondly, there is no justification with the management to not rely on Exhibit W-5 which has been issued from the Office of the BDO, Dhanbad regarding dependency certificate of the claimant and if the management has any doubt regarding the genuineness of this document, it was for him to verify that he did not exercise and illegally rejected the valid claim of the claimant. Thirdly, the management has also rejected the claim on the ground of the claimant being indirect dependent which is in utter violation of NCWA-II because as per NCWA-II, widowed daughter falls in the category of indirect dependent and is very well entitled to the employment interalia if direct dependent is not available and here in the instant case, the management very well knows that direct dependent like husband, unmarried daughter, son/legally adopted son is not available and lastly, the management has also failed to adduce any evidence on record which may prove that the claimant was not residing with her mother after the death of her husband.

15. Thus on the basis of above oral and documentary evidences of both sides this Tribunal finds and holds that the action of the management of Kusunda Colliery of M/s.BCCL in not providing employment to Smt. Sakuna Devi, the dependent widow daughter of Late Radhi Kamin under the provisions of NCWA, is not fair and not justified and so, Smt. Sakuna Devi is entitled to get employment under the provisions of NCWA and accordingly the management is directed to provide the claimant, Smt. Sakuna Devi employment within 30 days from the date of notification of this Award.

Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2025

का.आ. 1708.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी 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, धनबाद-1 के पंचाट (संदर्भ संख्या 5/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/09/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक

New Delhi, the 19th September, 2025

S.O. 1708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 5/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of BCCL. and **their workmen** received by the Central Government on 18/09/2025.

[No. L-20013/01/2025- IR (CM-I)]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD****ID Case No. 5/2021****Sri Bijay Bauri****Ex. General Mazdoor,****At:-Alkusa Colliery, P.O.:- Kusunda,****Dist.-Dhanbad**,.....**Applicant****Vs.****1) The Project Officer****Dhansar/Industrial Colliery****Of M/s BCCL, P.O.- Dhansar,****Dist- Dhanbad****2) The General Manager****Kusunda Area of M/s. BCCL****P.O- Kusunda****Dist-****Dhanbad.....Opposite Party****Present: Shri Sachindra Kumar Pandey****Presiding Officer****Appearances:****For Applicant :- Sri R.R. Ram, Representative.****For Opp. Party :- Sri S.N. Ghosh, Advocate****State : Jharkhand.****Industry:-Coal****Dated 27/08/2025****AWARD**

2. This case has been filed under section 2-A of the I.D. Amendment Act, 2010 by the applicant/workman namely Bijay Bauri on 15.07.2021 against the order of his dismissal dated 13.09.2019 from his service by the management of Dhansar/Industry Colliery under Kusunda Area of M/s. BCCL for setting aside the order of dismissal dated 13.09.2019 and reinstatement with full back wages.

3. The case of the workman Sri Bijay Bauri as per his application is that he was designated as General Mazdoor bearing Per. No. 03028628 and was a permanent workman in Dhansar/Colliery under Kusunda Area of M/s BCCL. He was punctual and regular workman. He never neglected his duty but suddenly the management issued a charge sheet alleging therein that he was absent from duty since 21.12.2018. Thereafter he replied to the charge sheet on 02.04.2019 which was found satisfactory. He has further submitted that in his reply he has stated that he received a news from his native village that his wife was serious and so he left for his native village for her better treatment. He had administered to her herbal medicine but she was not cured of her disease. On 17.09.2018 he came to Dhanbad for her treatment. She was under treatment of Dr. A. Banerjee from 17.02.2018 to 16.09.2019 and there was no adult member in his family to look after her and therefore he remained absent for the same and during that period the concerned management served him with a charge sheet. The management also issued 2nd show cause notice under clause 26.1.1 of the Certified Standing Order of the Company which provides for a minor punishment. He was dismissed from his service on 13.09.2019 because he remained absent from his duty for only 9 months. His dismissal from services was illegal and unjustified w.e.f. 13.09.2019. He also filed a mercy appeal before the concerned authority on 24.10.2019 to reinstate him in his service but in vain. The action of the management in dismissing him from his service is illegal and unjustified and he is entitled to reinstatement in his service with back wages. He raised an Industrial Dispute which was registered on 09.12.2021 in the office of ALC (C), Dhanbad and after 45 days he filed his application before this Tribunal and at last it was prayed to pass order/award in his favour with a direction to the concerned management to reinstate him in his service with full back wages.

4. The case of the management as stated in the objection dated 27.04.2022 is that the applicant Bijay Bauri got employment in BCCL against VRS of his mother Smt. Ankuri Kamin vide office order no. 2000/2242 dated 15.12.2000. His initial posting was at Bassuriya Colliery w.e.f. 17.12.2000 thereafter he was transferred to Dhansar Colliery in the year 2009. From initial appointment the applicant maintained a neglecting attitude towards his duty and remained unauthorizedly absent for number of occasions and for which two increments were stopped by way of punishment. The attendance of the applicant was very poor in last three years i.e. in the year 2016- 160 days, 2017- 19 days and 2018 – 17 days. He was absenting from duty unauthorizedly w.e.f. 21.02.2018 and remained absent for more than one year and did not inform the management of such absence from duty for which he was charge sheeted vide letter no. BCCL/Dhan/2019/02 dated 02.04.2019 which was replied by the applicant on the same date but that was not found satisfactory and as such the management proceeded to hold enquiry proceedings against the charge sheet under clause 26.1.1. of CSO of the company. The Enquiry Officer and management representative were appointed vide letter dated 25.04.2019 and enquiry was conducted by informing applicant, who participated fully in the enquiry proceedings and opportunity was given to defend his case by way of natural justice. During the enquiry the applicant stated that his wife was seriously ill and her treatment was done at the native village of the applicant through Ayurvedic medicine but he did not submit any documentary proof of the same before the Enquiry Officer. The applicant also submitted in writing that he did not inform the Opp. Party of such treatment and remained absent unauthorizedly. The enquiry was conducted and enquiry report was submitted by the Enquiry Officer wherein the charges levelled against him were established beyond any reasonable doubt and by approval of the competent authority, the applicant was dismissed from his service w.e.f. 11/13.09.2019. Before the dismissal the applicant was also issued second show cause notice to which the applicant replied but that was not found satisfactory. The present I.D. case has been raised after 2 years of the dismissal and therefore there remains no employer employee relationship between the applicant and the opposite party and as such the present I.D. is not tenable in the eye of law. After dismissal the applicant submitted a letter requesting the Opp. Party to withdraw the dismissal order as an appeal by filing application along with the prescription of Dr. A Banerjee of Kendua, Dhanbad who happens to be a Homeopathy Doctor who seems to have treated his wife but at the time of enquiry proceeding the applicant said that his wife has been treated at his native place by Ayurvedic medicine. So the treatment of his wife becomes doubtful. Moreover, the company is having its own Hospitals at Area level and main hospital being Central Hospital, Dhanbad where the employees and their family members was treated free of cost. The statements made in Para 1 of the application is partly accepted that he was a permanent employee of Dhansar Colliery but it is denied that he was punctual and regular workman. The statement made in Para-2 of the application is denied to the extent that applicant always neglected his duty and attendance of last 3 years were very poor as mentioned earlier. The Opp. Party waited for one year, one month and eleven days and thereafter issued charge sheet, so it cannot be said that all of a sudden the opposite party issued charge sheet. The statement made in Para-3 of the application is correct that the applicant replied to the charge sheet on the same date i.e. on 02.04.2019 but it is wrong to say that the reply was found satisfactory as because if the reply was found satisfactory there was no need to hold enquiry proceeding. The statement made in Para 4, 5 & 6 of the application have already been discussed hence require no repetition. The statement made in Para-9 of the application is objected and it is submitted that the dismissal is just, legal and proper in the eye of law and at last it was prayed to hold that the dismissal of the applicant is just, legal and proper in the eye of law.

5. A rejoinder application has also been filed on behalf of the applicant on 26.05.2022 submitting therein that the contents of Para-1 to 3, 10 and 13 of the objection of the O.P. are a matter of record. The content of Para-4 of the objection of the O.P. is not fact and the applicant was not intentionally absent from his duty. The content of Para-5 of the objection of the O.P. is not fact as the management could not produce attendance chart for the absence of the

applicant during that period. The statement of Para-6 of the objection of the O.P. is also not fact as the applicant was not intentionally absent from his duty. The applicant could not inform the O.P. because he was unknown to the rules, norms and provision of the company. As stated in Para-7 of the Objection of the O.P., the Enquiry Officer was appointed to enquire the matter and the applicant participated in the same and placed the facts. As stated in Para-8 of the O.P. is also not a fact, the applicant placed the documents regarding his absenteeism from his duty. The statement of Para-9 of the objection of the O.P. is denied. The charges levelled against him was not proved during enquiry proceeding and he was illegally and arbitrarily dismissed from his service w.e.f. 11/13.09.2019. The applicant was illegally issued second show cause notice. The content of Para-11 of the objection of the O.P. is strictly denied. The I.D. was raised within time limit as per the Rule of I.D. Amendment Act, 2010 and the relationship between the employee and employer very much exists. As stated in Para-12 of the objection that the applicant submitted an appeal to withdraw his dismissal from his services but in vain. As stated in Para-14 of the objection it is stated that the applicant replied to the charge sheet on the same day and his reply was found satisfactory.

6. In support of his case the applicant has adduced the following documentary evidence:

Exhibit W-1- Charge sheet dated 02.04.2019.

Exhibit W-2- Dismissal Order dated 11/13.09.2019.

Exhibit W-3 Series- Medical prescription dated 17.02.2018, 05.08.2018, 24.06.2019 and 16.09.2019.

Exhibit W-4- Mercy Appeal dated 24.10.2019.

Exhibit W-5- Second Show Cause Notice dated 08.05.2019.

7. The management has adduced the following documentary evidence in support of its case:

Exhibit M-1- Charge sheet dated 02.04.2019.

Exhibit M-2- Dismissal order dated 11/13.09.2019.

Exhibit M-3- Declaration of the applicant dated 02.04.2019.

Exhibit M-4- Reply of second show cause notice.

Exhibit M-5- Enquiry proceedings dated 29.04.2019.

Exhibit M-6- Enquiry Report dated 05.05.2019.

Exhibit M-7- Commencement of enquiry.

Exhibit M-8- Notice dated 25.04.2019.

Exhibit M-9- Second show cause notice dated 08.05.2019.

Exhibit M-10- Office Memo dated 25.04.2019.

Exhibit M-11- Office Order dated 15.12.2000 regarding appointment of Sri Bijay Bouri in place of his mother.

Exhibit M-12- Explanation/reply of charge sheet.

Exhibit M-12/1- Typed written application of Bijay Bauri for withdrawal of his dismissal.

Exhibit M-13 Series- Medical Prescription of Mina Bouri wife of Bijay Bauri dated 17.02.2018, 05.08.2018, 24.06.2019 and 16.09.2019 of Dr. A. Banerjee.

8. Heard both sides and perused the materials on record.

The Ld. Representative of the applicant has submitted that he has filed the present I.D. case under section 2-A of the I.D. Amendment Act, 2010 against the illegal dismissal of Bijay Bauri. The said workman was working as General Mazdoor in Dhansar/Industry Colliery under Kusunda Area of M/s. BCCL and his wife who was residing in the village fell ill, he went to his native village for her treatment on 21.12.2018 without informing the management and thereafter he got his wife treated in the village by Ayurvedic Doctor but she did not become well so he came to Dhanbad on 17.02.2018 for her better treatment by Dr. A. Banerjee but the management issued a charge sheet on 02.04.2019 due to his absence from duty and he gave reply of the same but the management started enquiry against him in which he participated but he was found guilty and he was illegally dismissed from his service whereas the charge sheet was issued against him under Rule 26.1.1 of the Certified Standing Order which provides only minor punishment. He was also issued second show cause notice and he also replied the same. His mercy appeal was also not considered illegally and at last it was prayed to set aside the illegal dismissal order and pass an order for the reinstatement in his service with full back wages.

9. On the other hand the Ld. Counsel for the management submitted that the workman Vijay Bauri has been habitual absentee from his duty. Without giving any information to the management he remained absent from duty

unauthorizedly w.e.f. 21.02.2018 and thereafter the management waited for him for more than one year but when he did not turn up, charge sheet was issued on 02.04.2019 and the workman participated in the proceeding that was started against him after his reply and the charge was found proved. He was also issued second show cause notice but the reply of the workman was not found satisfactory. The workman has himself admitted that without informing the management he had gone to his village and absented from his duty and he has also admitted the fairness of the enquiry proceeding. On one hand the workman has said that his wife was ill in the village and he got her treatment by Ayurvedic Doctor and on the other he has submitted medical prescription of Dr. A. Benerjee who is a Homeopathy doctor and these things prove that the workman is telling lie and he is in the habit of absenting himself from duty and previously also he had absented himself from duty without leave for which he was punished by stopping two increments and therefore finding no alternative the management dismissed him from the service and so prayed to dismiss the application of the workman.

10. **Issues for consideration**

- i) Whether disciplinary proceeding was conducted properly and fairly?
- ii) Whether the action of the management of Dhansar/Industry Colliery under Kusunda Area of M/s. BCCL in dismissing Sri Bijay Bauri from his service w.e.f. 13.09.2019 is legal, justified and proportionate and if not, to what relief the concerned workman is entitled to?

11. As regards the **Issue no. (i)**, the applicant/workman has himself filed an application dated 05.07.2022 mentioning that he was accepting the enquiry fair and proper and so on the same date this Tribunal also held the domestic enquiry as fair and proper and so the issue no. (i) is decided accordingly.

Now as regards **Issue no. (ii)**, on perusal of Exhibit M-1 it transpires that this is charge sheet dated 02.04.2019 issued by the Disciplinary Authority cum Management Amalgamated Dhansar Industry Colliery to the workman Sri Bijay Bauri mentioning therein that written report was received against him that he remained absent without taking leave or permission from duty from 21.02.2018 which was misconduct as per CSO of the company under clause 26.1.1 and he has been directed to file explanation within 15 days from the date of receipt of this charge sheet. Ext.M-12 is the explanation/reply to the chargesheet dated 2.04.19 in which Bijay Bauri has admitted that after receiving information of his wife's illness, he went to his village without giving information to the management and stayed there for her treatment and due to the same he could not resume his duty. Exhibit M-3 is a type of declaration submitted by Bijay Bauri on 02.04.2019 itself mentioning therein that without information he remained absent since 21.02.2018 from his duty and during this period of absence he neither went to jail nor he had worked in private or government institutions. Exhibit M-5 is copy of enquiry proceeding conducted against the applicant Bijay Bauri on 29.04.2019 in which he has very clearly replied in answer to a question that after he received information from his village that his wife fell suddenly ill and he went to his village but information of the same could not be given by him to the management and staying in the village he was providing treatment to his wife. He has further admitted that Ayurvedic medicine was being given to his wife but he has no any documents of the same and he has admitted his fault to remain absent without information or permission. Ext.M-7 is the commencement of enquiry proceeding against Vijay Bauri after his appearance before enquiry officer. Exhibit M-6 is the finding of the enquiry dated 05.05.2019 by which it has been found that the applicant Bijay Bauri has been absent from his duty since 21.02.2018 and charge sheet has been issued to him as per Certified Standing Order 26.1.1 and the said applicant Bijay Bauri accepted his fault and ultimately it was found that the charges levelled against him were proved. Exhibit M-9 is the second show cause notice dated 08.05.2019 issued by the Management/Project Officer to Bijay Bauri in which he has been directed to submit any defence/evidence if the same could not be submitted by him previously. Exhibit M-8 is notice dated 25.04.2019 issued by Enquiry Officer by which the applicant Bijay Bauri has been informed to remain present on 29.04.2019 at 11:30 A.M in the office of Project Officer, ADIC so that enquiry proceeding may be conducted and it has further been informed that he can also appear before the Enquiry Officer with his worker. Exhibit M-10 is the office memo dated 25.04.2019 by which the enquiry proceeding against Bijay Bauri was directed to be advanced for which Sri Ram Binod Kumar, Manager was appointed Enquiry Officer. Exhibit M-11 is the Office Order dated 15.12.2000 by which Bijay Bauri was appointed under the scheme of voluntary service retirement (women) in place of his mother Smt. Ankuri Kamin at the post of UG Minor Loader. Exhibit M-4 is the application written by the applicant Bijay Bauri by way of his reply to the second show cause notice in which he has admitted that due to mental stress he could not give information to the company and he admitted his fault and the reason that he previously disclosed for his absence was true. Exhibit M-12/1 is mercy appeal dated 06.11.2019 that has been filed by the workman Bijay Bauri addressed to Project Officer Dhansar Colliery in which he has admitted that due to his wife's sudden illness he remained busy in her treatment and could not give information to the management and he has admitted his fault and assured not to make this fault again and has requested to set aside the dismissal order and permit him to go to his work. Exhibit M-2 is the dismissal order dated 11/13.09.2019 that has been issued by the Project Officer Dhansar Industry Colliery to the applicant Bijay Bauri in which it has been described that due to remaining unauthorizedly absent from duty since 21.02.2018 a charge sheet was issued under CSO No. 26.1.1 on 02.04.2019 against Bijay Bauri and he also submitted explanation for the same but it was not found satisfactory and therefore enquiry proceeding was conducted in which he also participated and after the conclusion it was found that the charges levelled against him was true. Thereafter he was again issued second show cause notice on 08.05.2019 but

his explanation for the same was also not found satisfactory and ultimately considering all these points holding him guilty of being absent without any information from duty he was dismissed from the service of the company with immediate effect and he was further informed that within 30 days from the date of receipt of dismissal order he can file appeal to the prescribed authority. Exhibit M-13 is the copy of prescriptions of the patient Mina Bauri wife of Bijay Bauri dated 05.08.2018, 20.10.2018, 29.11.2018, 29.03.2019, 06.05.2019, 24.06.2019 and 17.02.2018 of Dr. A. Banerjee, B.Sc., B.H.M.S. (B.U.) and on its perusal it transpires that this doctor is a Homeopathy doctor and the management has filed these prescriptions with a view to prove the contradiction in the statement of the applicant Bijay Bauri because he had stated that he was providing treatment to his wife by an Ayurvedic doctor in his village whereas the prescription was found of a Homeopathy doctor.

The Management has also submitted a photo copy of commendation/punishment and on its perusal it transpires that this is details of commendation/punishment (if any) and it shows that there is deduction of two annual increments and in punishment column/ details of the offence:-“long absent has been mentioned” and thereafter “basic before punishment = 1377.20 and basic after deduction of two increments = 1298.15” has been mentioned. It further transpires that it has been attested by someone putting his signature as well as date but without any Designation and stamp and it appears that the management has filed this document to prove that the workman Bijay Bauri was a habitual absentee but this document cannot be relied for the reason that neither this document bears the name of Bijay Bauri nor the period of absence nor date and duration of the absence, has been mentioned and therefore being only photo copy of some descriptions it cannot be read against the workman Bijay Bauri for the reasons stated above.

Now as regards the documentary evidence adduced from the side of the workman, Exhibit W-1 is the copy of charge sheet dated 02.04.2019 issued by the Disciplinary Authority cum Management Amalgamated Dhansar Industry Colliery to the workman Sri Bijay Bauri mentioning therein that written report was received against him that he remained absent without taking leave or permission from duty from 21.02.2018 which was misconduct as per CSO of the company under clause 26.1.1 and he has been directed to file explanation within 15 days from the date of receipt of this charge sheet. Exhibit W-2 is the dismissal order dated 11/13.09.2019 that has been issued by the Project Officer Dhansar Industry Colliery to the applicant Bijay Bauri in which it has been described that due to remaining unauthorizedly absent from duty since 21.02.2018 a charge sheet was issued under CSO No. 26.1.1 on 02.04.2019 against Bijay Bauri and he also submitted explanation for the same but it was not found satisfactory and therefore enquiry proceeding was conducted in which he also participated and after the conclusion it was found that the charges levelled against him was true. Thereafter he was again issued second show cause notice on 08.05.2019 but his explanation for the same was also not found satisfactory and ultimately considering all these points holding him guilty of being absent without any information from duty he was dismissed from the service of the company with immediate effect and he was further informed that within 30 days from the date of receipt of dismissal order he can file appeal to the notified authority. Exhibit W-3 are the copies of prescriptions of the patient Mina Bauri wife of Bijay Bauri dated 17.02.2018, 19.05.18, 30.06.18, 20.10.18, 29.11.18, 29.03.19, 24.06.19 and 16.09.19 of Dr. A. Banerjee, B.Sc., B.H.M.S. (B.U.) and on its perusal it transpires that this doctor is a Homeopathy doctor. Exhibit W-4 is mercy appeal dated 06.11.2019 that has been filed by the workman Bijay Bauri addressed to Project Officer Dhansar Colliery in which he has admitted that due to his wife's sudden illness he remained busy in her treatment and could not give information to the management and he has admitted his fault and assured not to make this fault again and has requested to set aside the dismissal order and permit him to go to his work and Exhibit W-5 is the second show cause notice dated 08.05.2019 issued by the Management/Project Officer to Bijay Bauri by which he has been informed that he has been found guilty in the finding of the enquiry and he has been suggested to submit any left evidence or defence if the same could not be submitted by him previously within 15 days of the receipt of this notice.

12. Thus, on the basis of above discussions of the documentary evidence adduced from the side of the workman as well management this Tribunal finds that the workman Bijay Bauri remained absent from his duty since 21.02.2018 without giving any information and taking permission from the management that he has also admitted by accepting the enquiry proceeding as fair and proper but as regards the quantum of punishment awarded to the workman Bijay Bauri by the management, that is not proportionate to the misconduct of Bijay Bauri as there is no cogent and reliable evidence on record that the applicant Bijay Bauri has been a habitual absentee and for want of the same, the order of dismissal passed by the management is held quite disproportionate and therefore it is held that the action of the management of Dhansar Industry Colliery under Kusunda Area of M/s. BCCL in dismissing Sri Bijay Bauri Ex. General Mazdoor from his service w.e.f. 13.09.2019 is neither legal nor justified rather quite disproportionate.

13. Hence, the order of dismissal dated 11/13.09.2019 is hereby set aside and the Management of BCCL is directed to reinstate the workman Bijay Bauri in the services of the Company within one month from the date of notification of this Award. The workman shall be entitled to all other consequential benefits but he will not be entitled to any increment or back wages during period of absence from duty.

Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2025

का.आ. 1709.—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 2, के पंचाट (संदर्भ संख्या 39/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/09/2025 को प्राप्त हुआ था।

[सं. एल-22011/13/2015-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/ लिंक अधिकारी

New Delhi, the 19th September, 2025

S.O. 1709.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 39/2015**) 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 **18/09/2025**.

[No. L-22011/13/2015- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

(Presiding Officer:- Mr. Kamal Kant).

ID No.39/2015

Registered on :- 16.09.2015

The General Secretary, Food Corporation of India Shramik Union, C-45, Chandu Nagar, Gali No.5, Near Bihari Masjid, Karawal Nagar Road, Delhi-110094.

.....Claimant Union

Versus

1. The General Manager (Region) Food Corporation of India, Regional Office, Haryana, Sector-4, Panchkula, Haryana.
2. The Area Manager, Food Corporation of India, District Office Karnal, Haryana.

.....Respondents

Present: Sh. Chandan Kumar, AR for worker union.

Sh. K K Gupta, AR for Respondent no.1 & 2.

Award

Dated : 05.08.2025

Central Government vide Notification No.L-22011/13/2015-IR(CM-II) dated 31.08.2015, 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 Food Corporation of India in taking the date of birth of workmen as shown in the seniority list of the Bajaj Committee Report is legal and justified? If not, what relief the workman is entitled and from which date?”

1. Brief facts of the case as per claim statement filed on behalf of workers union are that the Food Corporation of India (hereinafter called as FCI) is a statutory corporation set up by the Government of India under Section 3 of Food Corporations Act, 1964. In order to carry out its business, FCI initially engaged the contract workers in its godowns/depots and then in due course of time, it departmentalized the contract workers or brought them under the Direct Payment System of No Work No Pay System, thereby bringing them under the direct employer/employee relationship with it. The job of such workers consists of loading, unloading, stacking, de-stacking, weighment, salvaging and standardization of food grains. The FCI also gets the aforesaid food handling operations carried out through the contract workers or through its own workers at railheads and railway sidings as well. Respondent no.1 & 2 manage and control the affairs of the FCI at regional level and district level respectively.

2. Pursuant of issuance of notification dated 29.11.1985 by Government of Haryana under Section 10 of the Contract Labour (Regulation & Abolition) Act, 1970, employment of contract labour in 22 depots of FCI in Haryana was directed to be prohibited, which notification was challenged upto Hon'ble Supreme Court and was upheld by it. Accordingly, a committee was established to look into the grievances and in pursuance of the report made by the committee contract labour system was abolished in 22 depots of FCI including FCI, Karnal complex.
3. Subsequent to the abolition of contract labour system in 22 depots of FCI, Haryana, a bipartite settlement dated 12.04.1991 (Annexure W/4) was entered into between the FCI and workers union for the regularization of the contract workers. The question arose as to the identification and seniority of workers for the purpose of their departmentalization in accordance with the requisite labour strength of FCI. The FCI headquarter then came out with a circular no.IRL/8(1)(91) dated 11.06.1991 (Annexure W/5) prescribing the methodology/modus operandi for the identification and determination of seniority for the purpose of departmentalization. A detailed procedure for the identification of the contract workers has been laid down in paragraph no.3.1 of the aforesaid circular dated 11.06.1991. Paragraph 4.2 of the aforesaid circular provides for the determination of seniority as per the length of service of a worker with the contractor. It further provides that if documentary proof of the age of a worker is not available, a medical check up to determine his age should be carried out or alternatively the worker may be referred to the local Government of Municipal hospital for determination of his age, if no documentary proof of the same is available.
4. In pursuance of the aforesaid circular dated 11.06.1991, various committees namely Dalela Committee-I, Dalela Committee-II, Chopra Committee and Ranga Committee were formed one by one to settle/finalize the seniority of the workers so as to regularize them against the regular vacancies in FCI, Karnal. It is stated that the FCI, Zonal Office (North) vide order dated 29.07.1991 fixed the strength of 251 workers for FCI, Karnal. Finally, Mr. R. K. Ranga, the then Senior Regional Manager, FCI, Regional Office, Haryana under the directions of the Hon'ble High Court of Punjab & Haryana determined the inter se seniority of the works of FCI, Karnal vide order dated 28.04.1994 and departmentalized such workers against 251 regular vacancies.
5. The order/report dated 28.04.1994 of Mr. R. K. Ranga was challenged in a **CWP bearing No.11647 of 1994 titled as Ram Rattan and others Versus Food Corporation of India and others** filed before the Hon'ble High Court of Punjab & Haryana. The Hon'ble High Court of Punjab & Haryana vide order dated 08.01.2009 (Annexure W/6) quashed the order dated 28.04.1994 of Mr. Ranga and appointed Sh. R. P. Bajaj, District & Session Judge (Retd.) as one man committee to re-determine the seniority of workers, who were working at FCI, Karnal.
6. The Bajaj Committee submitted its report dated 05.07.2010 (Annexure W/7) which came under challenge in **CWP No.574/2011** and thereafter in **LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others**. The aforesaid Bajaj Committee report was upheld by the Hon'ble Division Bench of High Court of Punjab & Haryana in the **LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others** vide order dated 20.03.2014 (Annexure W/8). In compliance of order dated 20.03.2014 (Annexure W/8), all the workers except 38 workers appointed under the report/order dated 28.04.1994 made by Sh. R. K. Ranga were replaced by new incumbents. The aforesaid 38 workers were retained in employment by the FCI as they also found place in the seniority list of Bajaj Committee report. However, their date of birth/age as shown in the Bajaj Committee report is different from the date of birth/age as determined by the Chief Medical Officer (hereinafter called as CMO) at the time of their departmentalization. The union had demanded taking/accepting date of birth as per the certificate given by the CMO to the FCI not as per the date of birth as shown in seniority list of the Bajaj Committee Report. Out of aforesaid 38 workers, now 7 workers are being represented by the claimant union, who have filed the present claim.
7. As per order dated 08.01.2009, the Bajaj Committee was entrusted with the job of determining the inter-se seniority of the workers of Karnal Depots only. The Bajaj Committee was never directed to determine the age of workers, nor was the said committee competent to do so. The Bajaj Committee mentioned in its report the date of birth of the workers as furnished by the concerned contractors. The Bajaj Committee had not called for the documents showing the proof of age as the same were not available to the contractors. In such circumstances, the workers should have been referred to the medical officers for the determination of their age through ossification test.
8. The standing orders for the Industrial Establishments of the Food Corporation of India (Annexure W-11) applicable to the departmental workers of FCI vide clause 3(5) provides that proof of the date of birth of a workman is adducible from the relevant documents like matriculation certificate, school leaving certificate or the register maintained by the municipality in which date of birth is recorded, the register maintained by the registrar of births etc. and in the absence of such documents the medical certificate given by the Govt. Medical Officer is to be relied upon for the purpose of the age proof. The date of birth of a person cannot be made liable to be changed to the caprice of the respondent/management.
9. The claimant union, by way of raising the instant industrial dispute, does not intend to challenge the Bajaj Committee Report, which has been upheld by the Hon'ble High Court of Punjab & Haryana and further by the Hon'ble Supreme Court and the issues as to the induction of the contract workers the under departmental labour

system in FCI, Karnal Complex have been put to rest after the implementation of the Bajaj Committee Report in compliance of the order dated 20.03.2014 passed by the LPA bench of the Hon'ble High Court of Punjab & Haryana. However, the workers, who were retained into employment vide appointment letter No. FCI/DO/KNL/Labour/Rectt./2011 dated 29.03.2011 (Annexure W/9) by the management as they found place in the seniority list of the Bajaj Committee Report also, are aggrieved by the non-consideration by the FCI of their date of births/age as determined by the CMO at the time of their departmentalization w.e.f. 01.01.1994 in FCI, Karnal Complex and also as recorded in their service records like bio-data Form, Leave Travelling Concession (LTC)/ Bharat Darshan Form, CPF Records etc. It is prayed that the claim petition be allowed.

10. Notice of the reference/claim was given to the respondent no.1 & 2, who filed reply thereof maintaining therein that the issue regarding the date of birth recorded in the Bajaj Committee Report and relied upon by the FCI was disputed without appreciating the fact that the said report has already attained finality and no further interference is called for the order of the Hon'ble Court, which has attained finality up to the Hon'ble Supreme Court. The conciliation proceedings held on the issue could not materialize and failure report was sent by the authority. The reference made by the appropriate Government is totally wrong as the FCI has no power to change any content of the Bajaj Committee Report which has attained finality up to the Hon'ble Supreme Court and thereby the reference made to this Hon'ble Tribunal is totally irrelevant and uncalled for as the answer to the same is already contained in the judgment of the Hon'ble High Court (Annexure W/8) wherein the FCI has been directed to implement the Bajaj Committee Report in toto. For the purpose of identification and seniority of workers for departmentalization at the specified depots of FCI, the headquarters of FCI issued a circular containing certain guidelines. Numbers of committees were appointed for identification and determination of seniority of the contract workers for the food storage depot at Karnal as it is only at Karnal that claims and counter claims remains under agitation from one group of workers or the other. Otherwise, in the rest of the specified depots, the process of departmentalization of contract workers was smoothly carried out. 251 workers were to be departmentalized as per the requirement in the year 1991. However, as on today because of the drastic change in the policies of the Central Government, the said work has been shifted either to the State Agencies or through the private entrepreneurs and the FCI is rather facing the problem of surplus labour. In pursuance of Sh. R. K. Ranga, 251 contract workers were departmentalized at Karnal.

11. The Hon'ble High Court of Punjab & Haryana while deciding **CWP bearing No.11647 of 1994 titled as Ram Rattan and others Versus Food Corporation of India and others** quashed all actions based upon various committees, taken in the process of departmentalization and appointed a new one man committee of Sh. R. P. Bajaj, District & Session Judge (Retd.) to re-determine the seniority of the contract workers. Shri R. P. Bajaj submitted his report dated 05.07.2010 and determined various aspects including the date of birth of the contract workers which was also made basis to determine the seniority in the event of a set of workers were found to be having the same number of months of experience. Bajaj Committee Report was challenged by the workers up to Hon'ble Supreme Court and was upheld by the Hon'ble Supreme Court and thus has attained finality. In compliance of the directions issued by the Hon'ble High Court, contract workers up to Serial No. 251 of the seniority list finalized by the Bajaj Committee, were issued with the appointment letters in March, 2011 out of which 38 workers were those who were earlier also recommended to be departmentalized by the earlier Committees. So far as the date of birth mentioned in the seniority list by the Bajaj Committee is concerned, the same has to be treated as final in the absence of any challenge by the claimants and in view of the finality given to the said report upto the Hon'ble Supreme Court of India. The FCI has no jurisdiction to make any change in the contents of the Bajaj Committee Report and the seniority determined by the said Committee. The Bajaj Committee was required to determine each and every issue for departmentalization of contract workers at Karnal Depot which also includes the date of birth as in the case of many of the contract workers, the number of months of experience was the same, therefore, the date of birth was determined by the Bajaj Committee on the basis of their date of birth i.e. that worker who born earlier, was made senior to the other worker whose date of birth is latter. It is only 251 contract workers who were to be departmentalized and therefore, the workers beyond the said serial number, did not effectively participate before the Bajaj Committee to produce their record. There were some typing mistakes in the seniority list finalized by Shri R. P. Bajaj. In fact, the Bajaj Committee invited all concerned for producing their relevant record so as to arrive at a correct conclusion. In fact, the workers, the representatives of the Union, the representatives of the Management appeared before Shri R. P. Bajaj and produced the relevant record. FCI is bound to follow the Bajaj Committee Report which has attained finality up to the Hon'ble Supreme Court of India. When the claimants themselves admits that the Bajaj Committee Report has attained finality and has been put to rest by the Hon'ble Courts up to the Hon'ble Supreme Court of India and the claimants are not challenging the same then how the claimants can seek indulgence of this Hon'ble Court for changing the date of birth recorded in the said report specifically in view of the fact that the seniority has also been determined on the basis of the date of birth in the event of the workers having the same number of months of experience as is clear on perusal of the seniority list attached with the Bajaj Committee Report. The determination of age by ossification test is not correct for those who have attained the age of majority. Moreover, the same cannot be carried out in view of the finality given to the Bajaj Committee Report and whatever was determined earlier has already been set aside by the Hon'ble High Court. In fact, the claimants are wasting the precious time of this Hon'ble Tribunal. The Bajaj Committee has finalized each and every aspect after inviting the documents and record from all concerned. The issue which has already attained finality cannot be allowed to be re-agitated through a different forum. It is prayed that the claim may be rejected and the reference may be declined.

Evidence of parties:-

12. In order to prove claim, the union examined Sh. Suresh Kumar S/o Sh. Bhoje Lal as WW1 who filed his affidavit Ex.WW1/A along with documents WW1/1 to WW1/18, Sh. Ramashree Chauhan S/o Sh. Prasadi Chauhan as WW2 who filed his affidavit as Ex.WW2/A and Sh. Umesh Kumar Gupta S/o Late Sh. Khushi Lal Bhagar as WW3, who filed his affidavit as Ex.WW3/A. AR for union closed the evidence on behalf of union on 18.12.2019.

13. Thereafter, management has examined Sh. Bansi Lal, Manager (IRL) Food Corporation of India, District Office Karnal, who filed his affidavit as Ex.MW1/A along with documents Ex.MW1/1 to Ex.MW1/4. AR for management closed the evidence on behalf of management on 30.11.2023. Now the case is fixed for arguments.

List of documents relied upon by both the parties:-

<u>Sr. No.</u>	<u>Document</u>	<u>Date</u>	<u>Annexure/Exhibit</u>
1.	Documents (produced by workman)		Ex.WW1/1 to Ex.WW1/18
2.	Bipartite Settlement	12.04.1991	(Annexure W/4)
3.	Circular	11.06.1991	(Annexure W/5)
4.	Order of Hon'ble High Court	08.1.2009	Annexure W/6
5.	Bajaj Committee Report	05.07.2010	(Annexure W/7)
6.	Order in <u>LPA No.218 of 2011</u>	20.03.2014	(Annexure W/8)
7.	Appointment Letter	29.03.2011	(Annexure W/9)
8.	Certified Standing Orders		(Annexure W/11)
9.	Appointment letter of Sh. Ramashree Chauhan	28.04.1994	(Annexure W/16)
10.	List of seniority of employees/workmen is		Ex.MW1/WW1
11.	Order in CWP No.11647 of 1994	08.01.2009	Ex.MW-1
12.	Order in CWP No.574/2011	13.01.2011	Ex.MW-2
13.	Order in <u>LPA No.218 of 2011</u>	20.03.2014	Ex.MW-3
14.	Order of Hon'ble Supreme Court in CC No.14744/2014	12.09.2014	Ex.MW-4

Submissions of the workman:-

14. While arguing the case, ld. counsel for the workman contended that in this case, Bajaj committee had not determined the age of any workman. Rather, it has only determined the seniority. In the Bajaj Committee report, the age of the workman has been wrongly mentioned, whereas, their correct age is different from the Bajaj Committee. The list of seniority of employees/workmen is Ex.MW1/WW1. He further contended that so far as the **CWP No.23481/2014 titled as Jathu Rai (since deceased through his LRs) and Ors. Versus Food Corporation of India and others** and **LPA 2543/2024 titled as Dilip Kumar and others Versus Food Corporation of India** are concerned, in both these judgment, present workmen were not parties. Hence, these judgments are not applicable to them.

15. Moreover, they were absorbed in service by the FCI without asking for any affidavit, since in their service record, their date of birth is different than that mentioned in the Bajaj Committee report and it was only for the purpose of seniority.

16. So far as finding given by the single bench in case titled as **Jathu Rai (supra)** is concerned, the same cannot be read and relied upon, as LPA filed against the orders/judgments passed in the aforesaid cases, was also dismissed. Therefore, the findings given in **Jathu Rai case (supra)** are not binding.

17. He further contended that Bajaj Committee report has adopted the Chopra Committee report and has not called for the documents in relation to the age of the present workmen/claimants. So far as the age mentioned in Seniority List (Ex.MW1/WW1) is concerned, the same was duly authenticated at the time of induction into service by FCI. Bio data, affidavits as well as the certificate of age issued by the CMO had also been given at the time of their induction as per the Ranga Committee report in the year 1994. Moreover, para 4.2 of circular dated 11.06.1991 (Annexure W/5) is also relevant, which is reproduced as under:-

“4.2 The committee should ensure that selection of labour is on the basis of seniority i.e. length of service with the contractor at the same depot. A fitness test should also be carried out with the help of the Local Medical Officer of FCI, or any Govt./Municipal Hospital. If documentary proof of the age of a worker is not available a medical check up to determine his age should be carried out by this officer and his findings recorded along with the bio-data sheet

of the worker concerned. Alternatively, the worker may be referred to the Local Govt. or Municipal Hospital for determination of age, if as mentioned above documentary proof of the same is not available. This should be done at the cost of FCI.”

18. The same is also mentioned in para no.26 of the Bajaj Committee report. A medical check-up of the present workers was conducted in pursuance of the aforesaid circular dated 11.06.1991. On 03.05.1994 an affidavit in support of their age as per the CMO certificate also had been furnished by the workers for the age determined by the CMO and the said age has been incorporated in the service record. He placed reliance upon Clause 3(5) of the standing orders for the Industrial Establishments of the Food Corporation of India (Annexure W/11), which reads as under:-

“3(5) RECORD OF AGE:

(a) Every workman shall indicate his exact date of birth to the employer or the officer authorized by him in his behalf, at the time of entering service of the Corporation. The employer or the officer authorized by him in his behalf may before the date of birth of a workman is entered in his service card require him to supply.

(a)(i) His matriculation certificate granted by the Board of Secondary Education or similar educational authority or school leaving certificate

(a)(ii) A certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births.

(a)(iii) In the absence of either of the aforesaid two categories of certificates, the employer or the officer authorized by him in his behalf may require the workman to supply a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer.

(a)(iv) Where it is not practicable to obtain a certificate from a Government Medical Officer, the age mentioned in his bio data will be verified from the affidavit of the workman.

(b) The date of birth of a workman once entered in the service card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalized within three months of the appointment of a workman.”

He thus contended that as per aforesaid clause, the date of birth recorded in the seniority list could not have been altered by the Bajaj Committee.

19. In the Bajaj committee report, the age of various workers has been recorded as 00-00-00, 00-00-62, 00-00-52, 00-00-56 and the age of Raja Ram Kewat appearing at Sr. No.244 of the Bajaj Committee report has been recorded as 12.01.1990 at the time of their induction in the year 1994, which is not practicably possible, because person of 4 years age cannot be inducted. Vide office order dated 25.04.2014, issued by the FCI, 22 workers (Ram Gulam Paswan and others), who figured in the Chopra Committee report, which was adopted by the Bajaj Committee, who were put to medical checkup for determination of their age at the time of their induction by the FCI. Therefore, it cannot be said that the age cannot be determined through a medical checkup by the CMO. This fact has been impliedly admitted by the management of FCI. This Hon'ble Tribunal has also jurisdiction to decide the justifiability of taking the date of birth of 38 workmen as shown in the seniority list of the Bajaj Committee report along with its legality. To support this view, he placed reliance upon case titled as M/s Agra Electricity Supply Co. Ltd. v/s Workman {1983(1LLJ 304)} and contends that there is no justifiability in taking the date of birth of the workmen as per the Bajaj Committee Report other than the age recorded in the FCI records of the workman at the time of the induction in the year 1994. So it is prayed that they may be given benefit of services for the period for which they were earlier retired keeping their date of birth as per Bajaj Committee along with all consequential benefits.

Submissions of management:-

20. On the other hand, ld. counsel for the respondent contended that in this case, Bajaj Committee had already taken into notice the date of birth of each worker and this fact has been mentioned in CWP No.23481/2014 Jathu Rai case (supra) and the LPA against that order was also dismissed and subsequently, SLP was also dismissed. He thus contended that reference may be decided against the claimant union as per verdict given by the Hon'ble High Court in CWP No.23481/2014 Jathu Rai case (supra).

Findings:-

21. The dispute between the claimant union and respondents is regarding date of birth of workmen. As per respondents, date of birth as shown in the seniority list of Bajaj Committee report is legal. On the other hand, the case of the claimant union is this that the date of birth shown in the list of Bajaj Committee Report is illegal and it should have been taken as per seniority list MW1/WW1.

22. In this regard, it is pertinent to mention here that as per own case of the claimant union on the basis of the report of Sh. R K Ranga dated 28.04.1994 under the directions of Hon'ble Punjab & Haryana High Court, inter se seniority of the works of FCI, Karnal was fixed and 251 workers were departmentalized on regular vacancies. However, the report dated 28.04.1994 (Annexure W/16) of Sh. R. K. Ranga was challenged in **CWP bearing No.11647 of 1994 titled as Ram Rattan and others Versus Food Corporation of India and others** before the Hon'ble High Court and the Hon'ble High Court vide order dated 08.01.2009 (Annexure W/6) quashed the report dated 28.04.1994 of Sh. R. K. Ranga and appointed Sh. R. P. Bajaj as one man committee to re-determine the seniority of workers working with FCI, who submitted his report dated 05.07.2010, which was challenged in CWP No.574/2011 and thereafter, in **LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others**, it was upheld vide order dated 20.03.2014. In compliance of order dated 20.03.2014, all the workers except 38 workers appointed under the report/order dated 28.04.1994 made by Sh. R. K. Ranga were replaced by new incumbents. The aforesaid 38 workers were retained in employment by the FCI as they also found place in the seniority list of Bajaj Committee report. However, their date of birth/age as shown in the Bajaj Committee report is different from the date of birth/age as determined by the CMO at the time of their departmentalization. The claimant union had demanded taking/accepting date of birth as per the certificate given by the CMO to the FCI not as per the date of birth as shown in seniority list of the Bajaj Committee Report. Out of aforesaid 38 workers, now 7 workers are being represented by the claimant union, who have filed the present claim.

23. As per claimants, the Bajaj Committee has not called for the documents showing the proof of age as the same were not available to the contractors. In these circumstances, the workers should have been referred to the Medical officer for determination of their age through ossification test and as per Clause 3(5) of the standing order (Ex.W/11) also in the absence of such documents the medical certificate given by the Govt. Medical Officer is to be relied upon for the purpose of the age proof. The date of birth of a person cannot be made liable to be changed on the whims and fancies of the respondent/management. In this regard, it is pointed out that some workers have challenged their claim to enter their age in record as per medical certificate issued by CMO, which was rejected by the respondent in **Jathu Rai case (supra)**, the relevant para nos.3 to 6, 10 & 11 are reproduced as under:

3. The petitioners are working with respondents as Labourers. They were initially working with FCI through contractor. The Government of India as well as State of Haryana framed policy whereby it was decided that workers working through contractor would be departmentalized. The petitioners came to be departmentalized. The dispute arose with respect to their age and seniority. The matter was referred to different committees and ultimately this Court vide judgment dated 08.01.2009 in CWP No.11647 of 1994 titled as Ram Ratan and others vs. Food Corporation of India and others appointed Mr. R. P. Bajaj, District & Sessions Judge (Retd.) to resolve the issue. The relevant extracts of the judgment are reproduced as below :

"18. For the reasons stated above, the report dated 29.4.1994 (Annexure P-1) submitted by Shri R. K. Ranga, cannot be said to be in accordance with the directions issued by this Court and, therefore, cannot be sustained and is hereby quashed and accordingly, this writ petition is allowed. 19. The matter has been lingering since long and the petitioners are waiting for the determination of their seniority on the basis of which their rights would be crystalized. This position cannot be allowed to be kept pending for all times to come and even the Division Bench of this Court while deciding LPA No.319 of 1998 and L.P.A.No.350 of 1998 had indicated that the matter needs to be resolved. Keeping the same in view and in the light of the fact that this writ petition has been pending in this Court since 1994, it would be appropriate that Shri R. P. Bajaj, District & Sessions Judge (Retd.), H.No.5460, Sector 38 (West), Chandigarh, be appointed as a one man Committee to examine all the relevant records produced before the Chopra Committee and the report of the Ranga Committee in the light of the directions of this Court in its orders dated 21.9.1993 and 4.2.1994 and then to redetermine the seniority of the workers who were working at FCI Karnal Depot. Let the said exercise be completed within a period of four months from today. Appropriate steps in accordance with law will be taken in pursuance to the seniority fixed by Shri R. P. Bajaj, within a period of one month thereafter."

4. Mr. Bajaj, considering different reports, issues involved and representation of stakeholders prepared seniority list of 542 workers. In the report, the date of birth of the workers was noticed apart from months of their experience. The said report came to be challenged before this Court by way of CWP No.574 of 2011. This Court vide order dated 13.01.2011 upheld report of Mr. Bajaj's Committee and dismissed the writ petition. The relevant extracts of the order dated 13.01.2011 are reproduced as below:

"The main submission, as made, is that Bajaj Committee has gone outside the purview of direction issued by Single Judge and had not taken into consideration the reports of all the Committees, as per direction given in the order as well as by the LPA Bench.

I am unable to accept the submission made by learned counsel for the petitioners. The Bajaj Committee report, which is annexed with the petition as Annexure P-7, is comprehensive, giving history of the issues involved and various Committees that had earlier gone into to examine the issue. Reference is made to the reports of Dalela Committee, Chopra Committee and the Ranga Committee as well and thereafter it is concluded that in depth study of reports of all the four Committees set up by the Food Corporation of India to determine seniority, the

Chopra Committee report is found unblemished. This report was found to be well reasoned and to be in conformity with the parameters laid down in the F.C.I circulars issued in the year 1991. The finding also is that this will lessen the agony of those persons who were deprived of the benefit of seniority as given by Chopra Committee report due to undue benefit given on the basis of Ranga Committee report, which had been quashed it, thus, cannot be said that Bajaj Committee has in any manner gone outside the purview or parameters laid down by learned Single Judge of this Court. Once after detailed analysis, the Bajaj Committee has come to conclude that Chopra Committee has reached the correct conclusion, then it can be observed that mode and method adopted by the Bajaj Committee was fair, just and equitable and would not suffer from any infirmity as urged by counsel for the petitioners.

The fact that some evidence regarding gate register was not produced before the Bajaj Committee would also not mean much as same registers were not found available but the names of those employees, reflected in these registers were taken from Chopra Committee report before which these registers had been earlier produced. It can not, therefore, be said that the Bajaj Committee report would be bad on the ground that relevant material was not considered and that it would call for interference in exercise of writ jurisdiction by this Court.

The submission that the matter be referred to the Labour Court for determination would be too late in a day to accept and such submission, if any, ought to have been made before the Single Judge or the LPA Bench, where this plea was never raised. The order passed by the learned Single Judge in CWP No.11647 of 1994 and that passed by the LPA Bench was allowed to acquire finality and was not put to any challenge, cannot be allowed to be now challenged in under hand manner by challenging the report of Bajaj Committee with a prayer to refer the matter for examination by Labour Court. There is, thus, no merit in the writ petition and the same is accordingly dismissed."

5. The aggrieved parties preferred intra-court appeal which came up for consideration before a Division Bench of this Court. The Appellate Court vide judgment dated 20.03.2014 dismissed appeal and upheld judgment of Single Judge. The Appellate Court further directed FCI to implement the report submitted by Mr. Bajaj Committee in toto. The relevant extracts of the judgment are reproduced as below :

"Learned Single Judge has discussed each and every aspect and has rightly come to the conclusion that Mr. Bajaj has discussed reports made by all the Committees and further looked into record produced before him and written submissions made by the parties concerned. Perusal of the report indicates that the proceedings continued on many dates and the opportunities of hearing and to place on record the documents were granted to all the concerned parties. It is not in dispute that the appellants in this case are in service on account of the report made by Mr. Ranga in the year 1994. That report was rejected by this Court as has been referred to above. Accordingly, on the basis of the report made by Mr. Ranga, the appellants do not have any right to remain in service. However, they are continuing as such by making determined effort to keep the litigation alive. Despite relieving orders issued, they are continuing in service under the order passed by this Court from time to time. At one point of time, stay application filed by them was dismissed. They went to Hon'ble Supreme Court by filing SLP, which was also dismissed.

In view of the above, we are of the opinion that the order passed by learned Single Judge is perfectly justified.

The appeal is accordingly dismissed.

However, the FCI is directed to implement the report submitted by Mr. Bajaj in toto. It is made clear that all the appellants and others, who were given appointments, in terms of the report made by Mr. Ranga leave their assignment within 15 days from today. The authorities of the FCI may adjust the appellants if the vacancy exists subject to their moving applications and their applications will be considered strictly in terms of the seniority list as per the report made by Mr. Bajaj. Needful shall be done within four months and if the claim of the appellants is rejected, it will not furnish a cause for them to agitate the matter any further."

6. The aggrieved persons further unsuccessfully preferred SLP before Supreme Court.

10. The conceded position emerging from record is that the petitioners were initially working with FCI through contractor. They came to be departmentalized in view of instructions issued by Government of India. They were not having concrete evidence of their age, thus, different mode and methods were adopted to ascertain their age. This Court appointed Mr. Bajaj to determine seniority of petitioners. **Mr. Bajaj in his report has noted date of birth of petitioners and thereafter, on the basis of age and experience, has determined seniority.**

11. It is undisputed fact that Bajaj committee in its report has jotted down date of birth of all the petitioners. **They are not assailing report of Bajaj Committee. In any case, said report has been upheld by this Court and SLP against judgment of a Division Bench of this Court stands dismissed. The petitioners are claiming that their age should be determined on the basis of medical report instead of report of Bajaj Committee. The medical report indicates age of petitioners with margin of 4/5 years. It is a settled proposition of law that medical report especially ossification test is a corroborative evidence and it does not conclusively prove age of any person. The evidence of medical report, thus, is not a conclusive evidence. Mr. Bajaj in his report has**

noted date of birth of all the petitioners. They have not challenged said report rather said report has already been upheld by this Court.

24. A perusal of aforesaid paras made it ample clear, specifically para 11 mentioned above, that R. P. Bajaj Committee had considered the date of birth of the workers and has given its findings accordingly. Now claimant union again raised this dispute before this Tribunal as the matter has already been decided by the Hon'ble High Court and the **LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others** thereof was also dismissed, wherein in para no.4, it is held as under:-

"4. The appellants are stated to be working as 'Palledar' (Handling Worker) through a Contractor. They had sought absorption in the department and a Committee headed by Sh. R.P. Bajaj, retired District and Sessions Judge had been constituted to determine the age and the seniority of the workers. The Bajaj Committee in its report dated 05.07.2010 had determined the seniority of the workers wherein the age and date of birth had been specifically mentioned. The report of the Bajaj Committee was challenged by some of the workers by preferring CWP No.23481 of 2014 which was dismissed. The LPA No.218 of 2011 thereagainst was also dismissed. The Special Leave Petition thereagainst was also dismissed."

25. When findings of the Hon'ble High Court have come regarding age of the workman, this Tribunal cannot re-determine the date of birth of the workers specially on the basis of the medical opinion as mentioned in **Jathu Rai case (supra)**, the evidence of medical report is not conclusive evidence. To support this view, reliance can be placed on **Criminal Appeal Nos.1119-1120 of 2016 titled as Mukarrab etc. versus State of U. P. decided by the Hon'ble Supreme Court of India.**

26. It is added here that so far as this argument of the Id. counsel for the claimant union that workers were not party in the **Jathu Rai Case (supra)**, the same is devoid of merit as the case was filed by some of the co-workers, whose date of birth was determined by the Bajaj Committee and it was upheld by the Hon'ble High Court.

27. So far as this argument of the Id. counsel for the claimant union that due to findings given in **LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others**, the findings in **Jathu Rai case (supra)**, cannot be relied upon. In this regard, it is pointed out that Hon'ble High Court in **LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others** has upheld the decision of the **Jathu Rai case (supra)** and it does not lie in the mouth of the claimant union that findings of **Jathu Rai case (supra)** has become irrelevant. Rather in **LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others**, the findings given in **Jathu Rai case (supra)** have been upheld and thus have been authenticated by the Hon'ble High Court.

28. So far as standing order is concerned, the same is undoubtedly issued by the FCI. However, the standing order is not having force, specifically when the Hon'ble Supreme Court in **Mukarrab etc. versus State of U. P. (supra)**, has held that medical evidence is not conclusive evidence. Keeping in view the fact that medical opinion is not conclusive evidence. No reliance can be placed on the plea of the claimant union that on the basis of the medical evidence, their age should be determined. It is also pointed out that Hon'ble High Court in **Jathu Rai case (supra)** has categorically held that Mr. Bajaj in his report has noted date of birth of petitioners and thereafter, on the basis of age and experience, has determined seniority.

29. So far as case titled as **M/s Agra Electricity Supply Co. Ltd. v/s Workman (supra)** is concerned, the same is not relevant for decision of this case.

30. The claim being devoid of merit is dismissed. The reference is answered accordingly.

31. 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, 19 सितम्बर, 2025

का.आ. 1710.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, चंडीगढ़ 2, के पंचाट (संदर्भ संख्या 40/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/09/2025 को प्राप्त हुआ था।

[सं. एल-22011/14/2015-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/ लिंक अधिकारी

New Delhi, the 19th September, 2025

S.O. 1710.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 40/2015**) 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 **18/09/2025**

[No. L-22011/14/2015– IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

(Presiding Officer :- Mr. Kamal Kant).

ID No.40/2015

Registered on :- 16.09.2015

Janki Sahni S/o Sh. Bal Govind Sahni, R/o Kachwa Road, Karnal.

.....Claimant/workman

Versus

1. The Area Manager, District Office, Food Corporation of India, Kachhwa Road, Karnal, Haryana.
2. The Regional Manager, Regional Office, Food Corporation of India, Bay No.29-32, Sector 4 Panchkula.

.....Respondents

Present: Sh. Vikas Yadav, AR for workman.

Sh. K K Gupta, AR for Respondent no.1 & 2.

AWARD

Dated : 18.08.2025

Central Government vide Notification No.L-22011/14/2015-IR(CM-II) dated 31.08.2015, 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 Food Corporation of India taking the date of birth of workman Shri Janki Shahni as shown in the seniority list of the Bajaj Committee Report is legal and justified? If not, what relief the workman is entitled and from which date?”

1. Brief facts of the case as per claim statement filed on behalf of workman are that the claimant was appointed by the management of Food Corporation of India (hereinafter called as FCI) on 03.05.1994 for working in FCI Karnal as A/labour. He had been working upto 30.04.2014 with the respondent no.1 continuously as A/labour and the work and conduct of the claimant remained good and satisfactory during the course of his service with the respondent no.1. The services of the claimant were dispensed with on 30.04.2014 without following the procedure laid down in the Act as well as in the model standing order. The claimant has completed more than 240 days continuously as required under the Act, so he was entitled to the protection under Sections 25F, 25G and 25H of the Act, which the respondents has not followed. At the time of joining, the respondent got conducted medical examination of the workman and as per the medical certificate, age of the claimant was 34 years but the respondents had treated his age as 39 years and the respondents wrongly incorporated the date of birth of the claimant as 21.09.1955, which was mentioned in all service record i.e. appointment letter, CFP Slip, Pay Slip, Declaration Letter, Pan Card and Identity Card etc.

2. The respondents have terminated the services of the claimant without considering the actual age of the workman. As per the date of birth shown in the service record, the claimant got the retirement on 30.09.2015 but the respondents has terminated the services on 30.04.2014, which is immature and against the principle of natural justice and against the provisions of the Act.

3. The standing orders for the Industrial Establishments of the Food Corporation of India applicable to the departmental workers of FCI vide clause 3(5) provides that proof of the date of birth of a workman is adducible from the relevant documents like matriculation certificate, school leaving certificate or the register maintained by the municipality in which date of birth is recorded, the register maintained by the registrar of births etc. and in the absence of such documents the medical certificate given by the Govt. Medical Officer is to be relied upon for the purpose of the age proof. The date of birth of a person cannot be made liable to be changed to the caprice of the respondent/management. Clause 4 of the standing order provides for age of retirement as 60 years, but the respondents has totally ignored the said standing order and made premature termination of the claimant.

4. It is also maintained that in **LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others**, Hon'ble High Court in its judgment dated 20.03.2014 has stated that Mr. Bajaj then looked into reports made by Mr. Chopra in comparison to the report made by Mr. Ranga. It was found as a matter of fact that Chopra Committee's Report has given sufficient reasons to support its conclusion. Report of the committee of Mr. Ranga was discussed point wise. After perusal of the documents available, it was found that report made by Mr. Chopra was perfectly justified and unblemished and it was stated that Mr. Chopra has rightly settled the inter-se seniority of the workers.

5. As per Chopra Committee Report, total 655 number of employees were included in the list but only 542 were taken into the service. Rests of the employees have not been taken in service as they have no working experience and their length of service was zero and length of service was not mentioned. In that list only the date of birth was mentioned. The rejected employees filed a writ petition before the Hon'ble High Court and reinstated in service and without considering the date of birth mentioned in that list, the respondents re-examined the date of birth by conducting the medical examination. It is further maintained that in view of the position, the date of birth of the workman should be taken as has been held through medical examination and as per medical examination, his age was 34 years, when he was entered into service. Thus, it is clear that the workman was prematurely retired without considering the actual date of birth as per medical examination.

6. The claimant has contacted again and again to the management and submitted his representation but the management has not bothered for the same. The work against which the claimant had been working still exists in the management and the juniors to the claimant have been retained in the service and a new man has been appointed, but claimant was not given preference.

7. The claimant had also filed demand notice before the Assistant Labour Commissioner (Central), Karnal, but the conciliation proceedings failed. Hence this reference. It is prayed that the claimant be taken back in service with continuity of service and full back wages.

8. Notice of the reference was given to the management, who filed reply thereof maintaining therein that the claimant was initially appointed as Ancillary Labour on 03.05.1994 on the basis of Ranga Committee Report. But all such appointments on the basis of the said report were set aside by the Hon'ble High Court in **CWP bearing No.16647 of 1994 titled as Ram Rattan and others Versus Food Corporation of India and others** vide order dated 08.01.2009 and Sh. R. P. Bajaj was appointed as one man committee to determine the seniority of workers and thereafter the FCI was directed to make appointment in order of the seniority determined by Sh. R. P. Bajaj vide his report dated 05.07.2010. Accordingly, the appointments were made as per the said seniority determined by Sh. R. P. Bajaj, the report of which was duly accepted by the Hon'ble High Court. The said decision was upheld in the **LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others** as well as in the SLP by the Hon'ble Supreme Court. As per the seniority determined by Sh. R. P. Bajaj, the date of birth of the claimant was 10.04.1954. Accordingly, the applicant on attaining the age of superannuation was rightly retired on 30.04.2014. Thus the services of the claimant were not dispense with or terminated for any reason but he was simply relieved on 30.04.2014 on his attaining the age of superannuation. For such action, not any specific procedure as alleged by the claimant was required to be conducted as relieving of an employee on the date of his retirement is not a penalty. Whatever action was taken at the time of initial appointment of the claimant in the year 1994 does not survive as all such actions were based upon the Ranga Committee Report, which was set aside by the Hon'ble High Court. Hence, it was not a case of termination, therefore, the provisions of Section 25F of the Act are not attracted. The Bajaj Committee determined the seniority of 542 contract workers and the FCI made appointments in order to the said seniority, as per its requirement. It is prayed that the claim may be rejected and the reference may be declined with cost.

9. A rejoinder was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

Evidence of parties:-

10. In order to prove claim, the claimant examined himself as WW1 who filed his affidavit Ex.WW1/A along with documents WW1/1 to Ex.WW1/6 and cross examined by the AR for management. AR for claimant closed the evidence on behalf of claimant on 23.04.2018.

11. Thereafter, management has examined Sh. Bansi Lal, Manager (IRL) Food Corporation of India, District Office Karnal, who filed his affidavit as Ex.MW1/A along with documents Ex.MW1/1 to Ex.MW1/4. AR for management closed the evidence on behalf of management on 02.09.2021. Now the case is fixed for arguments.

List of documents relied upon by both the parties:-

<u>Sr. No.</u>	<u>Document</u>	<u>Date</u>	<u>Annexure/Exhibit</u>
1.	Seniority List prepared by Sh. R P Bajaj		Ex.WW1/1
2.	Medical Certificate		Ex.WW1/2

3.	Appointment Letter	28.04.1994	Ex.WW1/3
4.	Certified Standing Orders		Ex.WW1/4
5.	Bajaj Committee Report	05.07.2010	Ex.WW1/5
6.	Circular	11.06.1991	Ex.WW1/6
7.	Order in CWP No.11647 of 1994	08.01.2009	Ex.MW-1
8.	Order in CWP No.574/2011	13.01.2011	Ex.MW-2
9.	Order in <u>LPA No.218 of 2011</u>	20.03.2014	Ex.MW-3
10.	Order in CC No.14744/2014	12.09.2014	Ex.MW-4

Submissions of the workman:-

12. While arguing the case, ld. counsel for the workman contended that the claimant was appointed by the FCI on 03.05.1994 for working in FCI Karnal as Ancillary labour. He had been working upto 30.04.2014 with the respondent no.1 continuously as ancillary labour and his services were dispensed with on 30.04.2014 without following the procedure laid down in the Act as well as in the model standing order. The claimant has completed more than 240 days continuously as required under the Act, so he is entitled to the protection under Sections 25F, 25G and 25H of the Act, which the respondents has not followed. The respondents has also not conducted any domestic enquiry nor issued any charge-sheet at the time of illegally terminating the services of the claimant. At the time of joining, the respondent got conducted the medical checkup for accurate date of birth of him and as per the medical certificate, the age of the claimant was 34 years but the respondents had treated his age as 39 years and the respondents wrongly incorporated the date of birth of the claimant as 21.09.1955, which was mentioned by the respondents in all the documents of service. However, his actual date of birth is 21.09.1951. This fact has also been stated by the workman.

13. In this case, Bajaj committee had not determined the age of any workman. Rather, it has only determined the seniority. In the Bajaj Committee report, the age of the workman has been wrongly mentioned as 10.04.1954, whereas, their correct age is different from the Bajaj Committee. He further contended that so far as the **CWP No.23481/2014 titled as Jathu Rai (since deceased through his LRs) and Ors. Versus Food Corporation of India and others** and **LPA 2543/2024 titled as Dilip Kumar and others Versus Food Corporation of India** are concerned, in both these judgment, present workman was not party. Hence, these judgments are not applicable to them.

14. Moreover, claimant was absorbed in service by the FCI without asking for any affidavit, since in his service record, his date of birth is different than that mentioned in the Bajaj Committee report and it was only for the purpose of seniority. So his retirement on the basis of Bajaj Committee report on attaining age of superannuation on 30.04.2014 is totally illegal.

15. So far as finding given by the single bench in case titled as **CWP No.23481/2014 titled as Jathu Rai (supra)** is concerned, the same cannot be read and relied upon, as LPA filed against the orders/judgments passed in the aforesaid cases, was also dismissed. Therefore, the findings given in **Jathu Ram case (supra)** are not binding.

16. He further contended that Bajaj Committee report has adopted the Chopra Committee report and has not called for the documents in relation to the age of the present workmen/claimant. Moreover, para 4.2 of circular dated 11.06.1991 (Ex.WW1/6) is also relevant, which is reproduced as under:-

4.2 The committee should ensure that selection of labour is on the basis of seniority i.e. length of service with the contractor at the same depot. A fitness test should also be carried out with the help of the Local Medical Officer of FCI, or any Govt./Municipal Hospital. If documentary proof of the age of a worker is not available a medical check up to determine his age should be carried out by this officer and his findings recorded along with the bio-data sheet of the worker concerned. Alternatively, the worker may be referred to the Local Govt. or Municipal Hospital for determination of age, if as mentioned above documentary proof of the same is not available. This should be done at the cost of FCI.

17. The same is also mentioned in para no.26 of the Bajaj Committee report. A medical check-up of the present workman was conducted in pursuance of the aforesaid circular dated 11.06.1991 (Ex.WW1/6). As per medical certificate (Ex.WW1/2), his age was 34 years at the time of entry into service. He placed reliance upon Clause 3(5) of the standing orders for the Industrial Establishments of the Food Corporation of India (Ex.WW1/4), which reads as under:-

“3(5) RECORD OF AGE:

(a) Every workman shall indicate his exact date of birth to the employer or the officer authorized by him in his behalf, at the time of entering service of the Corporation. The employer or the officer authorized by him in his behalf may before the date of birth of a workman is entered in his service card require him to supply.

(a)(i) His matriculation certificate granted by the Board of Secondary Education or similar educational authority or school leaving certificate

(a)(ii) A certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births.

(a)(iii) In the absence of either of the aforesaid two categories of certificates, the employer or the officer authorized by him in his behalf may require the workman to supply a certificate from a Government Medical Officer not below the rank of an Assistant Surgeon indicating the probable age of the workman provided the cost of obtaining such certificate is borne by the employer.

(a)(iv) Where it is not practicable to obtain a certificate from a Government Medical Officer, the age mentioned in his bio data will be verified from the affidavit of the workman.

(b) The date of birth of a workman once entered in the service card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalized within three months of the appointment of a workman.”

He thus contended that as per aforesaid clause, the date of birth determined by the CMO vide medical certificate Ex.WW1/2 could not have been altered by the Bajaj Committee.

Submissions of management:-

18. On the other hand, Id. counsel for the respondent contended that claimant was initially appointed as Ancillary Labour on 03.05.1994 on the basis of Ranga Committee Report. But all such appointments on the basis of the said report were set aside by the Hon'ble High Court in **CWP bearing No.16647 of 1994 titled as Ram Rattan and others Versus Food Corporation of India and others** vide order dated 08.01.2009 and Sh. R. P. Bajaj was appointed as one man committee to determine the seniority of workers and thereafter the FCI was directed to make appointment in order of the seniority determined by Sh. R. P. Bajaj vide his report dated 05.07.2010. Accordingly, the appointments were made as per the said seniority determined by Sh. R. P. Bajaj, the report of which was duly accepted by the Hon'ble High Court. The said decision was upheld in the **LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others** as well as in the SLP by the Hon'ble Supreme Court. As per the seniority determined by Sh. R. P. Bajaj, the date of birth of the claimant was 10.04.1954. Accordingly, the applicant on attaining the age of superannuation was rightly retired on 30.04.2014. Thus the services of the claimant were not dispense with or terminated for any reason but he was simply relieved on 30.04.2014 on his attaining the age of superannuation. For such action, not any specific procedure as alleged by the claimant was required to be conducted as relieving of an employee on the date of his retirement is not a penalty. Whatever action was taken at the time of initial appointment of the claimant in the year 1994 does not survive as all such actions were based upon the Ranga Committee Report, which was set aside by the Hon'ble High Court. Hence, it was not a case of termination, therefore, the provisions of Section 25F of the Act are not attracted. The Bajaj Committee determined the seniority of 542 contract workers and the FCI made appointments in order to the said seniority, as per its requirement.

19. Further, in this case, Bajaj Committee had already taken into notice the date of birth of each worker and this fact has been mentioned in **CWP No.23481/2014 Jathu Ram case (supra)** and the LPA against that order was also dismissed and subsequently, SLP was also dismissed. He thus contended that reference may be decided against the claimant as per verdict given by the Hon'ble High Court in **CWP No.23481/2014 Jathu Ram case (supra)**.

Findings:-

20. The sole dispute between the parties is this whether the action of the management of Food Corporation of India in taking the date of birth of workman as shown in the seniority list of the Bajaj Committee Report is legal and justified or it should have been taken as per medical certificate Ex.WW1/2, wherein it has been mentioned that at the time of entry into service, the age of the claimant was 34 yers. It is pertinent to mention here that in the service record, date of birth of the claimant is 21.09.1955, however, Bajaj Committee has determined his date of birth as 10.04.1954. However, as per affidavit, his actual date of birth is 21.09.1951. Thus there are three date of births of the claimant, which are as follows:-

- i. as per service record:-21.09.1955
- j. as per Bajaj Committee Report:-10.04.1954
- k. as per affidavit of claimant:-21.09.1951.

21. In this regard, it is pertinent to mention here that as per own case of the claimant on the basis of the report of Sh. R K Ranga dated 28.04.1994 under the directions of Hon'ble Punjab & Haryana High Court, inter se seniority of the works of FCI, Karnal was fixed and 251 workers were departmentalized on regular vacancies. However, the report dated 28.04.1994 of Sh. R. K. Ranga was challenged in CWP bearing No.11647 of 1994 titled as Ram Rattan and others Versus Food Corporation of India and others before the Hon'ble High Court and the Hon'ble High Court vide order dated 08.01.2009 (MW-1) quashed the report dated 28.04.1994 of Sh. R. K. Ranga and appointed Sh. R. P. Bajaj as one man committee to re-determine the seniority of workers working with FCI, who submitted his report dated 05.07.2010 (Ex.WW1/5), which was challenged in CWP No.574/2011 and thereafter, in LPA No.218 of 2011 titled as Girish Chandra Mahto and others Versus FCI, New Delhi and others, it was upheld vide order dated 20.03.2014 (Ex.MW-1). In compliance of order dated 20.03.2014 (Ex.MW-3), all the workers except 38 workers appointed under the report/order dated 28.04.1994 made by Sh. R. K. Ranga were replaced by new incumbents. The aforesaid 38 workers were retained in employment by the FCI as they also found place in the seniority list of Bajaj Committee report. However, their date of birth/age as shown in the Bajaj Committee report is different from the date of birth/age as determined by the CMO at the time of their departmentalization. The claimant had demanded taking/accepting date of birth as per the certificate given by the CMO to the FCI not as per the date of birth as shown in seniority list of the Bajaj Committee Report. Out of aforesaid 38 workers, the claimant Sh. Janki Sahni has filed the present claim.

22. As per claimant, the Bajaj Committee has not called for the documents showing the proof of age as the same were not available to the contractors. In these circumstances, the workers should have been referred to the Medical officer for determination of their age through ossification test and as per Clause 3(5) of the standing order (Ex.WW1/4) also in the absence of such documents the medical certificate given by the Govt. Medical Officer is to be relied upon for the purpose of the age proof. The date of birth of a person cannot be made liable to be changed on the whims and fancies of the respondents/management. In this regard, it is pointed out that some workers have challenged their claim to enter their age in record as per medical certificate issued by CMO, which was rejected by the respondent in Jathu Rai case (supra) bearing CWP No.23481 of 2014, the relevant para nos.3 to 6, 10 & 11 are reproduced as under:

3. The petitioners are working with respondents as Labourers. They were initially working with FCI through contractor. The Government of India as well as State of Haryana framed policy whereby it was decided that workers working through contractor would be departmentalized. The petitioners came to be departmentalized. The dispute arose with respect to their age and seniority. The matter was referred to different committees and ultimately this Court vide judgment dated 08.01.2009 in CWP No.11647 of 1994 titled as Ram Ratan and others vs. Food Corporation of India and others appointed Mr. R.P.Bajaj, District & Sessions Judge (Retd.) to resolve the issue. The relevant extracts of the judgment are reproduced as below :

"18. For the reasons stated above, the report dated 29.4.1994 (Annexure P-1) submitted by Shri R.K.Ranga, cannot be said to be in accordance with the directions issued by this Court and, therefore, cannot be sustained and is hereby quashed and accordingly, this writ petition is allowed. 19. The matter has been lingering since long and the petitioners are waiting for the determination of their seniority on the basis of which their rights would be crystalized. This position cannot be allowed to be kept pending for all times to come and even the Division Bench of this Court while deciding LPA No.319 of 1998 and L.P.A.No.350 of 1998 had indicated that the matter needs to be resolved. Keeping the same in view and in the light of the fact that this writ petition has been pending in this Court since 1994, it would be appropriate that Shri R.P.Bajaj, District & Sessions Judge (Retd.), H.No.5460, Sector 38 (West), Chandigarh, be appointed as a one man Committee to examine all the relevant records produced before the Chopra Committee and the report of the Ranga Committee in the light of the directions of this Court in its orders dated 21.9.1993 and 4.2.1994 and then to redetermine the seniority of the workers who were working at FCI Karnal Depot. Let the said exercise be completed within a period of four months from today. Appropriate steps in accordance with law will be taken in pursuance to the seniority fixed by Shri R.P.Bajaj, within a period of one month thereafter."

4. Mr. Bajaj, considering different reports, issues involved and representation of stakeholders prepared seniority list of 542 workers. In the report, the date of birth of the workers was noticed apart from months of their experience. The said report came to be challenged before this Court by way of CWP No.574 of 2011. This Court vide order dated 13.01.2011 upheld report of Mr. Bajaj's Committee and dismissed the writ petition. The relevant extracts of the order dated 13.01.2011 are reproduced as below:

"The main submission, as made, is that Bajaj Committee has gone outside the purview of direction issued by Single Judge and had not taken into consideration the reports of all the Committees, as per direction given in the order as well as by the LPA Bench.

I am unable to accept the submission made by learned counsel for the petitioners. The Bajaj Committee report, which is annexed with the petition as Annexure P-7, is comprehensive, giving history of the issues involved and various Committees that had earlier gone into to examine the issue. Reference is made to the reports of Dalela Committee, Chopra Committee and the Ranga Committee as well and thereafter it is concluded that in depth

study of reports of all the four Committees set up by the Food Corporation of India to determine seniority, the Chopra Committee report is found unblemished. This report was found to be well reasoned and to be in conformity with the parameters laid down in the F.C.I circulars issued in the year 1991. The finding also is that this will lessen the agony of those persons who were deprived of the benefit of seniority as given by Chopra Committee report due to undue benefit given on the basis of Ranga Committee report, which had been quashed it, thus, cannot be said that Bajaj Committee has in any manner gone outside the purview or parameters laid down by learned Single Judge of this Court. Once after detailed analysis, the Bajaj Committee has come to conclude that Chopra Committee has reached the correct conclusion, then it can be observed that mode and method adopted by the Bajaj Committee was fair, just and equitable and would not suffer from any infirmity as urged by counsel for the petitioners.

The fact that some evidence regarding gate register was not produced before the Bajaj Committee would also not mean much as same registers were not found available but the names of those employees, reflected in these registers were taken from Chopra Committee report before which these registers had been earlier produced. It cannot, therefore, be said that the Bajaj Committee report would be bad on the ground that relevant material was not considered and that it would call for interference in exercise of writ jurisdiction by this Court.

The submission that the matter be referred to the Labour Court for determination would be too late in a day to accept and such submission, if any, ought to have been made before the Single Judge or the LPA Bench, where this plea was never raised. The order passed by the learned Single Judge in CWP No.11647 of 1994 and that passed by the LPA Bench was allowed to acquire finality and was not put to any challenge, cannot be allowed to be now challenged in under hand manner by challenging the report of Bajaj Committee with a prayer to refer the matter for examination by Labour Court. There is, thus, no merit in the writ petition and the same is accordingly dismissed."

5. The aggrieved parties preferred intra-court appeal which came up for consideration before a Division Bench of this Court. The Appellate Court vide judgment dated 20.03.2014 dismissed appeal and upheld judgment of Single Judge. The Appellate Court further directed FCI to implement the report submitted by Mr. Bajaj Committee in toto. The relevant extracts of the judgment are reproduced as below:-

"Learned Single Judge has discussed each and every aspect and has rightly come to the conclusion that Mr. Bajaj has discussed reports made by all the Committees and further looked into record produced before him and written submissions made by the parties concerned. Perusal of the report indicates that the proceedings continued on many dates and the opportunities of hearing and to place on record the documents were granted to all the concerned parties. It is not in dispute that the appellants in this case are in service on account of the report made by Mr. Ranga in the year 1994. That report was rejected by this Court as has been referred to above. Accordingly, on the basis of the report made by Mr. Ranga, the appellants do not have any right to remain in service. However, they are continuing as such by making determined effort to keep the litigation alive. Despite relieving orders issued, they are continuing in service under the order passed by this Court from time to time. At one point of time, stay application filed by them was dismissed. They went to Hon'ble Supreme Court by filing SLP, which was also dismissed.

In view of the above, we are of the opinion that the order passed by learned Single Judge is perfectly justified.

The appeal is accordingly dismissed.

However, the FCI is directed to implement the report submitted by Mr. Bajaj in toto. It is made clear that all the appellants and others, who were given appointments, in terms of the report made by Mr. Ranga leave their assignment within 15 days from today. The authorities of the FCI may adjust the appellants if the vacancy exists subject to their moving applications and their applications will be considered strictly in terms of the seniority list as per the report made by Mr. Bajaj. Needful shall be done within four months and if the claim of the appellants is rejected, it will not furnish a cause for them to agitate the matter any further."

6. The aggrieved persons further unsuccessfully preferred SLP before Supreme Court.

10. The conceded position emerging from record is that the petitioners were initially working with FCI through contractor. They came to be departmentalized in view of instructions issued by Government of India. They were not having concrete evidence of their age, thus, different mode and methods were adopted to ascertain their age. This Court appointed Mr. Bajaj to determine seniority of petitioners. **Mr. Bajaj in his report has noted date of birth of petitioners and thereafter, on the basis of age and experience, has determined seniority.**

11. It is undisputed fact that Bajaj committee in its report has jotted down date of birth of all the petitioners. **They are not assailing report of Bajaj Committee. In any case, said report has been upheld by this Court and SLP against judgment of a Division Bench of this Court stands dismissed. The petitioners are claiming that their age should be determined on the basis of medical report instead of report of Bajaj Committee. The medical report indicates age of petitioners with margin of 4/5 years. It is a settled proposition of law that medical report especially ossification test is a corroborative evidence and it does not conclusively prove age of**

any person. The evidence of medical report, thus, is not a conclusive evidence. Mr. Bajaj in his report has noted date of birth of all the petitioners. They have not challenged said report rather said report has already been upheld by this Court.

23. A perusal of aforesaid paras made it ample clear, specifically para 11 mentioned above, that R. P. Bajaj Committee had considered the date of birth of the workers and has given its findings accordingly. Now claimant again raised this dispute before this Tribunal as the matter has already been decided by the Hon'ble High Court and the **LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others** thereof was also dismissed, wherein in para no.4, it is held as under:-

“4. The appellants are stated to be working as ‘Palledar’ (Handling Worker) through a Contractor. They had sought absorption in the department and a Committee headed by Sh. R.P. Bajaj, retired District and Sessions Judge had been constituted to determine the age and the seniority of the workers. The Bajaj Committee in its report dated 05.07.2010 had determined the seniority of the workers wherein the age and date of birth had been specifically mentioned. The report of the Bajaj Committee was challenged by some of the workers by preferring CWP No.23481 of 2014 which was dismissed. The LPA No.218 of 2011 thereagainst was also dismissed. The Special Leave Petition thereagainst was also dismissed.”

24. When findings of the Hon'ble High Court have come regarding age of the workman, this Tribunal cannot re-determine the date of birth of the workman specially on the basis of the medical opinion as mentioned in Jathu Rai case (supra), the evidence of medical report is not conclusive evidence. To support this view, reliance can be placed on **Criminal Appeal Nos.1119-1120 of 2016 titled as Mukarrab etc. versus State of U. P. decided by the Hon'ble Supreme Court of India.**

25. It is added here that so far as this argument of the Id. counsel for the claimant that workers were not party in the **Jathu Rai Case (supra)**, the same is devoid of merit as the case was filed by some of the co-workers, whose date of birth was determined by the Bajaj Committee and it was upheld by the Hon'ble High Court.

26. So far as this argument of the Id. counsel for the claimant that due to findings given in **LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others**, the findings in Jathu Rai case (supra), cannot be relied upon. Rather, Hon'ble High Court in LPA No.2543/2024 titled as Dilip Kumar and others versus Food Corporation of India and others has upheld the decision of the Jathu Rai case (supra) and it does not lie in the mouth of the claimant that findings of **Jathu Rai case (supra)** has become irrelevant.

27. So far as standing order is concerned, the same is undoubtedly issued by the FCI. However, the standing order is not having force, specifically when the Hon'ble Supreme Court in **Criminal Appeal Nos.1119-1120 of 2016 titled as Mukarrab etc. versus State of U. P.** has held that medical evidence is not conclusive evidence. Keeping in view the fact that medical opinion is not conclusive evidence. No reliance can be placed on the plea of the claimant that on the basis of the medical evidence, their age should be determined. It is also pointed out that Hon'ble High Court in **Jathu Rai case (supra)** has categorically held that Mr. Bajaj in his report has noted date of birth of claimant and thereafter, on the basis of age and experience, has determined seniority.

28. As per Bajaj Committee Report, the date of birth of the claimant is 10.04.1954 and he has been retired on 30.04.2014 on attaining the age of superannuation of 60 years. There was no necessity of compliance of Section 25F of the Act, so there was no violation of any of the provisions of the Act. The claim being devoid of merit is dismissed. The reference is answered accordingly.

29. 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, 22 सितम्बर, 2025

का.आ. 1711.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 14/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/9/2025 को प्राप्त हुआ था।

[सं. एल-22012/4/2019-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक

New Delhi, the 22nd September, 2025

S.O. 1711.—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. 14/2019 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 19/9/2025.

[No. L-22012/4/2019– 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. 14 OF 2019

PARTIES: Prakash Chandra Panda

Vs

Management of Patmohona Colliery, Sodepur Area, ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 18/07/2025

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-22012/4/2019-IR(CM-II)** dated 13/02/2019 has been pleased to refer the following dispute between the employer, that is the Management of Patmohona Colliery, Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s Eastern Coalfields Ltd. in relation to its Patmohana Colliery under Sodepur Area in not considering promotion in respect of Sri Prakash Chandra Panda from Trammer Cat-III to Looseman Cat-IV w.e.f. 01-11-2011 along with consequential benefits is just and legal? If not, to what relief the workman is entitled to?”

1. On receiving Order **No. L-22012/4/2019-IR(CM-II)** dated **13/02/2019** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 14 of 2019** was registered on 06/03/2019 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. Koyala Mazdoor Congress filed written statement on behalf of the aggrieved workman on 11/11/2022. Management contested the Industrial Dispute by filing their written statement on 01/02/2023. Fact of the union's case in brief is that Prakash Chandra Panda was posted at Patmohona Colliery and was earlier regularized from PR UG Loader Group V-A to Timber Mazdoor, Cat-II on 02/05/2003 as a 'Time Rated' worker. During fixation of his pay in Time Rated category he was not granted any pay protection due to which he faced huge monetary loss to the extent of Rs. 69.83 per day. He was again regularized as Underground Trammer, Cat-III in the year 2006. In the year 2011, Prakash Chandra Panda was regularized to the post of Looseman, Cat-IV from the post of Underground Trammer, Cat-III instead of granting promotional benefit. According to the union, the stand taken by the management is totally wrong and illegal as the aggrieved workman has only been regularized from Cat-III to Cat-IV. He is entitled to get promotional benefit with one increment in his basic pay. Union prayed for providing direction upon the management of Patmohona Colliery, Sodepur Area to consider the case of Prakash Chandra Panda and grant him fitment of basic wages with pay protection from UG Loader to Timber Mazdoor and also give promotional benefit from UG Trammer Cat-III to Looseman, Cat-IV.

3. Management of ECL in written statement has claimed that the dispute raised on behalf of Prakash Chandra Panda is misconceived and the Industrial Dispute referred by the appropriate government is not maintainable. It is the case of the management that the workman was converted from 'Piece Rated' UG Loader to the post of Timber

Mazdoor in the year 2003 and was paid his wages due to him as per his entitlement. Union raised the Industrial Dispute in the year 2018, after fifteen years from the date of conversion and during this period four wage agreements of Coal India Limited were implemented. According to the management, workman is not entitled to get promotional benefit from Trammer Cat-III to Looseman, Cat-IV as both designations i.e. Trammer, Cat-III and Looseman, Cat-IV are in the same cadre and Sri Panda was regularized in the same cadre therefore, claim of union for giving benefits of promotion from Timber Mazdoor to Trammer in the year 2006 is not maintainable. It is asserted that management is justified in not giving one incremental benefit of promotion from Trammer to Looseman from the year 2011 and the concerned workman is not entitled to any relief.

4. Prakash Chandra Panda has been examined as Workman Witness-I. In his affidavit-in-chief the workman stated that he was regularized from UG Trammer, Cat-III to Looseman, Cat-IV in the year 2011 without granting him promotional benefits. It is further stated that regularization from Cat-III to Cat-IV is wrong and he is entitled to get promotional benefit by getting one incremental benefit with protection of basic pay. Documents produced by him have been admitted in evidence as follows:

- (i) copy of office order dated 02/05/2003 by which the workman was regularized as Timber Mazdoor is marked as Exhibit W-1.
- (ii) copies of pay statement for May, 2003 and June, 2003 are collectively marked as Exhibit W-2.
- (iii) copies of pay slips issued in his favour showing fixation of pay in July, 2006 and pay received by him in August, 2006 are collectively marked as Exhibit W-3.
- (iv) copies of pay slips showing that no promotional benefit was given on regularization to the post of Looseman, Category-IV is marked as Exhibit W-4.
- (v) copies of application and reminder submitted on 18/02/2012 and 04/08/2012 respectively to the Senior Manager, Patmohona Colliery for granting him promotional increment are marked as Exhibit W-5 and W-6 respectively.

During cross-examination witness deposed that he did not have any fixed pay at the time he worked as a UG Loader, Group V-A. He denied the suggestion that he is not entitled to any protection at the time of pay fixation during regularization to the post of Timber Mazdoor, Category-II. He also denied that there is no provision for payment of any promotional or incremental benefit on regularization of an employee from UG Trammer, Category-III to Looseman, Category-IV.

5. Mayuri Kar Verma, Asst. Manager (P) at Patmohona Colliery, Sodepur Area, ECL has deposed as Management Witness-I. In her examination-in-chief the witness stated that union's claim that Sri Panda is entitled to get promotional benefit on his regularization from Trammer, Cat-III to Looseman, Cat-IV is wrong as both designations are in the same cadre. According to the MW-I, action of the management is proper and justified in not granting incremental benefit in the same cadre. In course of examination, witness produced the following documents:-

- (i) Copy of office order dated 25/07/2006 whereby some employees of Patmohona Colliery were regularized to different posts and categories is marked as Exhibit M-1
- (ii) Copy of office order dated 23/12/2011 by which basic wage of Prakash Chandra Panda, UG Trammer was fixed on his regularization from Trammer to Looseman w.e.f. 01/11/2011 is marked as Exhibits M-2.

In cross-examination, witness deposed that Prakash Chandra Panda was not entitled to promotional benefits on his joining as Looseman from Trammer, Cat-III. Witness stated that in the present case there was no Notification for promotion. General Rule is that a person is converted to different post, his Service Linked Promotion is counted from the converted post and not from the original post. Witness denied that management committed any illegality by not providing promotional benefits to the workman on his posting as Looseman, Cat-IV.

6. On a perusal of schedule, it appears that the dispute which needs to be adjudicated is whether posting of Prakash Chandra Panda from Trammer, Cat-III to Looseman, Cat-IV w.e.f. 01/11/2011 should be treated as promotion or regularization. It is apposite to note that in the present reference appropriate government has not raised the issue of regularization of Prakash Chandra Panda from PR UG Loader to the post of Timber Mazdoor, Cat-II in Time Rated category. Therefore, question which has been raised in Paragraph one of the union's written statement, needs no consideration at this stage.

7. Mr. Rakesh Kumar, union representative advancing his argument for the workman submitted that by order dated 23/12/2011 (Exhibit M-2) it was provided that UG Trammers were posted as Looseman at Patmohona Colliery w.e.f. 01/11/2011 as per recommendation of the Departmental Promotion Committee which took into consideration the Manpower Budget and vacancy arising in these posts. Mr. Kumar referred to guiding principle for promotion of employees provided in Implementation Instruction No. 34 under NCWA-VI. Taking me through the contents of Annexure-XXVII-7 of Implementation Instruction No. 34, Mr. Kumar argued that promotion channel for Tramming personnels has been laid down and it is clearly provided that for posting as Tramming Personnels in Cat-III mode of

selection was followed and for the purpose of posting to Tramming Personnels Cat-IV, eligibility criteria was that the person should serve for four years in Cat-III and promotion would be held as per recommendation of Departmental Promotion Committee. Mr. Kumar ascertained that Prakash Chandra Panda, the aggrieved workman has not been granted promotional benefits of one increment in his pay @ three percent of basic pay. It is vehemently argued that a person moving upwards from Cat-III to Cat-IV on recommendation being made by Departmental Promotion Committee on considering Manpower Budget and vacancy arising in the post, posting in Cat-IV should be treated as promotion and not regularization.

8. Mr. P. K. Das, learned advocate in reply argued that Looseman, Cat-IV is to be considered in Trammer category and for posting from Category-III to Cat-IV in the same cadre only amounts to regularization and not promotion. It is urged that the workman remained in the same cadre and he is not entitled to promotional benefits.

9. Having considered rival contentions and arguments advanced, it appears to me that Prakash Chandra Panda who was posted as Trammer, Cat-III at Patmohona Colliery, Sodepur Area was posted as Looseman, Cat-IV. From the appended notes in Annexure-XXVII-7 it may be gathered that persons posted as Pointsman, Banksman, clipman, Coupler/Signalman, Setrider, Setman and Looseman who are in Cat-IV would grow as per the cadre scheme beyond category-IV. It implies that persons designated under various posts mentioned above are included in the group of Tramming personnels. Chart provided in Implementation Instruction No. 34 reveals that mode of selection or promotion from Trammer, Cat-III to Trammer, Cat-IV would be on recommendation of Departmental Promotion Committee and the same provides for promotional channel for Tramming personnels. It can therefore be assumed that a person moving upwards in channel from Tramming personnels, Cat-III to Tramming Personnels, Cat-IV/Looseman, Cat-IV is a promotion effected on the recommendation of Departmental Promotion Committee and such posting to a higher category cannot be termed as regularization. In my considered opinion the concerned workman appearing against serial No. ten (10) of Exhibit M-1 has not been provided with any increment in his basic pay while fixing his pay, which usually accompanies a promotion. Since posting to a higher category is a promotion of an employee, he is entitled to receive promotional benefits by way of grant of increment @ three percent of basic pay. Therefore, the aggrieved workman is entitled to a promotional benefit of three percent of basic pay w.e.f. 01/11/2011. Management of the company is directed to pay arrears of incremental benefits which accrued to Prakash Chandra Panda from 01/11/2011. I further hold that the management of ECL acted in an arbitrary and illegal manner by not granting promotional benefits to the incumbent and by fixing pay without change of any basic by treating such change of designation as regularization instead of promotion.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest. Management of Patmohona Colliery, Sodepur Area, ECL is directed to fix the pay of Prakash Chandra Panda by granting one additional increment @ three percent in basic w.e.f. 01/11/2011 by treating his posting to the post of Looseman, Cat-IV as promotion instead of regularization. Arrears of the incremental benefit be paid within three months from the date of communication of order. 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, 22 सितम्बर, 2025

का.आ. 1712.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 73/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/09/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 22nd September, 2025

S.O. 1712.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 73/2008**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** 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 **19/09/2025**.

[No. L-22013/01/2025- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 19th day of August, 2025**INDUSTRIAL DISPUTE L.C.No. 73/2008**

Between:

Sri Ch. Syam Kumar,

S/o. Sekhar

Bapulapadu post, Near Railway Station,

Hanuman Junction,

Krishna District.

.....Petitioner

And

1. The Senior Regional Manager,

The Food Corporation of India,

Basheerabad, Hyderabad.

2. The District Manager,

The Food Corporation of India,

Near Manorama Hotel, Bandar Road,

Vijayawada.

3. The Assistant Manager,

Food Corporation of India,

Hanuman Junction,

West Godavari District.

4. The Zonal Manager,

Food Corporation of India (South),

2nd Haddows Road,

CHENNAI -6

....

Respondent s

Appearances:

For the Petitioner : M/s. G. Vidyasagar, K. Udayasree & P. Sudheer Rao, Advocates

For the Respondent : Sri BG Ravinder Reddy, Advocate

AWARD

Sri Ch. Syam Kumar who worked as casual labour (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent s Food Corporation of India seeking for declaring the oral termination order dated 10.12.2002 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondent s to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner workman submits that he was engaged by the management as a Male Casual Labourer in the Food Corporation of India at Hanuman Junction on 4.1.1996, and worked as Office Boy, also performing additional duties as Storesman and Watchman under the control of the third Respondent. He was drawing a salary of Rs.1500/- p.m., at the time his termination. He worked continuously without any break in service. As per the management's

procedure, he submitted applications dated 22.1.1996, 25.9.1997 and 5.12.1998 to the second and third Respondents for issuance of Identification Cards, which were issued accordingly. The second Respondent, through proceedings No. FCI/BSC/Hanuman Junction/S&C/1990-2000 dated 21.08.1999, confirmed the workman's employment and joining date as 4.1.1996. The workman submits that the nature of his duties was permanent and he completed more than 240 days of service each year. The third Respondent issued a Conduct Certificate confirming his service as Male Casual Labourer. The claimant submitted a representation dated 06.12.1997 to the third Respondent for regularization. Based on this, the Assistant Manager (Depot) addressed a letter dated 19.12.1997 to the second Respondent, stating that the claimant worked as Gardener, handled maintenance work, and recommended regularization. However, no action was taken. Another representation dated 20.09.1998 was also made, but the management failed to respond. It is submitted that on 10.12.2002, while discharging his duties, the second and third Respondents came to the Buffer Storage Complex, Hanuman Junction, and orally informed the claimant that his services were not required, and sent him away, thereby terminating him from service. The termination, instead of regularization, was oral, illegal, arbitrary, and in violation of Section 25(F) of the I.D. Act, as no one-month notice, pay in lieu thereof, or compensation was given, making the termination void ab initio and liable to be set aside. After termination, the claimant made several requests for reinstatement, including a representation to the first Respondent on 21.08.2004, but without success. The claimant got issued a legal notice dated 13.07.2004 to the second Respondent seeking reinstatement, but there was no response. It is submitted that workman also issued a legal notice dated 16.07.2007 to the first and second Respondents requesting reinstatement. Despite receipt, no reply was given by either Respondent. The claimant submits he has been making representations to the management stating he worked from 1995 to 2001 without any break in service, in the posts of Office Boy, Storesman, and Watchman, which are permanent posts. Instead of regularizing his services, the management terminated him and engaged persons junior to him. The act of engaging new casual labour ignoring the candidature of the claimant is illegal, arbitrary, and against law. The claimant made representations on 21.08.2004 and 04.09.2004 requesting to be engaged as Male Casual Labour and sought regularization. However, no action was taken, despite the claimant being senior. The management's inaction is illegal, arbitrary, and discriminatory. As per Section 25(G) of the Industrial Disputes Act, the employer shall retrench the workman last employed in that category. As per Section 25(H), the employer shall offer employment to retrenched workmen according to seniority. In this case, without preparing a seniority list, the management engaged outsiders, ignoring the claimant's seniority, which is in violation of Sections 25(G) and 25(H) of the I.D. Act. The claimant further submits that he was engaged by the management in January, 1996 and worked till 10.12.2002 under the hope of regularization. Despite several representations, the management terminated him and engaged others who had not worked before which is illegal, arbitrary, and discriminatory. Similarly situated persons who were removed from service and approached the Hon'ble High Court of A.P. in W.P. Nos. 1618/1985, 1122/1985, and 15847/1995 were granted relief. The claimant stands on similar footing, but his case has not been considered. Office records of the Assistant Manager, FCI, Hanuman Junction disclose that the claimant worked uninterruptedly with the management. The claimant is a poor person, lacks legal knowledge, and was unaware of the appropriate forum. After termination, he approached the management several times and made representations. The management assured him of re-employment, and the claimant believed them and remained quiet under the impression that he would be given a job. Due to financial constraints, he was unable to approach an advocate or file the case immediately. There is no willful negligence on his part in not raising the dispute earlier. After his termination, the claimant could not secure alternative employment despite best efforts and remains unemployed. He is the sole breadwinner, and his family depends entirely on him for livelihood. The claimant submits that the Respondent organization is a Central Government undertaking, and the appropriate Government is the Central Government. Hence, this Hon'ble Court has jurisdiction to entertain the present Industrial Dispute. Therefore, the claimant is constrained to file this case under Section 2-A(2) of the I.D. Act seeking reinstatement with continuity of service, back wages, and all attendant benefits. The claimant prays that this Hon'ble Court may be pleased to declare the oral termination dated 10.12.2002 as illegal, arbitrary, and against law, and set aside the same and to direct the Respondents/management to reinstate the claimant with continuity of service, back wages, and all attendant benefits.

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the ID filed by the Petitioner is neither maintainable in law nor on facts. The allegations in the claim petition are denied. The Petitioner is put to strict proof of all allegations except those specifically admitted herein. The claim that the Petitioner worked as Casual Labour from 4.1.1996 at FCI, Hanuman Junction, and was orally terminated on 10.12.2002, is incorrect. It is submitted that he was never engaged as Casual Labour by the Respondent Corporation. It is submitted that casual labour is engaged on a day-to-day basis as per requirement and discharged accordingly. Any identity card issued by the Assistant Manager (Depot) is not valid, being meant only for gate entry. Valid identity cards with emblem are issued in prescribed form, signed by the Area Manager. After the introduction of the Direct Payment System in 1997, registers were maintained which do not include the Petitioner's name. The allegation that a conduct certificate was issued by the Assistant Manager (Depot) is incorrect. The said certificate is fabricated, as Assistant Managers do not have letterheads. Upon verification, no identity card or conduct certificate was issued to the Petitioner. The alleged card is not in the prescribed proforma of FCI. There is no post of Gardener at BSC, Hanuman Junction. No recommendation was made by the third Respondent for

regularization. The question of retrenchment does not arise as there was no appointment. Casual labour is discontinued when no longer required. The Petitioner was never on the rolls; hence, termination does not arise. It is submitted that reply was issued to the legal notice dated 13.07.2004, by the third Respondent on the directions of the second Respondent, vide letter dated 31.07.2004. The Petitioner never worked as Office Boy or Storesman against any permanent post. Further, it is submitted that the second and third Respondents have not regularized any persons. The Respondents never promised employment to the Petitioner. They are not responsible for his unemployment. Though he alleges oral termination on 10.12.2002, his inaction thereafter disproves the claim. The ID is barred by limitation and is liable to be dismissed. It is therefore prayed that the claim petition be dismissed.

4. Heard arguments of Learned Counsel for Petitioner and perused written arguments filed by Petitioner.

5. **On the basis of rival contentions and pleadings of both the parties, following issues emerge for determination in the instant matter:-**

I. Whether the action of Respondent Management Food Corporation of India, Hanuman Junction in orally terminating the services of Petitioner Sri Ch. Syam Kumar with effect from 10.12.2002 is legal and justified?

II. Whether the Petitioner is entitled for regularization?

III. Whether the Petitioner is entitled for the relief claimed?

Findings:-

6. **Point No.I:-**As per claim statement, Petitioner alleges that he joined the service of the Respondent Food Corporation of India as Male casual labour on 4.1.1996 and he worked for more than 4 to 5 years continuously without any break. Petitioner submits that he has completed more than 240 days in a calendar year hence, he is entitled to notice, notice pay before termination from the employment. However, Respondent did not issue any notice nor paid any wages in lieu of notice as compensation under Section 25F of ID Act and Respondent has terminated Petitioner from service in violation of the provision contained under section 25 F of ID Act. Further alleged that termination order of Petitioner is illegal and he is entitled to reinstatement in the service with all consequential benefits. Further, Petitioner submits that Supreme Court in catena of decisions has held that temporary employee cannot be replaced by another temporary employee. In the instant matter all the workers have been disengaged by engaging fresh workmen as telegraphic messengers by the Respondent in violation of section 25G and 25H of I.D. Act, 1947. Petitioner prayed to set aside his termination order dated 10.12.2002 and to reinstate him into service.

7. In support of claim Petitioner, has filed chief statement affidavit of WW1 and WW1 in his affidavit has reiterated the averments made in the claim statement, WW1 states that his service has been terminated by oral order on 10.12.2002 by the Respondent in contravention of the provision of Section 25 F of the I.D. Act. Petitioner has also filed photocopies of ten documents in evidence i.e. Ex.W1 to W10. Ex.W1, W2, W3 and W8, these documents include representations dated 22.1.1996, 25.9.1997, 5.12.1998 and 12.8.2004 to the Respondent management to issue identity card. Ex.W4 is the letter of Asst. Manager, FCI, Hanuman Junction dated 21.8.99 extending duties of petitioner for watch and ward. Ex.W5 is the conduct certificate issued by Respondent stating therein that Petitioner workman was working as a casual labour on piece rate basis and his behavior and good conduct has been certified. Ex.W6 and W7 are identity cards. Ex.W9 is the order passed in WP No.1112/2006 whereby petitioner along with other workers has withdrawn his writ petition filed before Hon'ble High Court. Ex.W10 is the legal notice issued by counsel for petitioner to Respondent dated 16.07.2007. WW1 was not cross examined by the Respondent, however Respondent did not adduce any evidence.

8. It is settled law that initial burden of proof to establish retrenchment in violation of provision of Section 25 F of ID Act lies on petitioner. Petitioner has to prove by evidence that he has been in service of Respondent for 240 days continuously in a calendar year just preceding from the date of his termination.

Before appreciation of evidence on record, it would be apposite to have a glance of the relevant provision contained under ID Act and same is reproduced hereunder:-

Section 25B defines the term continuous service which provides

Definition of continuous service.- For the purposes of this Chapter,--

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer--

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than--

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

Section 25 F provides: -

25F. Conditions precedent to retrenchment of workmen.

- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay [for every completed year of continuous service] [Substituted by Act 36 of 1964, Section 14, for " for every completed year of service" (w.e.f. 19.12.1964).] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government [or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

Further, Hon'ble Supreme Court in its various decisions has explained the concept of continuous service in a calendar year u/s 25F of I.D Act. some of the relevant decisions are discussed here under:-

In the case of **Sur Enamel and Stamping works Private Limited Vs. their workmen**, referring to Section 25 B, Hon'ble Supreme Court has defined the term continuous service as under:-

"The position therefore is that during a period of employment for less than 11 calendar months these two persons worked for more than 240 days. In our opinion that would not satisfy the requirement of section 25B. Before a workman can be considered to have completed one year of continuous service in an industry it must be shown first that he was employed for a period of not less than 12 calendar months and, next that during those 12 calendar months had worked for not less than 240 days. Where, as in the present case, the workmen have not at all been employed for a period of 12 calendar months it becomes unnecessary to examine whether the actual days of work numbered 240 days or more. For, in any case, the requirements of section 25B would not be satisfied by the mere fact of the number of working days being not less than 240 days."

In **Mohan Lal Vs. Management of M/s. Bharat Electronics**, dated 21.4.1981 AIR 1981 Supreme Court 1253, the Hon'ble Supreme Court have held,

It was, however, urged that section 25F is not attracted in this case for an entirely different reason. Mr. Markendaya contended that before section 25F is invoked, the condition of eligibility for a workman to complain of invalid retrenchment must be satisfied. According to him unless the workman has put in continuous service for not less than one year his case would not be governed by section 25F. That is substantially correct because the relevant provision of section 25F provides as under:

"25F. "No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:-

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent of fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate government by notification in the Official Gazette)."

Reverting to the facts of this case, admittedly the appellant was employed and was on duty from December 8, 1973 to October 19, 1974 when his service was terminated. The relevant date will be the date of termination of service, i.e. October 19, 1974 Commencing from that date and counting backwards, admittedly he had rendered service for a period of 240 days within a period of 12 months and, indisputably, therefore, his case falls within section 25B(2) (a) and he shall be deemed to be in continuous service for a period of one year for the purpose of Chapter VA."

In Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held:

"It was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had worked for 240 days in the year preceding the date of his termination. He has filed an affidavit. It is statement which is in his favor and that cannot be

regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year These aspects were highlighted in Range Forest Officer v. 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 held that the workman had worked for 240 days as claimed."

In Municipal Corporation, Faridabad v. Siri Niwas (2004 (8) SCC 195), held "*the burden was on the workman to show that he was working for more than 240 days in the preceding one year prior to his alleged retrenchment.*" In *M.P. Electricity Board v. Hariram (2004 (8) SCC 246)* the position was again reiterated in paragraph 11 as follows: "*The above burden having not been discharged and the Labour Court having held so, in our opinion, the Industrial Court and the High Court erred in basing an order of reinstatement solely on an adverse inference drawn erroneously ..*"

In the case of Manager, RBI, Bangalore vs. S Mani (2005) SCC Page 100, the 3 Judges Bench of the Apex Court held that "*the initial burden of proof was on the workman to show that he had completed 240 days of service.*"

In the case of Mohan Lal vs. Management, BEL 1981 SCC P. 225, Hon'ble Apex Court held, "*Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service.*"

Now, in view of the provision contained under Section 25B of I D Act and Law laid down by the Hon'ble Supreme Court as discussed above, we have to examine whether retrenchment of petitioner workman by Respondent vide oral order dated 10.12.2002 is in contravention of the provision contained under section 25F. As per provision contained under Section 25 B of the I.D. Act, 1947, the petitioner workman has to prove the fact of continuous service of 240 days in a calendar year just preceding from the date of termination i.e.,10.12.2002 by leading documentary as well as oral evidence. As claimed by Petitioner he was terminated by oral order on 10.12.2002. The record goes to reveals that Petitioner has not filed any document in evidence to establish the fact that he had rendered continuous service for a period of 240 days in the Respondent office in a calendar year just preceding from the date of his termination i.e.,10.12.2002., Petitioner has not filed any document of salary slips or wage payment slips or attendance register or appointment letter or certificate in order to prove that he has been engaged by Respondent for work during the period of 240 days just preceding for date of termination i.e. 10.12.2002. Thus, Petitioner failed to prove that he had worked 240 days continuously in a calendar year just preceding from the date of his termination. However, Respondent has averred in counter that identity card issued by the Asst. Manager(Depot) is useful to show at the gate point only for entry into depot. The corporation will issue identity card with emblem in the prescribed form duly signed by the Area Manager only, for the regular employees. In fact, the corporation introduced Direct Payment System to the casual labour in the year 1997, itself. Under this system, the registers were maintained. The said register did not disclose the name of the Petitioner as casual labour. Hence, this contention of the Petitioner is not supported by valid proof. However, Petitioner has not rebutted or contradicted contention of Respondent by producing any cogent evidence. However, said Identity card filed by the petitioner in evidence pertains to the year 1997-1999 and do not pertain to year 2002 when the petitioner was terminated. Therefore, the Identity card filed by Petitioner have no relevance to establish fact of continuous service as required u/s 25-F of ID Act.

10. Thus, ongoing documentary and oral evidence on record, I am of the view that Petitioner has utterly failed to establish that he had worked for 240 days continuously in a calendar year just preceding from the date of his termination i.e.,10.12.2002 . Therefore, provision of Sec.25F of I.D. Act, 1947 do not apply to his case. Thus, for the want of evidence, the claim of petitioner that he has completed 240 days of continuous service in a calendar year just preceding from the date of his termination i.e.,10.12.2002 is not tenable. Thus Petitioner failed to establish and prove that his retrenchment is illegal in contravention of provision u/s.25F of I.D. Act, 1947, and the claim of the Petitioner for reinstatement in the employment of Respondent u/s 25G and 25H is not tenable.

Thus, Issue No.I is answered against the Petitioner.

13. Issue No.II:- As per record, undisputedly, Petitioner has not filed any appointment letter of his employment in evidence. It is admitted fact that Respondent used to take the work from him as and when required. Thus, it is established that Petitioner had worked as casual labour in Respondent management. Respondent in his counter has submitted that the Petitioner was never engaged as casual labour at any point of time, hence, no question of terminating his from services arise. There was no employer and employee relationship between the Petitioner and the Respondent. Respondent in counter has contended that management being instrumentality of the Government, bound by rules and regulations for recruitment of employees for the organization.

As regard claim of petitioner for regularization in the service, Hon'ble Supreme Court in its recent decision has laid down principles and guidelines for regularization of casual workman, In the case of **ONGC Vs. Krishan Gopal 2020(3) Scale 272,Hon'ble Supreme Court of India have laid down the principle regarding regularization of the casual workman and have held:-**

"23 The following propositions would emerge upon analyzing the above decisions:

(i) Wide as they are, the powers of the Labour Court and the Industrial Court cannot extend to a direction to order regularisation, where such a direction would in the context of public employment offend the provisions contained in Article 14 of the Constitution;

(ii) The statutory power of the Labour Court or Industrial Court to grant relief to workmen including the status of permanency continues to exist in circumstances where the employer has indulged in an unfair labour practice by not filling up permanent posts even though such posts are available and by continuing to employ workmen as temporary or daily wage employees despite their performing the same work as regular workmen on lower wages;

(iii) The power to create permanent or sanctioned posts lies outside the judicial domain and where no posts are available, a direction to grant regularisation would be impermissible merely on the basis of the number of years of service;

(iv) Where an employer has regularised similarly situated workmen either in a scheme or otherwise, it would be open to workmen who have been deprived of the same benefit at par with the workmen who have been regularised to make a complaint before the Labour or Industrial Court, since the deprivation of the benefit would amount to a violation of Article 14; and

(v) In order to constitute an unfair labour practice under Section 2(ra) read with Item 10 of the Vth Schedule of the ID Act, the employer should be engaging workmen as badlis, temporaries or casuals, and continuing them for years, with the object of depriving them of the benefits payable to permanent workmen.”

But in the instant matter, Petitioner has failed to adduce any evidence that he was appointed by Respondent by following recruitment procedure or he was working against any sanctioned permanent post in the Respondent management. Petitioner failed to adduce any evidence on record that the Respondent was indulged in any unfair labour practice by not filling the permanent post even though such post was available and by calling to employ workman as temporary or daily wages employees despite performing the same work as regular workman on lower wages. Therefore, for the want of such plea and evidence, the claim of the Petitioner for regularization in the Respondent service is not acceptable.

Further, in the case of **Hari Nandan Prasad v Employer I/R to Management of Food Corporation of India20 (“FCI”)**, Hon'ble Supreme Court of India have held:

“34. On a harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularisation only because a worker has continued as daily- wage worker/ad hoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances giving of direction to regularise such a person, only on the basis of number of years put in by such a worker as daily-wager, etc. may amount to back door entry into the service which is an anathema to Article 14 of the Constitution. Further, such a direction would not be given when the worker concerned does not meet the eligibility requirement of the post in question as per the recruitment rules. However, wherever it is found that similarly situated workmen are regularised by the employer itself under some scheme or otherwise and the workmen in question who have approached the Industrial/Labour Court are on a par with them, direction of regularisation in such cases may be legally justified, otherwise, non-regularisation of the left-over workers itself would amount to invidious discrimination qua them in such cases and would be violative of Article 14 of the Constitution. Thus, the industrial adjudicator would be achieving the equality by upholding Article 14, rather than violating this constitutional provision.”

Thus, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, the claim of the Petitioner for regularization is not tenable.

Thus, Point No.II is decided against the Petitioner accordingly.

14. **Point No.III:** In view of the finding given at Points No. I & II, the Petitioner is not entitled to any relief claimed and his petition is found to be baseless, devoid of merit and hence, liable to be dismissed.

Therefore, Point No.III is decided accordingly.

AWARD

The claim of the petitioner Shri Ch. Syam Kumar to set aside his termination order w.e.f 10-12-2002 by Respondent Management of Food Corporation of India, Hanuman Junction is dismissed. Petition sans merit, stands dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 19th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Sri Ch. Syam Kumar

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner**Ex.W1: Photostat copy of Petitioner's representation dt. 22.1.1996****Ex.W2: Photostat copy of Petitioner's representation dt. 25.9.1997****Ex.W3: Photostat copy of Petitioner's representation dt. 5.12.1998****Ex.W4: Photostat copy of Ir. dt. 21.8.1999 of Asst. Manager, FCI****Ex.W5: Photostat copy of conduct certificate issued by Respondent****Ex.W6: Photostat copy of identity card issued by Respondent****Ex.W7: Photostat copy of identity card issued by Respondent****Ex.W8: Photostat copy of Petitioner's representation dt.16.12.1997****Ex.W9: Photostat copy of order passed in WP No.1112/2005****Ex.W10: Photostat copy of legal notice dt.16.7.2007 issued to R1 & R2.****Documents marked for the Respondent**

NIL

नई दिल्ली, 22 सितम्बर, 2025

का.आ. 1713.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 74/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/09/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 22nd September, 2025

S.O. 1713.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 74/2008**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** 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 **19/09/2025**.

[No. L-22013/01/2025- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 4th August, 2025**INDUSTRIAL DISPUTE L.C.No. 74/2008**

Between:

Sri U. Sambasiva Rao,

S/o. U. Appa Rao,

Bapulapadu post, Near Railway Station,

Hanuman Junction,

Krishna District.

.....Petitioner

And

1. The Senior Regional Manager,
The Food Corporation of India,
Basheerabad, Hyderabad.
2. The District Manager,
The Food Corporation of India,
Near Manorama Hotel, Bandar Road,
Vijayawada.
3. The Assistant Manager,
Food Corporation of India,
Hanuman Junction,
West Godavari District.
4. The Zonal Manager,
Food Corporation of India (South),
2nd Haddows Road,
CHENNAI -6

....Respondent s

Appearances:

For the Petitioner : M/s. G. Vidyasagar, K. Udayasree & P. Sudheer Rao, Advocates
For the Respondent : BG Ravinder Reddy, Advocate

AWARD

Sri U. Sambasiva Rao who worked as casual labour (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent s Food Corporation of India seeking for declaring the oral termination order dated 10.12.2002 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondent s to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows:**

The Petitioner workman submits that he was engaged by the management as a Male Casual Labourer in the Food Corporation of India at Hanuman Junction on 06.03.1995, and worked as Office Boy, also performing additional duties as Storesman and Watchman under the control of the third Respondent . He was drawing a salary of Rs.1500/- p.m., at the time his termination. He worked continuously without any break in service. As per the management's procedure, he submitted applications dated 17.9.1995, 6.12.1998 and 19.9.1997 to the second and third Respondent s for issuance of Identification Cards, which were issued accordingly. The second Respondent, through proceedings No. FCI/BSC/Hanuman Junction/S&C/1990-2000 dated 21.08.1999, confirmed the workman's employment and joining date as 06.03.1995. The workman submits that the nature of his duties was permanent and he completed more than 240 days of service each year. The third Respondent issued a Conduct Certificate confirming his service as Male Casual Labourer. The claimant submitted a representation dated 06.12.1997 to the third Respondent for regularization. Based on this, the Assistant Manager (Depot) addressed a letter dated 19.12.1997 to the second Respondent , stating that the claimant worked as Gardener, handled maintenance work, and recommended regularization. However, no action was taken. Another representation dated 20.09.1998 was also made, but the management failed to respond. It is submitted that on 10.12.2002, while discharging his duties, the second and third Respondent s came to the Buffer Storage Complex, Hanuman Junction, and orally informed the claimant that his services were not required, and sent him away, thereby terminating him from service. The termination, instead of regularization, was oral, illegal, arbitrary, and in violation of Section 25(F) of the I.D. Act, as no one-month notice, pay in lieu thereof, or compensation was given, making the termination void ab initio and liable to be set aside. After termination, the claimant made several requests for reinstatement, including a representation to the first Respondent on 21.08.2004, but without success. The claimant got issued a legal notice dated 13.07.2004 to the second Respondent seeking reinstatement, but there was no response. It is submitted that workman also issued a legal notice dated 16.07.2007 to the first and second Respondent s requesting reinstatement. Despite receipt, no reply was given by either Respondent . The claimant submits he has been making representations to the management stating he worked from 1995 to 2001 without any break in service, in the posts of Office Boy, Storesman, and Watchman, which are

permanent posts. Instead of regularizing his services, the management terminated him and engaged persons junior to him. The act of engaging new casual labour ignoring the candidature of the claimant is illegal, arbitrary, and against law. The claimant made representations on 21.08.2004 and 04.09.2004 requesting to be engaged as Male Casual Labour and sought regularization. However, no action was taken, despite the claimant being senior. The management's inaction is illegal, arbitrary, and discriminatory. As per Section 25(G) of the Industrial Disputes Act, the employer shall retrench the workman last employed in that category. As per Section 25(H), the employer shall offer employment to retrenched workmen according to seniority. In this case, without preparing a seniority list, the management engaged outsiders, ignoring the claimant's seniority, which is in violation of Sections 25(G) and 25(H) of the I.D. Act. The claimant further submits that he was engaged by the management in March 1995 and worked till 10.12.2002 under the hope of regularization. Despite several representations, the management terminated him and engaged others who had not worked before which is illegal, arbitrary, and discriminatory. Similarly situated persons who were removed from service and approached the Hon'ble High Court of A.P. in W.P. Nos. 1618/1985, 1122/1985, and 15847/1995 were granted relief. The claimant stands on similar footing, but his case has not been considered. Office records of the Assistant Manager, FCI, Hanuman Junction disclose that the claimant worked uninterruptedly with the management. The claimant is a poor person, lacks legal knowledge, and was unaware of the appropriate forum. After termination, he approached the management several times and made representations. The management assured him of re-employment, and the claimant believed them and remained quiet under the impression that he would be given a job. Due to financial constraints, he was unable to approach an advocate or file the case immediately. There is no willful negligence on his part in not raising the dispute earlier. After his termination, the claimant could not secure alternative employment despite best efforts and remains unemployed. He is the sole breadwinner, and his family depends entirely on him for livelihood. The claimant submits that the Respondent organization is a Central Government undertaking, and the appropriate Government is the Central Government. Hence, this Hon'ble Court has jurisdiction to entertain the present Industrial Dispute. Therefore, the claimant is constrained to file this case under Section 2-A(2) of the I.D. Act seeking reinstatement with continuity of service, back wages, and all attendant benefits. The claimant prays that this Hon'ble Court may be pleased to declare the oral termination dated 10.12.2002 as illegal, arbitrary, and against law, and set aside the same and to direct the Respondent s/management to reinstate the claimant with continuity of service, back wages, and all attendant benefits.

3. The Respondent s filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

It is submitted that the ID filed by the Petitioner is neither maintainable in law nor on facts. The allegations in the claim petition are denied. The Petitioner is put to strict proof of all allegations except those specifically admitted herein. The claim that the Petitioner worked as Casual Labour from 06.03.1995 at FCI, Hanuman Junction, and was orally terminated on 10.12.2002, is incorrect. It is submitted that he was never engaged as Casual Labour by the Respondent Corporation. It is submitted that casual labour is engaged on a day-to-day basis as per requirement and discharged accordingly. Any identity card issued by the Assistant Manager (Depot) is not valid, being meant only for gate entry. Valid identity cards with emblem are issued in prescribed form, signed by the Area Manager. After the introduction of the Direct Payment System in 1997, registers were maintained which do not include the Petitioner's name. The allegation that a conduct certificate was issued by the Assistant Manager (Depot) is incorrect. The said certificate is fabricated, as Assistant Managers do not have letterheads. Upon verification, no identity card or conduct certificate was issued to the Petitioner. The alleged card is not in the prescribed proforma of FCI. There is no post of Gardener at BSC, Hanuman Junction. No recommendation was made by the third Respondent for regularization. The question of retrenchment does not arise as there was no appointment. Casual labour is discontinued when no longer required. The Petitioner was never on the rolls; hence, termination does not arise. It is submitted that reply was issued to the legal notice dated 13.07.2004, by the third Respondent on the directions of the second Respondent, vide letter dated 31.07.2004. The Petitioner never worked as Office Boy or Storesman against any permanent post. Further, it is submitted that the second and third Respondent s have not regularized any persons. The Respondent s never promised employment to the Petitioner. They are not responsible for his unemployment. Though he alleges oral termination on 10.12.2002, his inaction thereafter disproves the claim. The ID is barred by limitation and is liable to be dismissed. It is therefore prayed that the claim petition be dismissed.

4. Heard arguments of Learned Counsel for Petitioner and perused written arguments filed by Petitioner.

5. On the basis of rival contentions and pleadings of both the parties, following issues emerge for determination in the instant matter:-

- I. Whether the action of Respondent Management Food Corporation of India, Hanuman Junction in orally terminating the services of Petitioner Sri U. Sambasiva Rao with effect from 10.12.2002 is legal and justified?
- II. Whether the Petitioner is entitled for regularization?
- III. Whether the Petitioner is entitled for the relief claimed?

Findings:-

6. **Point No.I:-**As per claim statement, Petitioner alleges that he joined the service of the Respondent Food Corporation of India as Male casual labour on 6.3.1995 and he worked for more than 4 to 5 years continuously without any break. Petitioner submits that he has completed more than 240 days in a calendar year hence, he is entitled to notice, notice pay before termination from the employment. However, Respondent did not issue any notice nor paid any wages in lieu of notice as compensation under Section 25F of ID Act and Respondent has terminated Petitioner from service in violation of the provision contained under section 25 F of ID Act. Further alleged that termination order of Petitioner is illegal and he is entitled to reinstatement in the service with all consequential benefits. Further, Petitioner submits that Supreme Court in catena of decisions has held that temporary employee cannot be replaced by another temporary employee. In the instant matter all the workers have been disengaged by engaging fresh workmen as telegraphic messengers by the Respondent in violation of section 25G and 25H of I.D. Act, 1947. Petitioner prayed to set aside his termination order dated 10.12.2002 and to reinstate him into service.

7. In support of claim Petitioner, has filed chief statement affidavit of WW1 and WW1 in his affidavit has reiterated the averments made in the claim statement, WW1 states that his service has been terminated by oral order on 10.12.2002 by the Respondent in contravention of the provision of Section 25 F of the I.D. Act. Petitioner has also filed photocopies of eleven documents in evidence i.e. Ex.W1, W2, W3 and W5. These documents includes representations dated 17.3.1995, 19.9.1997, 16.12.1998 and 16.12.1997 to the Respondent management to issue identity card. Ex.W4 is the letter of Asst. Manager, FCI, Hanuman Junction dated 21.8.99 extending duties of petitioner for watch and ward. Ex.W6 is the conduct certificate issued by Respondent stating therein that Petitioner workman was working as a casual labour on piece rate basis from January '98 to June '99 and his behavior and good conduct has been certified. Ex.W7, W8 and W9 are identity cards. Ex.W10 is the order passed in WP No.1112/2006 whereby petitioner along with other workers has withdrawn his writ petition filed before Hon'ble High Court. Ex.W11 is the legal notice issued by counsel for petitioner to Respondent dated 16.07.2007. WW1 was not cross examined by the Respondent, however Respondent did not adduce any evidence.

8. It is settled law that initial burden of proof to establish retrenchment in violation of provision of Section 25 F of ID Act lies on petitioner. Petitioner has to prove by evidence that he has been in service of Respondent for 240 days continuously in a calendar year just preceding from the date of his termination.

Before appreciation of evidence on record of Petitioner, it would be apposite to have a glance on the relevant provision contained under ID Act and same is reproduced hereunder:-

Section 25B defines the term continuous service which provides

Definition of continuous service.- For the purposes of this Chapter,--

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock- out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer--

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than--

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

Section 25 F provides: -

25F. Conditions precedent to retrenchment of workmen.

- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days 'average pay [for every completed year of continuous service] [Substituted by Act 36 of 1964, Section 14, for " for every completed year of service" (w.e.f. 19.12.1964).] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government [or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

Further, Hon'ble Supreme Court in its various decisions has explained the concept of continuous service in a calendar year u/s 25F of I.D Act. some of the relevant decisions are discussed here under:-

In the case of **Sur Enamel and Stamping works Private Limited Vs. their workmen**, referring to Section 25 B, Hon'ble Supreme Court has defined the term continuous service as under:-

"The position therefore is that during a period of employment for less than 11 calendar months these two persons worked for more than 240 days. In our opinion that would not satisfy the requirement of section 25B. Before a workman can be considered to have completed one year of continuous service in an industry it must be shown first that he was employed for a period of not less than 12 calendar months and, next that during those 12 calendar months had worked for not less than 240 days. Where, as in the present case, the workmen have not at all been employed for a period of 12 calendar months it becomes unnecessary to examine whether the actual days of work numbered 240 days or more. For, in any case, the requirements of section 25B would not be satisfied by the mere fact of the number of working days being not less than 240 days."

In **Mohan Lal Vs. Management of M/s. Bharat Electronics, dated 21.4.1981AIR 1981 Supreme Court 1253**, the Hon'ble Supreme Court have held,

It was, however, urged that section 25F is not attracted in this case for an entirely different reason. Mr. Markendaya contended that before section 25F is invoked, the condition of eligibility for a workman to complain of invalid retrenchment must be satisfied. According to him unless the workman has put in continuous service for not less than one year his case would not be governed by section 25F. That is substantially correct because the relevant provision of section 25F provides as under:

"25F. "No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:-

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent of fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate government by notification in the Official Gazette)."

Reverting to the facts of this case, admittedly the appellant was employed and was on duty from December 8, 1973 to October 19, 1974 when his service was terminated. The relevant date will be the date of termination of service, i.e. October 19, 1974 Commencing from that date and counting backwards, admittedly he had rendered service for a period of 240 days within a period of 12 months and, indisputably, therefore, his case falls within section 25B(2) (a) and he shall be deemed to be in continuous service for a period of one year for the purpose of Chapter VA."

In Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held:

"It was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had worked for 240 days in the year preceding the date of his termination. He has filed an affidavit. It is statement which is in his favor and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year These aspects were highlighted in Range Forest Officer v. 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 held that the workman had worked for 240 days as claimed."

In Municipal Corporation, Faridabad v. Siri Niwas (2004 (8) SCC 195), held "the burden was on the workman to show that he was working for more than 240 days in the preceding one year prior to his alleged retrenchment." In **M.P. Electricity Board v. Hariram (2004 (8) SCC 246)** the position was again reiterated in paragraph 11 as follows: "The above burden having not been discharged and the Labour Court having held so, in our opinion, the Industrial Court and the High Court erred in basing an order of reinstatement solely on an adverse inference drawn erroneously .."

In the case of Manager, RBI, Bangalore vs. S Mani (2005) SCC Page 100, the 3 Judges Bench of the Apex Court held that "the initial burden of proof was on the workman to show that he had completed 240 days of service."

In the case of Mohan Lal vs. Management, BEL 1981 SCC P. 225, Hon'ble Apex Court held, "Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."

Now, in view of the provision contained under Section 25B of I D Act and Law laid down by the Hon'ble Supreme Court as discussed above, we have to examine whether retrenchment of petitioner workman by Respondent vide oral order dated 10.12.2002 is in contravention of the provision contained under section 25F. As per provision contained under Section 25 B of the I.D. Act, 1947, the petitioner workman has to prove the fact of continuous service of 240 days in a calendar year just preceding from the date of termination i.e., 10.12.2002 by leading documentary as well as oral evidence. As claimed by Petitioner he was terminated by oral order on 10.12.2002. The record goes to reveals that Petitioner has not filed any document in evidence to establish the fact that he had rendered continuous service for a period of 240 days in the Respondent office in a calendar year just preceding from the date of his termination i.e., 10.12.2002., Petitioner has not filed any document of salary slips or wage payment slips or attendance register or appointment letter or certificate in order to prove that he has been engaged by Respondent for worked during the period of 240 days just preceding for date of termination i.e. 10.12.2002. Thus, Petitioner failed to prove that he had worked 240 days continuously in a calendar year just preceding from the date of his termination. However, Respondent has averred in counter that identity card issued by the Asst. Manager(Depot) is useful to show at the gate point only for entry into depot. The corporation will issue identity card with emblem in the prescribed form duly signed by the Area Manager only, for the regular employees. In fact, the corporation introduced Direct Payment System to the casual labour in the year 1997, itself. Under this system, the registers were maintained. The said registered did not disclose the name of the Petitioner as casual labour. Hence, this contention of the Petitioner is not supported by valid proof. However, Petitioner has not rebutted or contradicted this contention of Respondent by producing any cogent evidence. However said Identity card filed by the petitioner in evidence pertains to the year 1997-1999 and do not pertain to year 2002 when petitioner was terminated. Therefore, the Identity card have no relevance to establish fact of continuous service as required u/s 25-F of ID Act.

10. Thus, ongoing documentary and oral evidence on record, I am of the view that Petitioner has utterly failed to establish that he had worked for 240 days continuously in a calendar year just preceding from the date of his termination i.e., 10.12.2002. Therefore, provision of Sec.25F of I.D. Act, 1947 do not apply to his case. Thus, for the want of evidence, the claime of petitioner that he has completed 240 days of continuous service in a calendar year just preceding from the date of his termination i.e., 10.12.2002 is not tenable. Thus Petitioner failed to establish and prove his retrenchment is illegal in contravention of provision u/s.25F of I.D. Act, 1947, and the claim of the Petitioner for reinstatement in the employment of Respondent u/s 25G and 25H is not tenable.

Thus, Issue No.I is answered against the Petitioner.

13. Issue No.II:-As per record, undisputedly, Petitioner has not filed any appointment letter of employment in evidence. It is admitted fact that Respondent used to take the work from him as and when required. Thus, it is established that Petitioner had worked as casual labour in Respondent management. Respondent in his counter has submitted that the Petitioner was never engaged as casual labour at any point of time, hence, no question of terminating his from services arise. There was no employer and employee relationship between the Petitioner and the Respondent. Respondent in counter has contended that management being instrumentality of the Government, bound by rules and regulations for recruitment of employees for the organization.

As claim of petitioner for regularization in the service, Hon'ble Supreme Court in its recent decision has laid down principles and guidelines for regularization of casual workman, In the case of **ONGC Vs. Krishan Gopal 2020(3) Scale 272, Hon'ble Supreme Court of India have laid down the principle regarding regularization of the casual workman and have held:-**

"23 The following propositions would emerge upon analyzing the above decisions:

- (i) Wide as they are, the powers of the Labour Court and the Industrial Court cannot extend to a direction to order regularisation, where such a direction would in the context of public employment offend the provisions contained in Article 14 of the Constitution;*
- (ii) The statutory power of the Labour Court or Industrial Court to grant relief to workmen including the status of permanency continues to exist in circumstances where the employer has indulged in an unfair labour practice by not filling up permanent posts even though such posts are available and by continuing to employ workmen as temporary or daily wage employees despite their performing the same work as regular workmen on lower wages;*
- (iii) The power to create permanent or sanctioned posts lies outside the judicial domain and where no posts are available, a direction to grant regularisation would be impermissible merely on the basis of the number of years of service;*

(iv) Where an employer has regularised similarly situated workmen either in a scheme or otherwise, it would be open to workmen who have been deprived of the same benefit at par with the workmen who have been regularised to make a complaint before the Labour or Industrial Court, since the deprivation of the benefit would amount to a violation of Article 14; and

(v) In order to constitute an unfair labour practice under Section 2(ra) read with Item 10 of the Vth Schedule of the ID Act, the employer should be engaging workmen as badlis, temporaries or casuals, and continuing them for years, with the object of depriving them of the benefits payable to permanent workmen.”

But in the instant matter, Petitioner has failed to adduce any evidence that he was appointed by Respondent by following recruitment procedure or he was working against any sanctioned permanent post in the Respondent management. Petitioner failed to adduce any evidence on record that the Respondent was indulged in any unfair labour practice by not filling the permanent post even though such post was available and by calling to employ workman as temporary or daily wages employees despite performing the same work as regular workman on lower wages. Therefore, for the want of such plea and evidence, the claim of the Petitioner for regularization in the Respondent service is not acceptable.

Further, in the case of **Hari Nandan Prasad v Employer I/R to Management of Food Corporation of India**20 (“FCI”), Hon’ble Supreme Court of India have held:

“34. On a harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularisation only because a worker has continued as daily- wage worker/ad hoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances giving of direction to regularise such a person, only on the basis of number of years put in by such a worker as daily-wager, etc. may amount to back door entry into the service which is an anathema to Article 14 of the Constitution. Further, such a direction would not be given when the worker concerned does not meet the eligibility requirement of the post in question as per the recruitment rules. However, wherever it is found that similarly situated workmen are regularised by the employer itself under some scheme or otherwise and the workmen in question who have approached the Industrial/Labour Court are on a par with them, direction of regularisation in such cases may be legally justified, otherwise, non-regularisation of the left-over workers itself would amount to invidious discrimination qua them in such cases and would be violative of Article 14 of the Constitution. Thus, the industrial adjudicator would be achieving the equality by upholding Article 14, rather than violating this constitutional provision.”

Thus, in view of the fore gone discussion and law laid down by the Hon’ble Apex Court as discussed above, the claim of the Petitioner for regularization is not tenable.

Thus, Point No.II is decided against the Petitioner accordingly.

14. **Point No.III:** In view of the finding given at Points No. I & II, the Petitioner is not entitled to any relief claimed and his petition is found to be baseless, devoid of merit and hence, liable to be dismissed.

Therefore, Point No.III is decided accordingly.

AWARD

The claim of the petitioner Shri U. Sambasiva Rao to set aside his termination order w.e.f 10-12-2002 by Respondent Management of Food Corporation of India, Hanuman Junction is dismissed. Petition sans merit stand dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 4th August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner

WW1: Sri U. Sambasiva Rao

Witnesses examined for the
Respondent

NIL

Documents marked for the Petitioner

Ex.W1: Photostat copy of Petitioner’s representation dt. 17.3.1995

Ex.W2: Photostat copy of Petitioner’s representation dt.19.9.1997

- Ex.W3: Photostat copy of Petitioner's representation dt.16.12.1998
 Ex.W4: Photostat copy of lr. dt. 21.8.1999 of Asst. Manager, FCI
 Ex.W5: Photostat copy of Petitioner's representation dt.16.12.1997
 Ex.W6: Photostat copy of conduct certificate issued by Respondent
 Ex.W7: Photostat copy of identity card issued by Respondent
 Ex.W8: Photostat copy of identity card issued by Respondent
 Ex.W9: Photostat copy of identity card issued by Respondent
 Ex.W10: Photostat copy of order passed in WP No.1112/2005
 Ex.W11: Photostat copy of legal notice dt.16.7.2007 issued to R1 & R2.

Documents marked for the Respondent

NIL

नई दिल्ली, 22 सितम्बर, 2025

का.आ. 1714.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 1/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/09/2025 को प्राप्त हुआ था।

[सं. एल-22012/35/2019-आई.आर.(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 22nd September, 2025

S.O. 1714.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 1/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singreni Collieries Co.Ltd.** and their workmen, received by the Central Government on **19/09/2025**.

[No. L-22012/35/2019- IR (CM-II)]

SALONI, Dy. Director/Link Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 28th day of August, 2025**INDUSTRIAL DISPUTE No. 1/2021**

Between:

Sri Nadipalli Umapathi Rao,

Ex-General Mazdoor, S/o

Seetharama Rao, H.No. 4-2-186,

NTPC, Ramagundam, Somanpally,

AP Colony, Peddapalli-505172.

.....Petitioner

AND

The General Manager,

M/s Singareni Collieries Co. Ltd.,

Ramagundam-I Area,

Peddapalli-505172.

...

Respondents

Appearances:

For the Petitioner : Shri Ch. Pratab Lingam, advocate

For the Respondent: Shri Y. Ranjeeth Reddy, advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-22012/35/2019 (IR(CM-II)) dated 23.04.2019 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Singareni Collieries Co. Ltd., and their workmen. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s Singareni Collieries Co. Ltd., Ramagundam-I Area Mancherla District in terminating the services of Sri Nadipalli Umapathi Rao, Ex- General Mazdoor, SCCL, Ramagundam-I Area with Effect from 18-02-2005 vide order No. RG4/PER/IR/049/161 dated 17.02.2005 is justified or not? If not, to what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No 1/2021 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for VDE. None appeared on behalf of the petitioner, nor was there any request to proceed with the VDE. It appears that the petitioner is not interested in prosecuting the case. Accordingly, a ‘Nil Award’ is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 28th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL