



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-08122025-268319
CG-DL-W-08122025-268319

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 47] नई दिल्ली, नवम्बर 30—दिसम्बर 6, 2025, शनिवार/अग्रहायण 9—अग्रहायण 15, 1947
No. 47] NEW DELHI, NOVEMBER 30—DECEMBER 6, 2025, SATURDAY/AGRAHAYANA 9—AGRAHAYANA 15, 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, 26 नवम्बर, 2025

का.आ. 2075.—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, पंचकूला (मुख्यालय कार्यालय एवं सर्किल 1 (पंचकूला) 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 26th November, 2025

S.O. 2075.—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, Panchkula, (Head Quarter Office and Circle 1(Panchkula))** 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)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 1 दिसम्बर, 2025

का.आ. 2076.—भारतीय जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय जीवन बीमा निगम के कार्यपालक निदेशक (इन्वेस्टमेंट-एफओ), श्री आर. चन्दर (जन्म तिथि: 6.9.1967) को कार्यभार ग्रहण करने की तारीख से उनकी अधिवर्षिता की तारीख (अर्थात् 30.9.2027) तक अथवा अगले आदेशों तक, जो भी पहले हो, 2,05,400 रुपए से 2,24,400 रुपए के वेतनमान में भारतीय जीवन बीमा निगम (एलआईसी) में प्रबंध निदेशक (एमडी) के पद पर नियुक्त करती है।

[फा. सं. ए-11011/06/2025-बीमा-1]

अब्दुल गुफरान, अवर सचिव

(Department of Financial Services)

New Delhi, the 1st December, 2025

S.O. 2076.—In exercise of the powers conferred by section 4 of the Life Insurance Corporation of India Act, 1956 (31 of 1956), the Central Government hereby appoints Shri R Chander (DoB: 06.09.1967), Executive Director (Investment-FO), Life Insurance Corporation of India (LIC) as Managing Director (MD), LIC of India in the pay scale of Rs. 2,05,400/- to Rs. 2,24,400/- with effect from the date of assumption of charge of office and upto the date of his attaining the age of superannuation (i.e. 30.09.2027), or until further orders whichever is earlier.

[F. No. A-11011/06/2025-Ins-1]

ABDUL GUFRAN, Under Secy.

सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2077.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन विकास आयुक्त (एमएसएमई) का कार्यालय के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

वैद्युतिक मापन उपयंत्र अभिकल्प संस्थान,

स्वातंत्र्यवीर तात्या टोपे मार्ग,

ईस्टर्न एक्सप्रेस हाइवे, सायन,

चूनाभट्टी, मुंबई - 400022

[फा. सं. ई-12016/01/2023-हिंदी]

काजल जैन, उप-महानिदेशक

MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES

New Delhi, the 27th November, 2025

S.O. 2077.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Office of the Development Commissioner under the control of the Ministry of Micro, Small & Medium Enterprises, whose more than 80% staff have acquired working knowledge in Hindi:

Institute for Design of Electrical Measuring Instruments
Swatantryaveer Tatya Tope Marg,
Eastern Express Highway, Sion,
Chunabhatti, Mumbai – 400022

[F. No. E-12016/01/2023-Hindi]
KAJAL JAIN, Dy. Director General

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2078.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन विकास आयुक्त का कार्यालय के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

सूक्ष्म, लघु एवं मध्यम उद्यम विकास कार्यालय
111 व 112, बी टी रोड
कोलकाता-700108

[फा. सं. ई-12016/01/2023-हिंदी]

काजल जैन, उप-महानिदेशक

New Delhi, the 27th November, 2025

S.O. 2078.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Office of the Development Commissioner under the control of the Ministry of Micro, Small & Medium Enterprises, whose more than 80% staff have acquired working knowledge in Hindi :

MSME Development Facilitation Office
111 & 112, B.T. Road
Kolkata-700108

[F. No. E-12016/01/2023-Hindi]
KAJAL JAIN, Dy. Director General

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2079.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन विकास आयुक्त (एमएसएमई) का कार्यालय के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

इन्डो-जर्मन टूल रूम,
291/बी – 302/ए, सेक्टर 'ई'
औद्योगिक क्षेत्र, सांवेर रोड,
इन्दौर – 452015 (म.प्र.)

[फा. सं. ई-12016/01/2023-हिंदी]

काजल जैन, उप-महानिदेशक

New Delhi, the 27th November, 2025

S.O. 2079.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Office of the Development Commissioner under the control of the Ministry of Micro, Small & Medium Enterprises, whose more than 80% staff have acquired working knowledge in Hindi:

Indo-German Tool Room
291/B-302/A, Sector 'E'
Industrial Area, Sanwer Road,
Indore – 452015 (M.P.)

[F. No. E-12016/01/2023-Hindi]
KAJAL JAIN, Dy. Director General

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2080.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन विकास आयुक्त (एमएसएमई) का कार्यालय के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

एमएसएमई प्रौद्योगिकी केन्द्र
प्लॉट सं. : 259/2,261,267/2/1,
औद्योगिक क्षेत्र, विशेष शिक्षा जोन, आचारपुरा,
भोपाल-462038 (म.प्र.)

[फा. सं. ई-12016/01/2023-हिंदी]
काजल जैन, उप-महानिदेशक

New Delhi, the 27th November, 2025

S.O. 2080.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Office of the Development Commissioner under the control of the Ministry of Micro, Small & Medium Enterprises, whose more than 80% staff have acquired working knowledge in Hindi:

MSME Technology Centre,
Plot No. 259/2,261,267/2/1,
Industrial Area Special Education Zone,
Acharpura, Bhopal -462038 (M.P.)

[F. No. E-12016/01/2023-Hindi]
KAJAL JAIN, Dy. Director General

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2081.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय भारतीय खाद्य निगम 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 (मामला संख्या 02/2015 संदर्भ संख्या 138/1997,) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/170/96-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th November, 2025

S.O. 2081.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Comp.Case No.02/2015, Ref Case.No.138/1997**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** 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 **26/11/2025**

[No. L-22012/170/96 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD****Comp. Case No. 02/2015****Arising out of REF Case No. 138/1997****Order No. 22012/170/96 IR (C-II)****Hans Raj Singh AG II (Depot)****Food Corporation of India, FSD Katihar.....Complainants****Vs.****The General Manager****Food Corporation of India, Arunachal Building****Exhibition Road, Patna-1.....Opposite Party****Present:- Sri Sachindra Kumar Pandey****Presiding Officer****Appearances:**

For Complainant :- None.

For Opp. Party :- Sri S.Shekar, Ld. Advocate

State :- Bihar.

Industry:- Food

Dated 10/11/2025

ORDER

2. Previously Award was passed on 12.06.2015 by this Tribunal in favour of the workman but when the same was challenged before the Hon'ble Jharkhand High Court, The Award was set aside by the Hon'ble Court and the matter was remitted back for passing fresh Award in accordance with law.

3. It further transpires that after the order passed by the Hon'ble Court was received by this Tribunal, notice was issued to the applicant for appearance and hearing and thereafter on 16.12.2024 he appeared before this Tribunal and the Ld. Counsel for the Opposite Party also filed his letter of authority for which an objection was filed from the side of the workman for appearance of legal practitioner from the side of the Opposite Party. He also filed his changed address but thereafter remained absent. It is also evident from the case record that further registered notice were sent on the address of the complainant but the same returned unserved with remarks "Insufficient Address".

3. Almost a year has passed and no further time can be allowed to the complainant. Hence the complainant case is hereby dismissed for non-prosecution.

Let the copies of order 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, 27 नवम्बर, 2025

का.आ. 2082.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय डी.वी.सी.टर्मिनेटिंग के प्रबंधन के संबंध 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 61,62,63 और 64/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/11/2025 को प्राप्त हुआ था।

[सं. एल-42012/109/2001-आई आर .(सी.एम- II)]

[सं. एल-42012/110/2001-आई आर .(सी.एम- II)]

[सं. एल-42012/107/2001-आई आर .(सी.एम- II)]

[सं. एल-42012/108/2001-आई आर .(सी.एम- II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2082.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 61,62,63 and 64/2002**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **D.V.C.Terminating**, and **their workmen** received by the Central Government on **26/11/2025**.

[No. L-42012/109/2001-IR (CM-II)]

[No. L-42012/110/2001-IR (CM-II)]

[No. L-42012/107/2001-IR (CM-II)]

[No. L-42012/108/2001-IR (CM-II)]

SALONI, Dy. Director/Link officer

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. 61/2002, 62/2002, 63/2002, 64/2002

Parties:

Employers in relation to the management of D.V.C. Soil Conservation

Deptt.,Hazaribagh

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :-Sri B.K. Jha, Ld. Advocate

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

State : Jharkhand.

Industry:-Power

Dated 11/11/2025

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 has been pleased to refer the following dispute between the employer i.e. management of DVC Soil Conservation Deptt. Hazaribagh and their workmen for adjudication by this Tribunal:

Ref. No. 61/2002 (Order No. L-42012/109/2001(IR(CM-II)), Dated 31/05/2002)

SCHEDULE :-“Whether the action of the management of D.V.C. in terminating the services of Sh. Fulchand Saw, workman is justified? If not, to what relief the workman concerned is entitled to?”

Ref. No. 62/2002 (Order No. L-42012/110/2001(IR(CM-II)), Dated 31/05/2002)

SCHEDULE :-“Whether the action of the management of D.V.C. in terminating the services of Sh. Baijnath Mistry, workman is legal and justified? If not, to what relief the workman concerned is entitled to?”

Ref. No. 63/2002 (Order No. L-42012/107/2001(IR(CM-II)), Dated 31/05/2002)

SCHEDULE :-“Whether the action of the management of D.V.C. in terminating the services of Chhotan Mahato, workman is justified? If not, to what relief the workman concerned is entitled to?”

Ref. No. 64/2002 (Order No. L-42012/108/2001(IR(CM-II)), Dated 31/05/2002)

SCHEDULE :-“Whether the action of the management of D.V.C. in terminating the service of Sh. Kartik Mahto, workman is justified? If not, to what relief the workman concerned is entitled to?”

2. All the aforementioned cases were received from the Ministry of Labour on 21.06.2002. After receipt of reference, both parties were noticed, the workmen filed their written statements on 22.08.2002 and the management also filed their written statement-cum-rejoinder on 28.11.2002.

3. All the above reference cases have been heard analogously as all the four cases are identical in nature.

4. It is relevant to mention that previously these cases were decided by this Tribunal by passing award dated 03.12.2013 but when the same were challenged by the management before the Hon'ble High Court of Jharkhand, Ranchi, the award passed by this Tribunal was set aside and the case was remanded for passing fresh award on the basis of the evidence already available on the case record.

5. The case of the workmen in short is that the workmen concerned were working at D.V.C., Foreshore Farm, Sewai since long to the satisfaction of all concerned and they worked continuously till 25.04.2000 but their services were terminated by the order of Sri J. Singh, Dy. Director of Soil Conservation (R & T), Soil Conservation Department, D.V.C., Hazaribagh. The management of D.V.C. took their services to deprive them from legitimate claims showing them as the contractor's workers by camouflaging the real issue through paper arrangements. When the workmen demanded regularization of their services in D.V.C., the Dy. Director, Soil Conservation became furious and issued a letter to Farm In charge Foreshore Farm, Sewai and directed to stop the services of the concerned workmen and further directed to recruit other workmen in their places. The Dy. Director has not shown any reason for the termination of the services of the workmen. Their termination is a glaring example of hire and fire. D.V.C. is a public sector undertaking and such type of unfair labour practice not expected from such organization. The decision of the Dy. Director is illegal and unjustified. The workmen have never committed any misconduct during their service period and therefore they are entitled for reinstatement with full back wages and at last it was prayed to hold that the action of the management in terminating the services of the workmen concerned is neither legal nor justified and direct the management to reinstate them with full back wages and other benefits.

6. On the other hand the case of the management in short is that the reference is bad in as much as Fulchand Saw (Ref. No. 61/2002), Baijnath Mistry (Ref. No. 62/2002), Chhotan Mahato (Ref. No. 63/2002) and Kartik Mahto (Ref. No. 64/2002) were never workmen and as such there was no question of termination of their services. The statement made in Para 3 of the written statement of the workmen are not correct. Since the workmen were working on job contract basis and they are working under a leader of job contractor, there could not be any question of terminating their services by J. Singh, Deputy Director of Soil Conservation. The statement made in Para 4 are also not true and correct. Since workmen were casual labour, there was no question of taking work from them. The concerned workmen were paid on the basis of quantum of work and not on the basis of their daily presence. The quantum of work done by them was entered in the measurement book and paid accordingly through their leader. It is denied that the persons concerned were workmen in D.V.C. All the works of job contract are based on the specified rate of its particular item based on minimum wages. The statement made in Para 5 are also not true. The persons concerned along with others filed a writ application before the Ranchi Bench of Hon'ble Patna High Court in CWJC No. 2303/94 (R) which was decided by the Hon'ble Court on 24.11.1995 wherein and whereby it was categorically found that the persons concerned were engaged on job contract basis and therefore payments were made on the basis of the measurement book as per piece rated meant for the job and there was no question for regularizing of their services. The statement made in Para 6, 7 and 8 are also not true and correct. In the account of statement before the Hon'ble High Court the position was made clear that the petitioners were employed as job contractor leader and not as workman or casual workman and therefore their claim cannot be considered. It is denied that there is any victimization or that the persons concerned are entitled to reinstatement with full back wages. The statements made in Para 9 to 11 of the W/S of the workmen are not correct. There is no question of unfair labour practice or that the persons concerned were terminated by the Deputy Director. Since the persons concerned were not workmen, the question of reinstatement on full back wages does not arise. The statement made in Para 13 and 14 of the W/S are also not true and correct as they are not the workmen, so there is no question of following the procedure. As a matter of fact on the basis of the Hon'ble High Court order, representation was made before the Director Human Resources Development DVC, Calcutta which was turned down in view of the aforesaid facts that they were on job under a contract and not a workman and at last it was prayed to decide the reference against the persons concerned as they do not come under the purview of the Industrial Dispute Act.

7. A rejoinder has also been filed by the concerned workmen to the written statement of the management in which it has been submitted that the statement made in Para 1 of the W/S of the management is not correct. It is relevant to mention that the reference order is very much maintainable. The workmen concerned are workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. The Statement made in Para 2 of the W/S is not correct. The workmen concerned were piece rated worker and the payment was made to them on the basis of Piece Rate. The statements made in Para 3 to 9 of the W/S are not correct. It is relevant to mention that the workmen concerned worked continuously for more than 240 days on each and every year and just to deprive them, the management made papers arrangements, which is camouflage. The termination of the services of the workmen concerned is in utter violation of the principles of natural justice and there is no merit in the written statement of the management. So prayed to pass the award in favour of the workmen.

8. Following witnesses have been examined in support of the workmen in their respective cases:

WW1 Fulchand Saw in Ref. No.61/2002

WW1 Baijnath Mistry in Ref. No. 62/2002

WW1 Chhotan Mahto in Ref. No. 63/2002

WW1 Kartik Mahto in Ref. No. 64/2002

By way of documentary evidence the following documents have been adduced from the side of the workmen :-

Exhibit W-1 Series – Certificates (6 Pages) in **Ref. No. 61/2002**

Exhibit W-1 Series- Certificates (10 pages) in **Ref. No. 62/2002**

Exhibit W-1 Series – Certificates (5 pages) in **Ref. No. 63/2002**

Exhibit W-1 Series – Certificates (6 pages) in **Ref. No. 64/2002**

On the other hand the management has examined Dr. S. Sengupta as MW-1 in all the four Ref. cases.

By way of documentary evidence the management has adduced the following documents in all the cases:-

Exhibit M-1 – Copy of order dated 24.01.1995 passed by the Hon'ble Patna High Court.

Exhibit M-2 – Copy of Representation dated 07.02.1995 to the Director, Human Resources Development Department, DVC, Calcutta by the workman.

Exhibit M-3 – Copy of Speaking Order dated 27.12.1995 of Director, Soil Conservation Department, DVC, Hazaribagh.

Exhibit M-4 – Copy of letter of the Under Secretary to the Government of Jharkhand, Labour Department, Ranchi.

Exhibit M-5 – Copy of letter of the Under Secretary to the Government of Jharkhand, Labour Department, Ranchi.

Exhibit M-6 – Copy of letter of Director, SCD, DVC, H'bag to the Deputy Labour Commissioner, Govt. of Jharkhand, Hazaribagh.

Exhibit M-7 – Copy of letter of the Dy. Labour Commissioner, Hazaribagh to the Secretary, DVC Staff Association, Hazaribagh.

Exhibit M-8 – Copy of Hand Receipt

Exhibit M-8/1 – Copy of Hand Receipt

Exhibit M-8/2 – Copy of Hand Receipt

Exhibit M-9 – Copy of Hand Receipt

Exhibit M-10 – Copy of Hand Receipt

Exhibit M-10/1 – Copy of Hand Receipt

Exhibit M-11 – Copy of Award dated 04.12.2004 in Ref. Case No. 04/1997 of the PO, Labour Court, B.S. City.

Exhibit M-12 – Copy of Notification dated 04.03.2010 of Jharkhand Government, Labour Employment and Training Department.

Exhibit M-12/1 – Copy of Letter of Secretary to Director of Soil Conservation, SCD, DVC, Hazaribag dated 24.09.2004.

Exhibit M-13 – Copy of Hand Receipt

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

The Ld. Counsel for the workmen has submitted that the workmen concerned were working at DVC Foreshore Farm, at Sewai since 1973 and they worked there continuously up to 25.04.2000 but their services were terminated by the Dy. Director of Soil Conservation (R & T) SCD, DVC, Hazaribagh when the workmen demanded their regularization in the services of DVC. They were neither given any notice nor any reason was disclosed of termination. The decision of the Dy. Director, Soil Conservation is illegal and unjustified and they are entitled for reinstatement with full back wages and prayed for the same.

10. On the other hand the Ld. Counsel on behalf of the management has submitted that the workmen have themselves admitted before the Hon'ble Patna High Court that they were working on job contract basis under the management of DVC and therefore they have no legal right to demand regularization/reinstatement. He has further submitted that all the work of job contract are based on the specified rate of its particular item of work and rate of each particulars are based on minimum wages on the measurement of their work done as per piece rated and therefore there is no question of any regularization/reinstatement of their services. As the persons employed were not workmen therefore there is no question of any notice or termination or reinstatement with full back wages. It was further submitted that the Reference by the central government is not valid in view of the judgment of the Hon'ble Supreme Court in **Waterfront Workers Case** of 2001 and so this Tribunal has no jurisdiction to pass award in this case and prayed to reject the Reference.

Issues

11 (i) Whether this Tribunal has jurisdiction to decide this case?

(ii) Whether the action of the management of D.V.C. in terminating the services of Sh. Fulchand Saw in Ref. No. 61/2002, Baijnath Mistry in Ref. No. 62/2002, Chhotan Mahto in Ref.No.63/2002 and Kartik Mahto in Ref.No. 64/2002 is justified? If not, to what relief the workmen concerned are entitled to?

12. Now as regards the first issue ie the jurisdiction of this Tribunal to decide these Ref cases, the management has not even whispered on this point in its WS and only at the time of argument, he has orally challenged the jurisdiction of this Tribunal in deciding these Ref. cases which have been duly referred to this Tribunal by the Central Government and secondly, whatever was held in relation to the appropriate government in case of **Steel Authority of India Ltd. & Ors vs National Union Water Front Workers & Ors** of the year 2001, by the Hon'ble Supreme Court, that was only for the purpose of Contract Labour (Regulation and Abolition) Act but that is not the issue here and so the Reference made by the central government to this Tribunal is valid and accordingly, this Tribunal has jurisdiction to decide these Reference cases. So this issue is decided against the management and in favour of the concerned workmen.

13. Now as regards the second issue, I have to scrutinize the oral as well as documentary evidence adduced from both sides.

In this regard, **WW-1 Fulchand Saw in Ref. No. 61-2002**, has deposed in his examination – in- chief that he is one of the workmen concerned and he was working as General Mazdoor at Foreshore Farm Sewai at D.V.C., Hazaribag since long and he has completed 240 days attendance each and every year. The management terminated his services w.e.f. 25.04.2000 in utter violation of Sec. 25 F of I.D. Act, 1947. Before termination he was not issued any notice nor he was paid any compensation and therefore his termination is illegal and unjustified and he is entitled for reinstatement with full back wages. In his cross-examination he has stated that it is not a fact that he was working on job contract basis. He has further stated that he along with 10 others had filed a writ before the Hon'ble Court in this dispute but he did not challenge the order of the Hon'ble High Court in any other forum and 4 out of them came to this forum and the rest went to the State Labour Court, Hazaribagh. It is not a fact that he was not the employee of the management of DVC and it did not give any appointment letter to him. It is not a fact that his attendance was not taken. In D.V.C there is an agriculture research farm for hybrid and high yield paddy and vegetables. It is not a fact that this was seasonal work. He was working in that farm as watchman. He cannot file any documents to this effect. He has further stated that it is not a fact that the entire wage was given to the group leader, who was distributing the same after the work measurement. He has denied that the documents filed by him are manufactured and were not issued by the competent authority. It is not a fact that he was not worker of the DVC and that he was not working continuously and has denied that his claim is illegal.

As regards the oral testimony of **WW-1 Baijnath Mistry in Ref No. 62-2002**, he has deposed in his examination- in- chief that he is one of the workmen concerned and he was working as General Mazdoor at Foreshore Farm Sewai at D.V.C., Hazaribag since long and he has completed 240 days attendance each and every year. The management terminated his services w.e.f. 25.04.2000 in utter violation of Sec. 25 F of I.D. Act, 1947. Before termination he was not issued any notice nor he was paid any compensation and therefore his termination is illegal and unjustified and he is entitled for reinstatement with full back wages. In the cross-examination he has admitted that he is illiterate. He only signs. He worked with the Saheb for doing the dak work. The farm is 2 K.M. from his village. He worked only at Sewai Farm. He worked in Agriculture Farm in DVC. It is not a fact that the job

is being done seasonally. He started working in the year 1973 and continued till the year 2000. His attendance was being marked in DVC. He can not say if he had given in writing that his attendance was marked. He demanded the attendance register. He worked in Muster Roll. No contractor was there. His job was not being done on contract basis. He has not filed any paper to show the wages. He had filed writ in High Court for his regularization. The writ was allowed. It is not fact that his work was contractual basis. They had given application as per order of High Court. It is not a fact that DVC has turned down their application for regularization. He has further deposed that against the order of DVC of the year 1995 they have not filed any case before any court. It is not fact that certificate given by DVC Official are fabricated. It is not fact that they have got no relationship of employer and employee. It is not fact that his demand is not justified.

As regards the oral testimony of **WW-1 Chhotan Mahato in Ref No. 63-2002**, he has deposed in his examination-in-chief that he is one of the workmen concerned and he was working as General Mazdoor at Foreshore Farm Sewai at D.V.C., Hazaribag since long and he has completed 240 days attendance each and every year. The management terminated his services w.e.f. 25.04.2000 in utter violation of Sec. 25 F of I.D. Act, 1947. Before termination he was not issued any notice nor he was paid any compensation and therefore his termination is illegal and unjustified and he is entitled for reinstatement with full back wages. In the cross-examination he has admitted that it is not a fact that he was working on job contract basis. He has further admitted that he along with 10 others had filed a writ before the Hon'ble Court in this dispute but he did not challenge the order of the Hon'ble High Court in any other forum and 4 out of them came to this forum and the rest went to the State Labour Court, Hazaribagh. It is not a fact that he was not the employee of the management of DVC. It is not a fact that his attendance was not taken. In D.V.C there is an agriculture research farm for hybrid and high yield paddy and vegetables. It is not a fact that this was seasonal work. He was working in that farm as watchman. He cannot file any documents to this effect. He has further stated that it is not a fact that the entire wage was given to the group leader, who was distributing the same after the work measurement. He has denied that the documents filed by him are manufactured and were not issued by the competent authority. It is not a fact that he was not worker of the DVC and that he was not working continuously and has denied that his claim is illegal.

As regards the oral testimony of **WW-1 Kartik Mahto in Ref No. 64-2002**, he has deposed in his examination-in-chief that he is one of the workmen concerned and he was working as General Mazdoor at Foreshore Farm Sewai at D.V.C., Hazaribag since long and he has completed 240 days attendance each and every year. The management terminated his services w.e.f. 25.04.2000 in utter violation of Sec. 25 F of I.D. Act, 1947. Before termination he was not issued any notice nor he was paid any compensation and therefore his termination is illegal and unjustified and he is entitled for reinstatement with full back wages. In the cross-examination he has admitted that it is not a fact that he was working on job contract basis. He has further admitted that he along with 10 others had filed a writ before the Hon'ble Court in this dispute but he did not challenge the order of the Hon'ble High Court in any other forum and 4 out of them came to this forum and the rest went to the State Labour Court, Hazaribagh. It is not a fact that he was not the employee of the management of DVC and it did not give any appointment letter to him. It is not a fact that his attendance was not taken. In D.V.C there is an agriculture research farm for hybrid and high yield paddy and vegetables. It is not a fact that this was seasonal work. He was working in that farm as watchman. He cannot file any document to this effect. He has further stated that it is not a fact that the entire wage was given to the group leader, who was distributing the same after the work measurement. He has denied that the documents filed by him are manufactured and were not issued by the competent authority. It is not a fact that he was not worker of the DVC and that he was not working continuously and has denied that his claim is illegal.

Documentary Evidence of Workmen

14. Fulchand Saw (Ref No. 61-2002)

Now, as regards the documentary evidence of Fulchand Saw, Exhibit W-1 series appears to be the certificates issued from Farm Incharge Foreshore Research Station Sewai. On its perusal it transpires that Sri Fulchand Saw was working at DVC Foreshore Farm Sewai as job contract labour from 1975 to March 2000g and previously he was working as Casual Labour.

Bajjnath Mistry (Ref No. 62-2002)

Now, as regards the documentary evidence of Bajjnath Mistry, Exhibit W-1 series appears to be the certificates issued from Farm Incharge Foreshore Research Station Sewai. On its perusal it transpires that Sri Bajjnath Mistry was working at DVC Foreshore Farm Sewai as job contract labour from 1971 to March 2000 and previously he was working as Casual Labour.

Chhotan Mahato (Ref No. 63-2002)

Now, as regards the documentary evidence of Chhotan Mahato, Exhibit W-1 series appears to be the certificates issued from Farm Incharge Foreshore Research Station Sewai. On its perusal it transpires that Sri Chhotan Mahato was working at DVC Foreshore Farm Sewai as job contract labour from August 1975 to March 2000 and previously he was working as Casual Labour.

Kartik Mahto (Ref No. 64-2002)

Now, as regards the documentary evidence of Kartik Mahto, Exhibit W-1 series appears to be the certificates issued from Farm Incharge Foreshore Research Station Sewai. On its perusal it transpires that Sri Kartik Mahto was working at DVC Foreshore Farm Sewai as job contract labour from August 1975 to March 2000 and previously he was working as Casual Labour.

15. As regards the oral testimony of the management, MW-1 Dr. S. Sengupta has deposed in all the 4 Ref. cases that he was looking after the affairs of Research and Training under the Research and Training (R & T) Division at DVC. He has deposed that the Soil Conservation Department of the management corporation carries on the work of soil conservation which besides other things, includes the work of afforestation, plantation, farming etc. in and around the area of Damodar Valley. All these works are purely seasonal in nature which is carried on with the help of local people of the particular area concerned. The management had been doing the work of foreshore farming at Sewai, Bundu, Urwan etc. for the benefit of the farmers of the locality. As per the prevailing practice, tilling of soil, plantation of seedlings and other incidental works were being assigned to a particular person of the area on job contract basis who in turn engaged required number of hands for doing a particular work. Such job contract used to be assigned to different persons for different works and different areas and payment used to be made to that particular person through Hand Receipts on the basis of measurement of the job recorded in the Measurement Book at the rate fixed by the management corporation from time to time on the basis of minimum wages fixed by the State Government. The person who might have worked under the said job contract are not the workmen within the meaning of the I.D. Act nor has there been any employer-employee relationship between the management corporation and the concerned workmen. The allegation of the workmen that they had been working in the foreshore farm at Sewai since long and that the management has terminated their services on 25.04.2000 is misconceived. It is also wrong to say that the workmen had rendered the alleged services as Contract Labour or otherwise. The Concerned workmen had filed writ petition before the Hon'ble Patna High Court claiming their regularization but their writ petition was disposed of by the Hon'ble Court vide order dated 24.01.1995 holding that there was no dispute between the parties with regard to the nature of job performed by them and accordingly directed to file petition before the DVC and accordingly they filed the representations but the concerned authorities of the corporation passed an order that there being no provision for such regularization, there was no scope for the same nor could the corporation frame a policy in this connection and they were not their employees. Thereafter the workmen did not assail the said order of the management and after long lapse of times they have raised industrial dispute, five others raised similar disputes before the State Govt. which was referred to the Ld. Labour Court, Hazaribagh and therefore the present reference is not legally maintainable under the facts and circumstances and the demand of the concerned workmen for reinstatement with back wages is also not maintainable and they are not entitled to any relief. In the cross-examination he has admitted that the certificates have been issued by the Office which belongs to their office. D.V.C is in Jharkhand and West Bengal. It is a corporation of Central Govt. They have taken work of the concerned workmen through gang leader. Payment is made to the contractor on job contract basis. They have got no agreement for job contractor with gang leader and they have not filed any license of the contractor. Payment is made to the workers as per Minimum Wages Act. They have not filed any paper specifying particular work in particular time. Workers payment sheet has not been filed. They do not take attendance of the workers, they take work through gang leader of the whole year. It is not a fact that they have retrenched the concerned workmen as they have not appointed them.

16. Now, as regards the documentary evidence of the management, **Exhibit M-1** is the order dated 21.1.1995 passed by the Hon'ble High of Judicature at Patna in CWJC No. 2303 of 1994 that was filed by the concerned workmen against DVC and on its perusal it transpires that the petitioners have filed the application for regularization of their services on the ground that they were working in the corporation for so many years as casual workers on job contract basis. This writ petition was disposed of with a direction to file representations before the Chief Manager, Human Resources Development Department of DVC for consideration of their representation and passing appropriate order. **Exhibit M-2** is the copy of representation given by the concerned workmen to the Director, Human Resources Development Department, DVC in pursuance of the direction of the Hon'ble Court. **Exhibit M-3** is the copy of order passed by the Director (HRD) by which representation of the concerned workmen were rejected on the ground that they had no legal right for regularization being the contract labourers. **Exhibit M-4** is the letter to the Secretary of the Govt. of Jharkhand Labour Department, Ranchi written by Under Secretary of the Central Government Labour Ministry regarding information that the appropriate Government in respect of the above establishment would be the State Government as per the judgment of the Hon'ble Supreme Court dated 30.08.2001 in case of SAIL Vs. National Union of Water Front Workers & Others as well as the order dated 15.06.2001 passed by the Hon'ble Jharkhand High Court in case of Murli Gope and 22 others. **Exhibit M-5** is the letter to the Secretary of Government of Jharkhand Labour Department, Ranchi written by the Under Secretary of the Central Government Labour Ministry regarding prohibition of contract labour in Chandrapura Thermal Power Station and Bokaro Thermal Power Station of DVC. **Exhibit M-6** is the letter to the Dy. Labour Commissioner, Govt. of Jharkhand, Hazaribag written by Director SCD, DVC, Hazaribag regarding Industrial Dispute raised by DVC Staff Association, Hazaribagh Unit demanding regularization of services of Sri Tulsi Mahto and four others. **Exhibit M-7** is the letter to the Secretary, DVC Staff Association, Hazaribagh Unit from Dy. Labour Commissioner, Hazaribagh regarding regularization of Tulsi Mahto and 4 others. **Exhibit M-8, M-8/1, M-8/2, M-9, M-10, M-10/1** and **M-13** are the copies of Hand Receipts that have

been submitted before the Court from the side of the management to prove that the concerned workmen were the contractors workmen and they were working under Job Contract for which their services were paid by hand receipt on the basis of measurement of the work done but it further transpires that all these hand receipts are related to the period from 01.04.2002 afterwards but the case of the workmen is that they were terminated on 25.04.2000 and therefore this cannot be considered as relevant for this case and secondly none of these receipts bear the name of any of the workmen concerned so also these can not be connected to the concerned workmen. **Exhibit M-11** is the copy of Award passed in Ref. Case No. 04/1997 by the Presiding Officer, Labour Court, Bokaro Steel City between the management of DVC and the workmen in which the case was referred by the State Government in the matter of termination of services of Khagan Singh and 22 others but the P.O decided the award against the regularization of the workmen vide order dated 04.12.2004. **Exhibit M-12** is the notification dated 04.03.2010 issued from the office of Labour & Employment Department of Government of Jharkhand by which the case of Sri Tulsi Mahto and other workmen of DVC, Hazaribagh were referred to the Labour Court, Hazaribagh for adjudication. **Exhibit M-12/1** is the letter from Secretary Staff Association Hazaribagh Unit to Sri Pallav Roy, Director of Soil Conservation, S.C.D., D.V.C., Hazaribagh regarding industrial dispute for regularization of services of the workers engaged in gardening at Hazaribagh with a prayer to appoint them as regular employees by absorbing their services in regular cadre with retrospective effect.

17. On perusal of the documentary evidence of the workmen in Ref. Case No. 61/2002 that has been marked as **Exhibit W-1 Series** in 6 pages it is evident that Fulchand Saw has been working as Job Contract Labourer at Foreshore Farm Sewai since July 1975 to June 1976, January 1977 to February 1986, January 1987 to December 1992, February 1993 to February 1994, April 1996 to March 2000 for quite long period of about 25 years and it further transpires that in one of the Exhibits he has completed 238 and 1/2 days which clearly reveals the height of the anti labour policy and anti labour approach of the management that the management had deliberately prevented him from completing 240 days to avoid the legal labour consequences under ID Act and further employed his services and thus he worked for 2 decades that further proves that the work of the labourer was of permanent and perennial nature and only to avoid giving permanent job status and full applicable pay scale to the workmen the management prevented him from completing regular and continuous 240 days of work in a calendar year. On perusal of the documentary evidence of rest of the workmen also, it is evident that same is the situation with the workmen namely Baijnath Mistry in Ref no. 62/2000, Chhotan Mahto in Ref. Case no. 63/2000 and Kartik Mahto in ref case no.64/2000. The documentary evidence of the management also reveals that the workmen were working on job contract basis (Exhibit M-1) and MW1 has admitted in his cross-examination that the documents of the workmen were issued from his office. In the documents of workmen (Ext.W 1 Series) also the status of the workmen have been shown mentioning that they were working on job contract basis.

18. The management has contended that the workmen who have been working as job contract labour cannot be treated to be the workmen u/s 2(s) of the I.D. Act, 1947 and therefore they can not claim any relief of reinstatement/regularization in this case in view of **Uma Devi Case**. In this regard the **Hon'ble Supreme Court** has held in case of **Dharangdhara Chemical Works Ltd. Vs. State of Saurashtra** reported in AIR 1957 SC 264 that there is abundant authority in England that a person can be a workman even though he is paid not per day but by the job. Similar view was taken in **Maharaja Bidi Factory case** reported in 1958(2) LLJ 736 But the test is whether the employer retains the power of controlling the work and it makes no difference whether the man was employed on a daily wage or was paid by the job.

19. Here in the instant case also on perusal of Exhibit W-1 series it transpires that all the certificates have been issued under the signature and stamp of Farm Incharge Foreshore Farm, SCD, DVC, Sewai (also admitted by MW1 in cross-examination) and similarly the copy of letter dated 24.05.2000 written by J. Singh to Farm Incharge, Fore Shore directing him to stop the workmen from job contract duty with immediate effect (Ref Case no. 62/2000) goes to establish the direct control of the management on work of the workmen concerned and it is sufficient to infer that there is a relationship of employer and employee between the management and the workmen. The **Hon'ble Supreme Court** has very recently held in case of **Jaggo vs Union of India** reported in **2024 INSC 1034** that the principles of **Uma Devi Case** should not be misinterpreted to deny the legitimate claims and it does not intend to penalize employees who have rendered long years of services in ongoing and necessary functions of the state.

20. Thus, on the basis of above appreciations of facts, circumstances and evidences available on the case record the Tribunal comes to the conclusion that the action of the management of DVC in terminating the services of **Fulchand Saw(Ref. No. 61/2002)**, **Baijnath Mistry(Ref. No. 62/2002)**, **Chhotan Mahto(Ref. No. 63/2002)** and **Kartik Mahto (Ref. No. 64/2002)** is not justified and the management is directed to reinstate the services of the workmen with all consequential benefits from the date of their termination. So this issue is also decided in favour of the workmen and this reference is answered accordingly.

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, 27 नवम्बर, 2025

का.आ. 2083.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **72/2003**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-22012/283/2002-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2083.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 72/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on **26/11/2025**.

[No. L-22012/283/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 72/2003****Parties:**

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

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/283/2002-IR(C-I) dated 27/06/2003 has been pleased to refer the following dispute between the employer i.e. management of Bastacolla Area of M/s. BCCL, Dhanbad and their workman through Secretary, Joint General Secretary, Colliery Karamchari Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the Colliery Karamchari Sangh from the management of BCCL, Bastakola Colliery for giving Sh. Ram Brichh and 20 other workmen (as per list) designation and wages of Fiteer/Tyndal, as the case may be, in appropriate category is just and proper? If so, to what relief are the workmen entitled & from what date?”

List of workmen

- | | |
|---------------------------------|-------------------------------------|
| 1. Sri Ram Brichh Ram, 02899698 | 2. Sri Umesh Sao |
| 3. Sri Suresh Chamar, 02567683 | 4. Sri Bholu Bouri, 02586519 |
| 5. Sri Shankar Raut, 02588010 | 6. Sri Mahesh Lal Rajbhar, 02586469 |
| 7. Sri Chhatu Das, 02557940 | 8. Sri Sarjoo Bhuia, 02560910 |
| 9. Sri Harkhori Bhuia, 02567857 | 10. Sri Mohammad Mian, 02901767 |

11. Sri Ramnath Gawala, 02345866
12. Sri Pokhan Bhuia, 02567840
13. Sri Kesho Dusadh, 02566230
14. Sri Lekho Mandal, 02538947
15. Sri Mahabir Mandal, 02567642
16. Sahdeo Chaudhary, 02547610
17. Sri Yusuf Mian, 02565349
18. Sri Arjun Saw, 02585992
19. Sri Jagu Bhuian, 02560779
20. Sri Jiwan Malhori, 02584613
21. Sri Bachchu Dusadh, 02587012

2. On receiving order no. L-20012/283/2002-IR(C-I) dated 27/06/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 72 of 2003 was registered on 19.08.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. Even after issuance of notice, none appeared from either side. It further transpires from the case record, when the case record was put up after a long gap on 17.09.2021, registered notices were sent to both the parties and thereafter no step was taken from both sides. Thereafter second notice was also issued to workman/union on 04.07.2025 for appearance but the workman/union failed to appear before this Tribunal and the notice of workman/union returned with endorsement “अधूरा पता अतः वापस”. Though on 12.09.2025, Sri N. Nath, O.S. Legal, HQ for the management appeared.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 22 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2084.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **133/2001**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/133/2000-आई आर (सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2084.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 155/2001**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **26/11/2025**

[No. L-20012/133/2000 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 155/2001

Parties:

Employers in relation to the management of Lodna Area

Of M/s. BCCL, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/133/2000-IR(C-I) dated 10/07/2001 has been pleased to refer the following dispute between the employer i.e. management of Lodna Area of M/s. BCCL, Dhanbad and their workman through Vice President, Koyla Mazdoor Ispat Panchayat, Lodna, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या कोयला इस्पात मजदूर पंचायत कि मांग कि श्री राम शुक्ला, कर्मकार लोडना क्षेत्र, भा.को.को.लि. के पुत्र श्री जगन्नाथ शुक्ला को नियुक्ति दी जाए उचित एवं विधिसंगत है? तथा क्या पहली पत्नी के जीवन काल में दूसरी पत्नी से पुत्र को NCWA के अंतर्गत इस लाभ को पाने का अधिकार है? यदि हाँ तो उक्त आवेदक किस लाभ के पात्र है?”

2. On receiving order no. L-20012/133/2001-IR(C-I) dated 10/07/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 155 of 2001 was registered on 06.08.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 14.01.2021, registered notices were again sent to both the parties but thereafter no step was taken from workman side and the notice of workman/union returned with endorsement “अधूरा पता वापस” However Sri D.K. Verma, Advocate for the management appeared and filed his letter of authority and thereafter he remained present before this Tribunal but the union/workman did not appear before this Tribunal since beginning thereafter on 10.07.2025 second regd. notice was issued to workman/union for appearance but he failed to appear before this Tribunal.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 24 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2085.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय ई सी एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 223/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/213/2000-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2085.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 323/2000**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **ECL.** and **their workmen** received by the Central Government on **26/11/2025**.

[No. L-22012/213/2000 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 323/2000

Parties:

Employers in relation to the management of Rajmahal Project

Of M/s. Eastern Coal Field Limited, Lalmatia, Godda

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For 69 Workmen :- Sri Manoj Kumar, Ld. Advocate

For 15 Workmen :- None

State : Jharkhand.

Industry:-Coal

Dated 03/11/2025

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-20012/213/2000 (C-I) dated 25/10/2000 has been pleased to refer the following dispute between the employer i.e. management of Rajmahal Project of M/s. ECL, Lalmatia, Godda and their workman through General Secretary, Bhartiya Coal Dump Mazdoor Sangh, Sunderpur, Pirpainty, Bhagalpur for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the union from the mgt. of Rajmahal Project of Eastern Coalfield Ltd. Lalmatia Godda for considering the 84 workmen (as per list) engaged under contractors for the last 13 years for permanent absorption in the company is justified ? If so, to what relief are the workmen entitled and from what date ?”

Annexure “A”

List of workmen

- | | |
|---------------------------|---------------------------|
| 1. Shri Seikh Mukhtar | 2. Shri Seikh Safik |
| 3. Shri Deo Kumar Yadav | 4. Shri Jagan Tanti |
| 5. Shri Chhote Lal Rajak | 6. Shri Ajay Yadav |
| 7. Shri Ramji Rajak | 8. Shri Upendra Tanti |
| 9. Shri Seikh Izrayal | 10. Shri Seikh Kalamuddin |
| 11. Shri Rajdeo Rajak | 12. Shri Ganauri rajak |
| 13. Shri Devi Dayal Yadav | 14. Shri Bharat Tanti |
| 15. Shri Srilal Tanti | 16. Shri Md. Islam |

17. Shri Sabhapati Tanti	18. Shri Birbal Tanti
19. Shri Mahendra Tanti	20. Shri Ashok Yadav
21. Shri Dilip Ram	22. Shri Kisan Mondal
23. Shri Kailash Mondal	24. Shri Suresh Tanti
25. Shri Makin Mansuri	26. Shri Mahesh Tanti
27. Shri Raja Ram Yadav	28. Bhubneshwar Yadav
29. Shri Shoshin Yadav	30. Shri Yamuna Tanti
31. Shri Yogendra Kushwaha	32. Shri Nageshwar Thakur
33. Shri Yogendra Mondal	34. Shri Karu Yadav
35. Shri Sakhi Chandra Thakur	36. Shri Sakal Deep Pashwan
37. Shri Mahesh Yadav	38. Shri Niro Pashwan
39. Shri Jagdeo Yadav	40. Shri Upendra Yadav
41. Shri Tunna Yadav	42. Shri Missan Tanti
43. Shri Jai Prakash Yadav	44. Shri Md. Iliyas
45. Shri Jagarnath Tanti	46. Shri Bishwakarma Thakur
47. Shri Chaurasi Roy	48. Shri Chhabil Yadav
49. Shri Kailash Yadav	50. Shri Ranjeet Yadav
51. Shri Sambhu Sharan Yadav	52. Shri Chhote Lal Yadav
53. Shri Mahendra Pd. Yadav	54. Shri Kokai Yadav
55. Shri Dewal Pd. Yadav	56. Shri Chhabi Lal Yadav
57. Shri Rodh Rajak	58. Shri Gore Lal Yadav
59. Shri Birendra Yadav	60. Shri Nirdo Yadav
61. Shri Tileshtar Yadav	62. Shri Billo Yadav
63. Shri Rameshwar Tanti	64. Shri Lal Mohan Roy
65. Shri Bali Yadav	66. Shri Bhutai Yadav
67. Shri Rajendra Yadav	68. Shri Daya Nand Yadav
69. Shri Bibekanand Yadav	70. Shri Dilip Yadav
71. Shri Pankaj Kumar	72. Shri Anil Yadav
73. Shri Bhotali Tanti	74. Shri Brahmdeo Yadav
75. Shri Chulai Yadav	76. Shri Jai Prakash Yadav
77. Shri Shiv Kumar Sah	78. Shri Uttam Choudhary
79. Shri Sheo Nath Choudhary	80. Shri Anirudh Yadav
81. Shri Shiv Nandan Yadav	82. Shri Upendra Yadav
83. Shri Ram Lakhan Yadav	84. Shri Seikh Firoj

2. It is relevant to mention here that the present reference case no. 323 of 2000 was previously decided by this Tribunal by passing Award dated 24.12.2014 but when the management challenged the same by filing W.P.(L) No. 2144 of 2015, the Hon'ble High Court of Jharkhand at Ranchi vide order dated 03.07.2024 was pleased to set aside the Award passed by this Tribunal holding the same as cryptic and remitted back the case record to this Tribunal with direction for passing a fresh Award on the basis of the materials which are already available on the record.

3. The case of the workmen as per the written statement filed on 12.09.2001 is that the Rajmahal Project, Lalmatia, Godda, one of the coal producing unit of M/s. Eastern Coalfields Ltd. is a Government undertaking company of Govt. of India. There is a Pirpainty Railway Siding/Pirpainty Coal Dump at Bhagalpur, Bihar. The coal produced at Rajmahal Project, Lalmatia are transported by road to the Pirpainty Railway Siding (known as Pirpainty coal dump and dumped there). The dumped coal at Pirpainty Railway Siding are transported by road from Rajmahal

Project are dispatched through railway wagon from there to the different customers of M/s. Eastern Coalfields Ltd. like Kahalgaon Thermal Power Station, Farrukka Thermal Power Station, Barauni Thermal Power Station etc. During the course of coal transporting from Rajmahal Project to Pirpainty Railway Siding by road and coal dispatching from Pirpainty Railway Siding to the different customers of M/s. Eastern Coalfields Ltd. by the railway wagon the following works are carried out :-

- (a) Coals are loaded to the trucks from Rajmahal Projects to Pirpainty Railway Siding.
- (b) The loaded coal trucks are transported from Rajmahal Projects to Pirpainty Railway Siding.
- (c) The coal loaded trucks are unloaded at the Pirpainty Railway Siding and coal dumped there.
- (d) The dumped coals are broken as per required size and shale picking is done.
- (e) The specifically required coals are loaded to the railway wagon.
- (f) The coal loaded to the railway wagon are levelled.
- (g) And other allied jobs and dispatch.

For carrying out the work as described above the management of Rajmahal Project M/s. Eastern Coalfields Ltd. deployed departmental employees as well as contractor's employees. The management of Rajmahal Projects M/s Eastern Coalfields Ltd. engaged contractors for carrying out the jobs of loading and unloading etc of the coal. The management of Rajmahal Project M/s. ECL time to time changed the contractors for carrying out the job of loading and unloading of the coal etc but the workers are almost the same. The name of one of the important contractor engaged by the M/s. Eastern Coalfields Ltd. for carrying out the job of loading and unloading etc of the coal is M/s Calcutta Industrial Supply Corporation. The workers whose names have been mentioned in Annexure 'A' concerning to this dispute have been performing the jobs since 1986 continuously but they are doing the jobs of unloading the coal mostly at Pirpainty Railway Siding transported from Rajmahal Project by road there. During the course of performing the job at Pirpainty Railway Siding all the equipments tools, accessories, safety equipments etc are provided by the contractors as well as by the management of Rajmahal Project M/s. Eastern Coalfields Ltd. Since 1986 to 1995 the management of Rajmahal Project as well as the contractor engaged for carrying out the job of coal unloading from trucks, coal loading to the wagons, coal levelling, shale picking etc by deploying the concerned workmen and others by manually. The concerned workmen are not even being paid the minimum wages for the job performed by them. They also have been deprived of all legal benefits etc. as framed for the coal workers under several Acts like Mines Act, CMPF Act, P.G. Act, Pension etc. by the Govt. of India. The concerned workmen have also not been provided with the wages, Perks, Allowances, Social Securities, Welfare Amenities etc. as provided in the National Coal Wage Agreement for the coal workers. M/s. Eastern Coalfield Ltd. is the Principal Employer for the contract workers engaged by them. M/s. Eastern Coalfield Ltd as well as the contractors engaged by them for carrying out the job at Pirpainty Railway Siding have intentionally violated the provisions of Contract Labour Abolition and Regulation Act and deprived the concerned workmen of the same. The management of Rajmahal Project violated the provisions of Standing Order applicable to the establishment concerning to the workmen of this dispute. The concerned workmen demanded for their permanent absorption in M/s Eastern Coalfields Ltd. and wages, Perks, Allowances, Social Securities, Welfare Amenities etc as provided to the permanent workers to the establishment. The management of Rajmahal Project M/s. ECL in connivance with the contractors engaged by them to deny the legitimate demand of the concerned workmen and to make the workmen concerned jobless started introduction of machine by Pay Loader Dumper etc. in the year 1996. The workmen and the union of the workmen started agitation against the anti-labour policy and act of the management of Rajmahal Project of M/s. ECL and the contractors engaged by them. The workmen started Dharna etc there. After a great struggle by the workmen as well as the union of the workmen, the intervention of the district administration Bhagalpur and the Labour Department, the management of Rajmahal Project of M/s. Eastern Coalfields Ltd. and the contractors engaged by them have agreed to deploy the concerned workmen in the job performed by them and accordingly the workmen deployed to work as earlier. The workmen concerned are still in their work and the management of Rajmahal Project and the contractors engaged by them for the same are still violating the provision of law and victimizing the workmen concerned and depriving them by not providing proper wages and facilities etc. The work performed by the concerned workmen are of permanent and perennial in nature and are of prohibited category. There are six thousands tone of coal transported from Rajmahal Project to Pirpainty Railway Siding/Pirpainty Coal dump daily and the same was unloaded by the concerned workmen besides other works. The wages of the concerned workmen paid by the contractor are much less than the minimum wages. The workmen and the union of the workmen have been raising the matter for their absorption as permanent employees in the company and for payment of wages etc and to provide them other facilities like permanent employees of the company and when the same has not been considered by the management, the matter was raised as per the provisions of Industrial Dispute Act, 1947 for conciliation. The management of Rajmahal Project and the representatives of the contractors engaged for the job by the management attended in the conciliation proceeding but the demand of the workmen have not been considered by the management and the conciliation ended in failure, hence this reference. The workmen concerned have completed more than 240 days attendance in each calendar year since 1986. The demand of the workmen is that they should be absorbed in the permanent roll of the

company since 1986 and should be paid wages as permanent employee. They should also be provided with the facilities as per the provision of Mines Act and other enactment as well as all benefits as per the provision of NCWA. They should be paid arrears of wages and provided with all resultant benefits and therefore it was prayed that considering all the facts and circumstances this Tribunal hold that the action of the management of Rajmahal Project M/s. ECL by not permanently absorbing the concerned employees in company and by not paying the proper wages to them and also by not providing them other facilities as per rules of the company as permanent employee is not justified. The demand of the workmen and the union of the workmen is justified and accordingly order be passed in favour of the workmen.

4. It transpires from the case record that later on one Sri R.K.Mukherjee, learned Advocate started representing the cases of 15 workmen out of 84 but after this case was remanded from the Hon'ble Court, he never appeared before this Tribunal.

5. The case of the management as per the written statement cum rejoinder filed on 23.08.2002 is that the reference is bad in law and not maintainable and is liable to be struck down. There is no valid industrial dispute in the present case in the eye of law or within the meaning of section 2(k) of the I.D. Act. As a matter of fact there is no dispute much less any industrial dispute and the same is fit to be dismissed. The reference order is vague and suffers from the vice of total non application of mind by the Govt. and it is therefore vitiated. The particulars of the person and details thereof are also lacking. A vague reference order is no reference order and is rendered null and void on that account. At any rate there was at no time any Employer-Employee relationship between the Opp. Party and the persons concerned. The sponsoring union has no locus standi in the matter as the so-called person is not its member and is not competent to raise any industrial dispute. The reference order also puts the cart before the horse and the Opp. Party is not required to take any action as envisaged in the reference order. The reference appears to have been made in ignorance and under compulsion overlooking the persons, parties and the facts envisaged earlier as well and as such the same is vehemently opposed by the Opp. Party as unjustified and untenable. The reference is also invalid for the reason that no demand was ever made to the Opp. Party. The Opp. Party nowhere in the reference has been shown to be a party nor any demand as alleged has been shown to have been made to the Opp. Party in the reference in question and as such the reference is vague, indefinite and unreasonable and unjustified and not maintainable at all. The reference is an abuse of the processes of law. The provisions of the Contract Labour (Abolition & Regulation) Act do not apply to the present case. There was no privity of contract between the persons named therein and the Opp. Party. The question which is not directly raised in the reference can not be considered. The Govt. has been pleased to refer and to call upon for absorption of engaged persons under contractor named therein in the list. The reference order appears to have been got passed after suppressing the material facts. The reference order is based on irrelevant consideration unsustainable in law and perverse. The Opp. Party has gravely been prejudiced by reason of this reference order as much as it has unnecessarily, though not required under Law, been placed in a disadvantageous position. The petitioners have wrongly stated that the persons working under the contract system are required to work under the Opp. Party. The Opp. Party has its own regular employees and the work through the contractor is taken casually whenever required and the same is not continuous. It is a settled principle of law that no order can be passed behind the back of a person who has not been arrayed. This Tribunal has no jurisdiction to decide the question of abolition of the Contract Labour. The demand is devoid of any merit. They are never on the roll. It is wrong to say that these persons have ever been engaged for raising of coal and for over burden removal and earth cutting which has been done by mechanical process. These persons were never engaged by the Opp. Party nor have been working and therefore the question of taking them on muster roll and to treat them as workmen and payment of wages does not arise at all. The management has also submitted the Para-wise rejoinder which are as follows:-

The statement made in Para 1 to 5 of WS of workmen are matter of record. The statements of Para 6 to 10 of the W/S of the workmen are denied being not fully correct. It is denied that the contractor employees are engaged for such work. The statements made in Para 11 to 13 are denied being not fully correct. None of the persons as named in Annexure A have ever performed any job as alleged much less continuous job. The statements of Para 14 to 20 are incomplete hence denied. The management never engaged the persons in list. The question of payment does not arise. The Statement of Para 21 has already been replied. In reply to the Statements made in Para 22 & 23 it is submitted that the working of the unions and the jobless persons are apparent and are seen everyday for no cause. The statements of Para 24 to 27 are denied being incorrect. The question of deployment does not arise. The statement of Para 28 is hereby denied. In reply to the statement of Para 29 it is submitted that the conciliation ended in failure as the demand was beyond legal provision. In reply to the statement of Para 30 it is stated that the same is hereby denied and there is no question of completion of 240 days as stated. In reply to the statement of Para 31 it is stated that the question of absorption in permanent job of the company and to pay wages as provided to the permanent employees does not arise at all. All other statements are hereby denied and at last it was prayed to reject the prayer of the so-called union and answer the reference in terms of the prayer made by the Opp. Party in its written statement as above.

6. The workmen have also filed rejoinder to the W/S cum rejoinder of the management in which it has been stated that the contention made in Para 1 of the W/S cum rejoinder is a matter of record and is admitted to the extent borne out of the record. The submissions made in Para 2 is vague, misconceived, baseless, incorrect, false and denied; for no reason having been shown for such a submission and is fit to be rejected. The contention of Para 2 (a) is vague,

misleading, incorrect, false, baseless and denied. It is submitted that Section 2 (k) of the I.D. Act is wide enough and covers the workmen named therein the schedule appended to the order of reference dated 25.10.2000. The contention made in Para 2 (b) is vague, incorrect, baseless, misleading and denied. It is submitted that the Central Government after applying mind have made the reference stating that the workers have been engaged under the contractor for the last 13 years. It is submitted that under Contract Labour (Regulations and Abolition) Act, 1970, all the records and registers are required to be maintained by the contractors which are available and in the custody of the contractors concerned and the so called principal employer who are the real employers. It is submitted that under section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 the Central Government by a notification on 1.2.1975 abolished the employment of Contract Labour in the operations in Coal Mines such as raising or raising cum selling coal, coal loading and unloading etc. It is further submitted that the Central Government by another notification dated 25.07.1988 prohibited the unloading of the raw material, charging of magnetite etc. it is further submitted that in a bipartite meeting held between the representatives of the employers of M/s. Coal India Ltd. and the representatives of the union held on 28.04.1987 at New Delhi, the employers of M/s. CIL including all their subsidiary companies agreed to eliminate contract labour/system. The Job of unloading and loading coal is a job of permanent and perennial in nature. The submission made in Para 2(c) is incorrect, baseless hence denied. There is a relation of employer and employee between the workmen and the employers. The contentions made in Para 2(d) to (f) are not correct hence denied. The contention made in Para 2(g) is misconceived hence denied. In reply to contention of Para 2(g), (h) & (i) it is submitted that the union of the workmen of the employers made a direct demand upon the employers on a number of times for the regularization of the concerned workmen but they did not reply but refused the same and therefore the industrial dispute was raised before A.L.C. (C), Patna. The contention made in Para 2 (j) & (k) which is absurd and false it is reiterated that as it is apparent from the terms of reference, these workmen are so-called contractors workmen, the provisions of the Contract Labour (Regulation & Abolition) Act, 1970 fully applied although the operations in which the workmen are engaged has been prohibited long ago. The contention made in Para 2(l) & (m) are misconceived hence denied. The terms of reference is specific which can not be denied by the employers. The contention made in Para 3 is admitted to the extent borne out of the records. The contention made in Para 4 is not correct hence denied. The contention made in Para 5 needs no comment. The contention made in Para 6 is missing. The contention made in Para 7 is opposed to the facts on record and is otherwise illegal hence denied. The contention made in Para 8 is a repetition of the contention made in Para 2(l) & (m). The submissions made in Para 9 to 12 are vague, baseless and hence denied. It is admitted that the employers invited tender or the work to be performed by the contractors, changed the contractors, leaving the workmen high & dry with a malafide intention to deprive them of all the benefits as are available to the direct employee of the workmen. The contractors are mere camouflage, most of the time M/s. Calcutta Industrial Supply Corporation has been the contractors since 1996. The contention made in Para 13 is not correct hence denied all the particulars are available with the contractor and the employers. The contention made in Para 14 is misconceived hence denied. The contention of para 15,16, 17, 19 and 21 are not correct hence denied. The contention made in Para 18 is admitted. The service conditions of the workmen are governed under the statute which the employers have been deliberately violating. The contention made in Para 20 is missing from the written statement. The submissions made in Para 22 is admitted. The submission made in Para 23 is misconceived hence denied. It is not a question of “abolition of the contract labour” by the Tribunal but employment of “Contractor’s workmen” in prohibited category of work. The contentions made in Para 24 to 36 are not correct hence denied. The contention made in Para 37 and 38 needs no comment. The contentions made in Para 39 to 52 are misconceived, baseless, incorrect hence denied. It has further been submitted that the claim of the workmen concerned are fully justified and they are entitled to all other benefits and perquisites as available to the workmen of the principal employer as if the workmen concerned are the direct employees of M/s. ECL ever since their respective date of employment with retrospective effect and prayed to pass award in favour of the workmen.

7. In support of their case the workmen have examined WW-1, Shambhu Saran Yadav and WW-2, Kailash Prasad Mandal.

8. By way of documentary evidence the workmen have adduced the following documents:-

Exhibit W-1- Details of 69 workmen.

Exhibit W-2- Photo copies of Identity Cards of the workmen issued by the Contractor.

Exhibit W-3- Tripartite Agreement dated 27.07.2005.

Exhibit W-3/1- Memorandum of Settlement dated 31.01.2007.

9. On the other hand the management has not adduced any oral or documentary evidence in support of its case.

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

11. The Ld. Counsel of the workmen has submitted that the management of Rajmahal Project M/S Eastern Coalfields Ltd engaged all the concerned workmen through the contractor CISC (Calcutta Industrial Supplier Corporation) for loading coal at trucks at Rajmahal Project side and unloading the same at Pirpainty Railway Siding after it was transported there under M/s. ECL since 1986 including other works and they have also completed more

than 240 days attendance in each calendar year since then but they are not being paid the wages as applicable to the permanent employees of the ECL nor they are provided any facilities like them. They have been doing the prohibited category of work. The nature of their work is permanent and perennial. It has further been submitted that M/s. ECL is the principal employer for these workmen with contractors engaged by them as mere camouflage and they have been working under the direct control and supervision of the management but they have intentionally violated the provisions of Contract Labour (Abolition & Regulation) Act 1970 whereas the central govt. has issued notification on 25.07.1988 under section 10 for abolition of prohibited category of work and the work of loading and unloading coal comes under this category so these workmen are entitled for absorption but the management has deprived the concerned workmen from the benefits of the same. The concerned workmen have demanded for their permanent absorption in M/s. ECL Ltd. as well as the payment of wages Perks, allowances, Social Securities, Welfare amenities etc as provided to the permanent workers of the company but the management in connivance with the contractors engaged by them has denied the legitimate demand of the workmen due to anti-labour policy. The Ld. Advocate of the workmen has further submitted that in case of **Mahanadi Coalfields Ltd. Vs. Brajrajnagar coal Mines Workers' Union** reported in **2024 SCC OnLine SC 270** the Hon'ble Apex Court held that the workman who were engaged by the contractor for execution of the contract work were entitled for regularization and affirmed the judgment of the Tribunal as well as of the Hon'ble High Court on the basis of settlement between the parties for the regularizations of the other contract labourers because they were doing the works of permanent and perennial in nature.

12. On the other hand the Ld. Counsel for the management has submitted that admittedly the workmen are contractors employees and therefore they are not entitled for regularization because the contractor employees are not the employees of the principal employer as was held by the Hon'ble Supreme Court in case of **Dinanath & Ors vs. National Fertilizers Ltd & Ors** and prayed to reject the reference.

13. **Issue**

Whether the demand of the union from the management of Rajmahal Project of Eastern Coalfield Ltd. Lalmatia Godda for considering the 84 workmen (as per list) engaged under contractors for the last 13 years for permanent absorption in the company is justified? If so, to what relief are the workmen entitled and from what date?

14. As regards the oral evidence adduced from the side of the workmen WW-1 Shambhu Saran Yadav is one of the concerned workmen who has deposed that Rajmahal Project, Lalmatia, Godda is one of the coal producing unit of M/s. ECL and is a Govt. undertaking company of Govt. of India and there is a Pirpainty Railway Siding/Pirpainty Coal dump at Bhagalpur, Bihar. The coal produced at Rajmahal Project, Lalmatia M/s. ECL are transported by road to Pirpainty Railway Siding and dumped coal are transported by road from Rajmahal Project through railway wagon from there to the different customers of M/s. ECL. The main work is loading and unloading of coal. The management of Rajmahal Project of M/s. ECL engaged contractors for carrying out the jobs. From time to time the contractors were changed but the workers remained almost the same. The workers whose names have been mentioned in Annexure-A, have been performing the job since 1986 continuously at Pirpainty Railway Siding. Their job are permanent and perennial in nature and are of prohibited category. The management is the principal employer in this case and the engagement of contractor in such case is a camouflage. All the workmen have been working continuously without any break since 1986 and have put more than 240 days attendance in each year but they are not getting proper wages and other benefits. Their demands of absorption as a company employee and for payment of proper wages and other benefits are justified. He has submitted the list of workers with their particulars marked as Exhibit W-1 series, Identity Cards marked as Exhibit W-2 series, two sets of settlements marked as Exhibit W-3 and W-3/1 respectively.

Likewise WW-2 Kailash Prasad Mandal is also one of the workmen and he has also deposed that he began to work as Truck Unloader since 1986 at Lalmatia coal Dump at Railway Siding, Pirpainty, Rajmahal Area of M/s. ECL along with other 83 workers till date under the contractor of C.I.S.C. (B.L.A.). They used to unload coal loaded truck under direction of the management and all workers put attendance in the register of the management for more than 240 days almost in all the calendar years and they were paid salaries by the management for the aforesaid work. The management issued identity cards. Several times before and after this industrial dispute some settlement arrived between union and management but no fruitful result came up. Their job was of permanent nature and so their demand for regularization and for payment of back wages as per the rule of the management is justified.

Thus WW1 Shambhu Saran Yadav has very clearly admitted in his oral testimony that the management of Rajmahal Project of M/s. ECL engaged contractors for carrying out the jobs of loading /unloading coal at Railway Siding, Pirpainty and the testimony of WW2 makes it clear that all 84 workers till date are working under the contractor C.I.S.C. (B.L.A.) and they have been issued ID Cards by the management of contractor. So it is established that the management of ECL engaged contractor to do the job and the contractor on his own appointed the concerned workmen to do the job and issued ID Cards to them and thus all the 84 workmen are the employees of the contractor C.I.S.C. and are working under him and they are not the employees of the ECL management. Though these workmen have claimed that they have been working since 1986 but no document prepared in the year 1986, have been submitted on their behalf to prove that they are really working since 1986.

15. Now, as regards the documentary evidence adduced from the side of the workmen, on perusal of Exhibit W-1 series it transpires that these are the photo affixed names and particulars of 69 workmen and all the photos of workmen have been attested without any date by the union (General Secretary, Bhartiya Coal Dump Mazdoor Sangh, Pirpainty, Bhagalpur) though on perusal of the petition with which it has been filed, it appears that this was typed on 3.03.10 but filed in this court on 14.05.10. Similarly, Exhibit W-2 series makes it clear that these are the photo copies of identity cards of the workmen and by the signature it appears that it was created on 15.09.97 by the contractor CISC Coal Dump, Pirpainty, Bhagalpur and not in the year 1986 though the words “since 1986 to 1997” have also been mentioned thereon. But two things are clear from this document: first, that these ID Cards have been created and issued by the contractor CISC and not by the ECL management and secondly, these have been created and issued by the signature of 15.09.97 and not in the year 1986. So it further clarifies that the concerned workmen are the employees of the contractor CISC and not of the ECL and it appears that these documents have been created in the year 1997 only to claim absorption.

On perusal of Exhibit W-3 it transpires that this is Tripartite Agreement among ECL, Management CISC (BLA) and the union arrived at on 27.07.2005 and it shows that this is related to the unloading work and 84 working labourers and it has been agreed that all of them will be handed over the appointment letter on 28.07.2005 by the CISC (BLA) having full details of the salary, PF, Pension and other benefits. There are other points of agreement also regarding the payment of bonus in national holidays, payment of salary within time etc. On perusal of this Tripartite Agreement it is evident that all these 84 workmen are employed in the work of unloading of coal in Pirpainty Railway Siding Coal Dump by the contractor CISC and he has to give the appointment letters having full description of service conditions to the workmen and this is also evident that there is no demand of their absorption in this agreement. Likewise Exhibit W-3/1 is the Memorandum of Settlement arrived at under section 12(3) of the I.D. Act 1947 among the management of CISC, M/s. Rajmahal Area of ECL and the Union Bhartiya Coal Dump Mazdoor Sangh, Pirpainty before the Regional Labour Commissioner (Central), Patna on 31st January 2007 and on its perusal also it is evident that as many as 15 points have been settled including the payment of wages etc. It further transpires from this document that the management of Rajmahal Area of M/s. ECL is in practice of awarding contract since 1990 to M/s. CISC and M/s. BLA but at present M/s. BLA has no concern in this award but the work force are continuing since 1990.

Thus these both Exhibits ie Ext.W 3 & W 3/1 establish that these agreements have been entered into much after the reference of this case and all the concerned workmen are working under the direct control of the contractor CISC since 1990 and not under the direct control of the management of Rajmahal Area of M/s. ECL and no relationship of employer and employee is thus created between the concerned workmen and the ECL management because as per the terms of agreement the Contractor has to provide the workmen the appointment letters having full details of wages and all other benefits etc and as per para 28 of the WS of workmen admittedly their wages are paid by the contractor therefore, the concerned workmen can not legally claim their absorption and other benefits from the principal employer for the above reason as well as for want of any appointment letter, wage slip, ID Cards etc directly issued by the M/s ECL itself.

16. The learned counsel for the workmen has also attracted the attention of this Tribunal towards the notification of the Central Government dated 21st June 1988 that has been issued in exercise of the powers conferred by Sub-section (1) of Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 and vide this notification the Central Government has prohibited the employment of contract labour in the works as given in schedule of the same in which there is also mention of coal loading and unloading on serial no. 2 and has further submitted that the concerned workmen have been doing the prohibited category of work and therefore they are entitled to be absorbed in the permanent job of the company. He has also attracted the attention of this Tribunal towards the authority of the Hon'ble Supreme Court in case of **Mahanadi Coalfields Ltd. Vs. Brajrajnagar Coal Mines Workers Union** reported in **2024 SCC OnLine SC 270** in which the management had regularized 19 contract workers out of 32 and when the dispute was raised before the Industrial Tribunal by the rest of the contract workers their case being identical to all those workers who were regularized, was allowed and at last the Hon'ble Apex Court also affirmed the same but this Tribunal is of the opinion that the facts and circumstances of this case are a bit different from the case in hand because there is no previous agreement between the management of ECL and the Contract workers union for regularization of some of the workers leaving others similarly situated.

17. Now, as regards the point as to whether after the notification of the Central Government regarding the prohibition of the work of coal loading and unloading by contract labour, all the concerned 84 workmen should be regularized. In this regard the **Hon'ble Supreme Court** in case of **The Directors Steel Authority Of India Ltd. Vs. Ispat Khadan Janta Mazdoor Union**, reported in **[2019] 9 S.C.R.123**, has been pleased to hold that the exposition of the judgment of the **Constitution Bench** of the **Hon'ble Supreme Court** in **Steel Authority Of India Ltd and Others vs National Waterfront Workers and Others** made it clear that neither section 10 nor any other provision in the CLRA Act provides for automatic absorption of contract labour on issuing a notification by the appropriate Government under Section 10(1) of the CLRA Act and consequently the principal employer is not required or is under legal obligation by operation of law to absorb the contract labour working in the establishment unless the contract is found to be a mere ruse to evade compliance with various beneficial legislations so as to deprive the

workers of statutory benefits. But here in the instant case, the workmen have failed to prove by any cogent evidence that the contract is mere sham to deprive the workmen of statutory benefits and so there is no question of the automatic absorption of the concerned workmen.

18. Thus, on the basis of the above appreciation of facts, circumstances and evidence available on the case record, this Tribunal comes to the conclusion that the concerned workmen have failed to establish that they are legally entitled to permanent absorption as the employees of the ECL management and accordingly it is held that the demand of the union from the management of Rajmahal Project of Eastern Coalfield Limited, Lalmatia, Godda for considering the 84 workmen(as per list) engaged under contractors for the last 13 years for permanent absorptions in the company is not justified and so they are not entitled to the relief claimed. This reference is answered accordingly.

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, 27 नवम्बर, 2025

का.आ. 2086.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **189/2001**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/331/2000-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 189/2001**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL. and their workmen** received by the Central Government on **26/11/2025**.

[No. L-20012/331/2000 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 189/2001

Parties:

Employers in relation to the management of Sijua Area

of M/s. BCCL, Sijua, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/331/2000-IR (C-I) dated 29/08/2001 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Dhanbad and their workman through Vice President, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या राष्ट्रीय कोलियरी मजदूर संघ की भारत कोकिंग कोल लिमिटेड सिजुआ क्षेत्र के प्रबंधन से माँग कि श्रीमती तालो माँझयन एवं सूची में दिए गए अन्य 8 कर्मकारों को कैटेगिरी 6 के उन फुटकर पदों पर नियमित किया जाए जिस पर वे वर्ष 1989 से निरंतर कार्य करते या रहे हैं, उचित एवं न्यायसंगत है? यदि हाँ तो उक्त कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

2. On receiving order no. L-20012/331/2000-IR(C-I) dated 29/08/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 189 of 2001 was registered on 21.09.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. Even after issuance of notice, none appeared from either side. It further transpires from the case record, when the case record was put up after a long gap on 16.09.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. Thereafter on 11.07.2025, Sri N. Nath, O.S. Legal, HQ appeared but no one appeared on behalf of the workman and second notice was also issued to workman/union for appearance but the workman/union failed to appear before this Tribunal. Though on 12.09.2025, Sri N. Nath, O.S. Legal, HQ for the management appeared.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 24 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2087.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 122/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/60/2001-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 122/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I as shown in the Annexure, in the industrial dispute between the Management of BCCL. and their workmen received by the Central Government on 26/11/2025

[No. L-22012/60/2001 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 122/2001**Parties:**

Employers in relation to the management of Sijua Area
of M/s. BCCL, Sijua, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/60/2001-C-I dated 22/05/2001 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Dhanbad and their workman through Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the R.C.M.S. for employment to Sri Kamal Kole, son of Late Radhia Kolhin for any suitable job on the surface from the management of Keshalpur colliery of M/s BCCL is justified? If so, to what relief is Sri Kamal Kole is entitled?”

2. On receiving order no. L-20012/60/2001-C-I dated 22/05/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 122 of 2001 was registered on 20.06.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. Even after issuance of notice, none appeared from either side. It further transpires from the case record, when the case record was put up after a long gap on 14.01.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. Thereafter second notice was also issued to workman/union on 11.07.2025 for appearance but the workman/union failed to appear before this Tribunal. Though on 12.09.2025, Sri N. Nath, O.S. Legal, HQ for the management appeared.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 24 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2088.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **98/2002**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/113/2002-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 98/2002**) 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 **26/11/2025**.

[No. L-20012/113/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 98/2002

Parties:

Employer in relation to the management of Saunda “D” Colliery
of M/s. CCL, Hazaribagh

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/113/2002-IR(C-I) dated 28/08/2002 has been pleased to refer the following dispute between the employer i.e. management of Saunda “D” Colliery of M/s. CCL, Hazaribagh and their workman through Union Secretary, Rashtriya Colliery Mazdoor Congress, Hazaribagh for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of CCL, Saunda “D” Colliery in stopping Sh Ganesh Turi, Tramer from work w.e.f. 27.7.01 is just, fair and legal? If not, to what relief is the workman concerned entitled ?”

2. On receiving order no. L-20012/113/2002-IR(C-I) dated 28/08/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 98 of 2002 was registered on 11.09.2002 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2006 this case was put up after a long gap on 05.08.2021 and registered notices were issued to both the parties but workman/union did not appear before this Tribunal. However Sri D.K. Verma, Ld. Advocate on behalf of the management appeared. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2089.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **181/2001**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/235/2001-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 181/2001**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **26/11/2025**.

[No. L-20012/235/2001 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 181/2001

Parties:

Employers in relation to the management of P.B. Area

Of M/s. BCCL, Kusunda, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- Sri Ganesh Prasad, Ld. Advocate

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/235/2001 IR(C-I) dated 10/08/2001 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL, Kusunda, Dhanbad and their workman through Vice President, Dalit Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Gopalichak Colliery of M/s BCCL in dismissing Sri Girdhari Bhuia, Ex-Miner/Loader w.e.f. 12.8.97 is just, fair and legal? If not, to what relief is the entitled to?”

2. On receiving order no. L-20012/235/2001 IR(C-I) dated 10/08/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 181 of 2001 was registered on 10.09.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 14.01.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. However notice of union/workman returned with endorsement “Insufficient Address”. Sri Ganesh Prasad, Ld. Advocate on behalf of the management appeared on 13.09.2021 and filed his letter of authority thereafter he remained present on certain dates but the workman/union did not appear before the Tribunal. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2001 which shows that workman/union has lost his interest in this case.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 24 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2090.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **38/2003**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/215/2002-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2090.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 38/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **ECL.** and **their workmen** received by the Central Government on **26/11/2025**.

[No. L-20012/215/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 38/2003**Parties:**

Employers in relation to the management of Mugma Area

Of M/s. E.C.L., Mugma, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/215/2002-IR(C-I) dated 30/04/2003 has been pleased to refer the following dispute between the employer i.e. management of Mugma Area of M/s. E.C.L., Mugma, Dhanbad and their workman through General Secretary, Koyla Mazdoor Congress, Asansol, Bardhaman for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. ECL in denying employment to Sri Om Prakash Suryabanshi, the dependent son of Late Sahodri Bai as per the provisions of NCWA is fair and justified? If not, to what relief is the said dependent of Late Sahodri Bai entitled?”

2. On receiving order no. L-20012/215/2002-IR(C-I) dated 30/04/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 38 of 2003 was registered on 20.05.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 17.09.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. However notice of union/workman returned with endorsement “Insufficient Address”. Though on 12.09.2025, Sri D.K. Verma, Panel Advocate for the management appeared but union/workman did not appear before this Tribunal.

4. On perusal of the entire case record it transpires that the workman never appeared before this Tribunal for a period of 22 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2091.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **30/2003**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/247/2002-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2091.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 30/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **26/11/2025**

[No. L-20012/247/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 30/2003

Parties:

Employers in relation to the management of Sijua Area

Of M/s. BCCL, Sijua, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/247/2002-IR (C-I) dated 10/03/2003 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Dhanbad and their workman through Organizing Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या रा.को.म.संघ की भा.को.को.लि., सिजुआ क्षेत्र से माँग कि कर्मकार श्री राम प्रवेश सिंह को वर्ष 1991 से टी. एण्ड एस.एल.यू. दिया जाए तथा बकाया वेतन अंतर का भुगतान किया जाए उचित एवं न्यायसंगत है? यदि हाँ तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

2. On receiving order no. L-20012/247/2002-IR(C-I) dated 10/03/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 30 of 2003 was registered on 28.04.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 17.09.2021, registered notices were sent to both the parties but thereafter no step was taken from workman side and the notice of the workman/union returned with endorsement "Always Door Locked". However Sri D.K. Verma, Advocate for the management appeared and filed his letter of authority and thereafter he remained present before this Tribunal but the union/workman did not appear before this Tribunal since the year 2003 which shows that workman/union has lost his interest in this case.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 22 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2092.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **10/2004**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/255/2002-आई आर (सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2092.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 10/2004**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL. and their workmen** received by the Central Government on **26/11/2025**.

[No. L-20012/255/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 10/2004

Parties:

Employer in relation to the management of Bhuli Town

Administration of M/s. BCCL, Bhuli, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/255/2002-IR(C-I) dated 24/12/2003 has been pleased to refer the following dispute between the employer i.e. management of Bhuli Town Administration of M/s. BCCL, Dhanbad and their workman through Organizing Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Bhuli Town Administration of M/s BCCL in not referring Sri Kanhaiya Lal, Accounts Asstt. To Apex Medical Board for assessment of his Physical debility till the date of his superannuation from service is justified? If not, to what relief is the concerned workman entitled ?”

2. On receiving order no. L-20012/255/2002-IR(C-I) dated 24/12/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 10 of 2004 was registered on 02.01.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2006 this case was put up after a long gap on 26.11.2021 and registered notices were issued to both the parties but workman/union did not appear before this Tribunal. However Sri Naresh Prasad, Ld. Advocate on behalf of the management appeared on 24.01.2022 and thereafter he did not appear. Though on 06.06.2025, 11.07.2025 and 12.09.2025, Sri N. Nath, O.S. Legal HQ appeared for the management and again notice was issued to workman/union to appear and taking steps but he failed to appear. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2093.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायाल; धनबाद-1** के पंचाट (संदर्भ संख्या **43/2004**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/7/2004-आई आर (सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2093.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 43/2004**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL. and their workmen** received by the Central Government on **26/11/2025**

[No. L-20012/7/2004 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 43/2004**Parties:**

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

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- Md. Faisal, Asstt. Manager

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 04/11/2025

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-20012/7/2004 - IR(C-I) dated 26/04/2004 has been pleased to refer the following dispute between the employer i.e. management of Katras Area of M/s. BCCL, Sijua, Dhanbad and their workman through Regional President, Janta Mazdoor Sangh, Salanpur Colliery, Katrasgarh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या जनता मजदूर संघ की भा को को लि, कटरास क्षेत्र के प्रबंधतंत्र से माँग कि कर्मकार श्री एम.पी.देव को दिनांक 1/1/92 से सहायक लोडिंग अधीक्षक (T&S Gr-C), 1/1/95 लोडिंग अधीक्षक (T&S Gr.B) एवं 1/1/99 से वरिष्ठ लोडिंग अधीक्षक (T&S Gr.A) पदोन्नत किया जाए उचित एवं न्याय संगत है? यदि हां तो कर्मकार किस राहत के पात्र हैं?”

2. On receiving order no. L-20012/7/2004 - IR(C-I) dated 26/04/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 43 of 2004 was registered on 14.05.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. Even after issuance of notice, none appeared from either side. It further transpires from the case record, when the case record was put up after a long gap on 26.11.2021, registered notices were sent to both the parties and thereafter no step was taken from both sides. Though on 27.06.2025 and 08.08.2025 Md. Faisal, Asstt Manager for the management appeared but the workman/union failed to appear before this Tribunal.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 21 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2094.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **41/2003**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/433/2000-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2094.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 41/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL. and their workmen** received by the Central Government on **26/11/2025**.

[No. L-20012/433/2000 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 41/2003

Parties:

Employers in relation to the management of Bastacolla Area

Of M/s. BCCL, Jharia, Dhanbad

AND

Their Workmen

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workmen :- Sri D. Mukherjee, Ld. Advocate

State : Jharkhand.

Industry:-Coal

Dated 04/11/2025

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-20012/433/2000-IR(C-I) dated 06/05/2001 has been pleased to refer the following dispute between the employer i.e. management of Bastacolla Area of M/s. BCCL, Dhanbad and their workman through Secretary, Bihar Colliery Kamgar Union, Hirapur, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या बिहार कोलियरी कामगार यूनियन की भा. को. को. लि., बस्ताकोला क्षेत्र के प्रबंधतंत्र से मांग कि श्री जगदीश भुइया एवं सूची में दिये गए अन्य 119 कर्मकारों को कम से कम कैटेग्री-1 में नियमित किया जाये तथा उसके अनुरूप वेतन लाभ दिया जाये उचित एवं न्याय संगत है ? यदि हाँ तो उक्त कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

कर्मकारों की सूची

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| 1. बालचंद दास | 2. कार्तिक पासवान |
| 3. रामदेव पासवान | 4. मानिक हाड़ी |
| 5. मनोज निषाद | 6. फूचू पासवान |
| 7. अशोक राम | 8. इन्द्र देव रवानी |
| 9. हरेराम पासवान | 10. शिव प्रसाद यादव |
| 11. महेन्द्र पासवान | 12. महादेव चौहान |
| 13. संजय निषाद | 14. राजेन्द्र पासवान |
| 15. गोविन्द्र ठाकुर | 16. ब्रह्मदेव यादव |
| 17. गणेश वेलदार नं. 2 | 18. सुधीर पासवान |
| 19. मोजहरी वाउरी | 20. सुनील भुईयाँ |
| 21. गणेश वाउरी नं. 2 | 22. जितेन्द्र बेलदार |

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| 23. शंकर बेलदार | 24. कैलाश बेलदार |
| 25. मदन प्रसाद महतो | 26. लक्ष्मण साव |
| 27. चनेश्वर भुईयाँ | 28. मकुन चौहान |
| 29. प्रमोद पासवान | 30. उपेन्द्र पासवान |
| 31. राजेन्द्र निषाद | 32. रामप्रवेश पासवान |
| 33. रामचरित्र पासवान | 34. विजय निषाद |
| 35. शंकर कुम्हार | 36. मुड़िया बाउरी |
| 37. राजु पासवान | 38. ओमप्रकाश पासवान |
| 39. सलाउद्दीन अंसारी | 40. फकीरा साव |
| 41. रामओतार यादव | 42. गोरेलाल बाउरी |
| 43. भगवानदास निषाद | 44. जानकी बाउरी |
| 45. शिववचन पासवान | 46. राजेन्द्र राम |
| 47. सुरेश प्रसाद वर्मा | 48. गणेश बेलदार |
| 49. गोविंद बेलदार | 50. रामअवतार यादव – I |
| 51. मोहन मंडल | 52. तारापदो बाउरी |
| 53. मुन्ना गोड़ | 54. आनन्द चौहान |
| 55. बिनोद ठाकुर | 56. बादल बाउरी |
| 57. चन्दन चौहान | 58. राजु नोनियाँ |
| 59. अरविन्द यादव | 60. आनन्द पासवान |
| 61. संजय पासवान | 62. कमेश्वर साव |
| 63. राजेन्द्र राम- II | 64. बनवारी यादव |
| 65. धनेश्वर कुम्हार | 66. बुधन पासवान |
| 67. बैगनी भुइनी | 68. इंद्रमनी पासवान |
| 69. प्रहलाद पासवान | 70. उमाशंकर यादव |
| 71. बिशुनदेव चौधरी | 72. सुबास बाउरी |
| 73. मनोज कु. वाउरी | 74. राजेश कु. वाउरी |
| 75. गोविन्द चौहान | 76. पुतूल देवी |
| 77. सुन्दरवा बेलदारिन | 78. सुवेदार चौहान |
| 79. कांती देवी | 80. मालो देवी |
| 81. रामखेलावन महतो | 82. कारी देवी |
| 83. गीता देवी राम | 84. सुनैना बेलदारीन |

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| 85. शांती बेलदारीन | 86. प्रमीला देवी कोइरीन |
| 87. हुलसी देवी | 88. लक्ष्मी भुईनी |
| 89. बासो भुईनी | 90. भगीया देवी |
| 91. लिला निषाधिन | 92. सिकलवा देवी |
| 93. संजु देवी | 94. कलावती मल्लाहीन |
| 95. रेसमा बेलदारिन | 96. सोना देवी |
| 97. मीना देवी | 98. चिन्तवा भुईनी |
| 99. ब्रती पासीन | 100. श्यामवती बेलदारिन |
| 101. सुरेश बेलदार | 102. मानो देवी |
| 103. सोनिया देवी | 104. बैरागी बेलदार |
| 105. देवमतिया देवी | 106. गोपाल बाउरी |
| 107. दिलीप कुमार महतो | 108. महेश नोनियाँ |
| 109. फुलकेशरी देवी | 110. श्रवण चौहान |
| 111. दिलीप चौहान | 112. भगवती देवी |
| 113. मान्ती देवी | 114. पचिया देवी |
| 115. तारा देवी | 116. गीता देवी |
| 117. बिनोद पासवान | 118. सुरेस हाड़ी |
| 119. मुनीया देवी | |

2. The case of the workmen as per Written Statement filed on 07.07.2003 is that Jagdish Bhuia and other concerned workmen have been working as C.K. Section of Golukdih Colliery since 1991 continuously with unblemished record of service. The concerned workmen have been performing their job of Shale Picker, Coal Breaker, Wagon Levelling, Line Cleaning and other jobs since 1991 within the precinct and premises of the mines continuously. The concerned workmen have been performing permanent and perennial nature of job under the direct control and supervision of the management and the management also supplying all the implements for execution of jobs. The different collieries of the area have no railway siding such as Ghanoodih, Bera, Dobari, Bastacola GOCF etc and all the coal produced from the aforesaid collieries including Golukdih Colliery are being dispatched through railway siding which is situated at C.K. Section of Golukdih Colliery. The coal is extracted from the aforesaid collieries through solid blasting system and being transported to the C.K. Siding through dumper and the coals are unloaded thereto. It may not be out of place to mention that main function of the management is to raise coal from the collieries and to sell to the respective buyers and for the same the coal is dispatched through railway wagons. The management has already paid huge damages for not removing shale and other impurities from coal as the buyers are not ready to buy stones and other materials which are not coal. In view of the aforesaid fact the removal of shale and other impurities of coal is essentially required and that cannot be done through any machine and that can be done manually only. The concerned workmen have been rendering services and producing goods for the benefit of the management and they have rendered more than 240 days attendance in each year. In the coal industry the workmen are getting wages as per NCWA and the minimum category of a shale picker is Category-I. Though the management is public sector undertaking but unfortunately the management in spite of the aforesaid facts have been paying the concerned workmen wages below the rate of NCWA to deprive the concerned workmen and for that reason the management is disbursing their wages in the name of intermediary by posing them as alleged contractors. The disbursement of wages in the name of intermediary is nothing but a legal camouflage. The management have prepared and arranged all the paper arrangement to camouflage the real issue. To provide the concerned workmen of their legitimate wages and other facilities at par with permanent employees the management is not maintaining the statutory documents regarding the concerned workmen. The management always try to take advantage of their illegal act of non-maintaining statutory documents regarding the concerned workmen by submitting before the Tribunal that

the concerned workmen are not possessing appointment letter, Identity Card etc. As the management not paying the concerned workmen their legitimate wages and other facilities and not maintaining the statutory documents regarding their engagement for that reason the union raised the present case demanding regularization. The concerned workmen and the union on behalf of the concerned workmen have represented before the management several times for their regularization and at least for wages of Category-I as per NCWA but unfortunately the management did not take any cognizance of the same and in view of that after exhausting all avenues for amicable settlement the union raised industrial dispute demanding regularization of the concerned workmen but unfortunately the appropriate Government in utter violation of law laid down by the Hon'ble Supreme Court in catena of cases rejected the dispute by an order dated 30.10.2000. The union challenged the illegal action of the appropriate Government before the Hon'ble Jharkhand High Court which was registered as CWJC No. 2016/2001 and on the basis of direction of the Hon'ble High Court the Government referred the dispute for adjudication with following schedule:

“Whether the demand of Bihar Colliery Kamgar Union for regularization of Jagdish Bhuia and 119 others in Cat. I as per Annexure by the management of Bastacola Area of M/s. BCCL and for Cat. I wages as per NCWA is legal and justified? If yes, what relief the concerned workmen are entitled?”

The demand for regularization of Jagdish Bhuia and 119 others and payment of Cat. I wages with retrospective effect are legal and justified. The action of the management of not regularizing the concerned workmen and not paying Cat. I wages as per NCWA was illegal, arbitrary, unjustified, discriminatory and against the principles of natural justice besides the same against the law of the land enunciated by the Hon'ble Supreme Court in catena of cases. The action of the management is malafide and vindictive and smacks of anti-labour policy of the management and at last it was prayed to answer the reference in favour of the workmen by directing the management to regularize the concerned workmen and to pay them wages as Cat. I with retrospective effect with all arrear of wages and consequential benefits.

3. The case of the management as per the written statement cum rejoinder dated 10.02.2005 filed on behalf of the management is that the present reference is not maintainable either in law or in fact. No employer-employee relationship exists between the management and persons concerned. The sponsoring union raised the present industrial dispute and demanded regularization of Jagdish Bhuia and 119 others. The management have checked and verified the statutory records, such as Form 'B' Register, I.D. Card Register, Service Excerpt, Attendance Register, Payment Sheet etc. where none of the names of Jagdish Bhuia and others was found mentioned. It is relevant to mention here that any person employed by the management is given appointment letter, his name is registered in Form 'B' Register, Service Record, I.D. Card Register and mechanized Pay Roll of the Company. The said statutory documents are signed by the dealing officer of the company under the seal of the company. During the conciliation proceedings the sponsoring union failed to produce any document to show that these concerned persons ever worked in the colliery. The concerned persons are not workmen within the meaning of Sec. 2(s) of the I.D. Act. The concerned persons namely Jagdish Bhuia and others are strangers and job seekers who are making attempt to enter into employment through back-door and illegal means. The sponsoring union made a statement that they have been working under a contractor. It is relevant to mention that the sponsoring union has not given the name of contractor under whom they were working. M/s. BCCL is a Government Company and is a sick company. It is stated that the Board of Director of M/s. BCCL have resolved to refer the matter to the Board of Industrial and Financial reconstruction. It is stated that the BIFR has registered the company and enquiry in term with Sec. 16(1) of Sick Industrial Companies (Special Provision) Act is pending. The company is already having surplus labour and various modes including VRS Scheme has been introduced for reducing manpower. The workmen concerned never worked in Golukdih Colliery either directly or through contractor. The concerned persons are not entitled for any relief. By way of rejoinder it has been stated that the statement made in Para-1 of the W/S of the workmen is not correct. It is relevant to mention that Jagdish Bhuia and other persons never worked at Golukdih Colliery either directly or through contractor. The statement made in Para-2, 3, 4, 5, 6 and 9 of the W/S are not correct. The sponsoring union made false and baseless claim. The statement made in Para-7 and 10 of the W/S are not relevant. It is relevant to mention here that the persons are job seeker and never worked in any capacity at Golukdih Colliery. The statement made in Para-11, 12, 13 and 14 of the W/S of the workmen are not correct. The sponsoring union has not given the name of contractor who is paying wages to them and M/s. BCCL is a Government Company and registered under the Company's Act. The statements made in Para-15, 16, 18 to 20 of the W/S of the workmen are not correct. The management is maintaining all statutory records in respect of their workmen and sponsoring union has raised the present industrial dispute to oblige the job seekers which is false and fabricated industrial dispute. The statement made in Para-17 of the W/S of the workmen is matter of record and at last it was prayed to hold that the demand of the union for regularization of Jagdish Bhuia and 119 others is neither legal nor justified and they are not entitled to any relief.

4. Rejoinder has also been filed on behalf of the workmen in reply to the W/S of the management in which it has been stated that the statement of management in Para-2 of the W/S is false and motivated hence denied. The present reference is legally maintainable. The statement of the management in Para-3 and 4 are false, illegal hence denied. The employer-employee relationship exists between the concerned workmen and the management and the management is not recording the name of the concerned workmen in statutory documents/register with malafide and

ulterior motive to camouflage the real issue. The management has prepared perfect paper arrangement to conceal the real issue whereas the management maintained all statutory documents regarding the concerned workmen and had the management been paying the concerned workmen as per law then there would not have arisen any occasion to raise the present dispute. The Statement of management in Para-5 and 6 are false hence denied. The management is not maintaining the statutory documents to deprive the concerned workmen of their demands. It is false to allege that the union failed to produce any document to show the engagement of the concerned workmen. The statement of the management in Para-7, 8 and 9 are false illegal hence denied. It is repeated that the concerned workmen are workmen within the meaning of Sec. 2(s) of the I.D. Act. it is false and unfortunate to submit that the concerned workmen are stranger and job seekers and are making attempt to enter into employment through back door. They are initially engaged by the alleged contractor whose names only appearing in the paper prepared by the management, actually the concerned workmen are employees of the management. The statement of the management in Para-10, 11 and 12 are false hence denied. It is submitted that no claim for regularization can be denied on the ground of sick industry. The company has huge potential to earn huge profit. It is false to allege that the concerned workmen never worked in Golukdih Colliery either directly or through alleged contractor. Whereas they are entitled for the relief claimed in the written statement.

5. In support of their case the workmen have examined WW-1, Ashok Ram.

6. By way of documentary evidence the workmen have adduced the following documents:-

Exhibit W-1 series – Photo copies of Certificates of participation of the workmen in Regional Training Centre, Bastacola Area-IX on different dates.

Exhibit W-2 series – Photo copies of Pay sheets/Pay slips of the workers issued from the contractors Maa Lilori Transport Pvt. Ltd, Ckw Siding, Kujama and Ambey Mining Pvt. Ltd.

7. On the other hand the management has examined MW-1, Prakash Kumar Mishra in support of its case.

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

9. The Ld. Counsel for the union/workmen has submitted that all the concerned workmen of this reference case have been working at C.K. Section of Golukdih Colliery since 1991 continuously under the direct control and supervision of the management and they have been performing the job of Shale Picking, Coal Breaking, Wagon Levelling, Line Cleaning etc. which are works of perennial and permanent nature and as per the Wage Board recommendation and NCWA, the job of shale pickers are of permanent nature and of Category-I. They have also undergone workers training which has also been admitted by the witness of the management in his cross-examination. They have also been issued pay slips and they are actual employees of the management but the management had been paying them below the rate of NCWA in the name of different intermediaries and this is why the workers have demanded their regularization as Category-I Mazdoor with retrospective effect with all the arrears of the wages and consequential benefits and prayed to answer the reference in favour of the workmen. In support of his case the Ld. Counsel

has relied on and cited the authorities reported in 2011 LLR 1079 and 2008 AIR SCW 3996 (SCC).

10. On the other hand the Ld. Counsel on behalf of the management has submitted that the concerned workmen have never worked under the direct control and supervision of the management and they are the contractors employees so there is no relationship of employer and employee between the concerned workmen and the management. The training certificates are not the certificate of being employees. They have no appointment letters, no identity cards etc. issued by the management and therefore, they are not the employees of the management rather they are the contractor's employees and so they are not entitled for the relief of regularization and prayed to answer the reference accordingly.

11. Issue

“Whether the demand of Bihar Colliery Kamgar Union from the management of Bastacola Area of M/s. BCCL for regularization at least in Category-I of Sri Jagdish Bhuia and 119 other workmen as per list and payment of wages accordingly, is legal and justified? If so, to what relief the workmen concerned are entitled and from which date?”

12. As regards the oral evidence, WW-1 Ashok Ram is one of the workmen and he has deposed that they have been working regularly and continuously as Shale Picker at C.K. Section of Golukdih Colliery since 1991-1992 under the direct control and supervision of the management. The different collieries of the areas have no railway siding such as Ghanoodih, Bera, Dobari, Bastacola, GOCP etc. and all coal produced for from the aforesaid collieries including Golukdih Colliery are being dispatched through C.K. Railway Siding. The coal is extracted through solid blasting system and so the stone and other impurities remain mixed with the produced coal. The coal so produced transported through dumpers and unloaded at C.K. Railway Siding. They have been performing the jobs of picking Shale from coal, picking and removing shale and other impurities from coal, wagon leveling, line cleaning, breaking coal into size and also removing shale from feeder breaker. The jobs that they have been performing are of permanent and

continuous in nature. All implements for performing the jobs are being supplied by the management and for all practical purposes they are the employees of the management but the management have been paying them below the rates of NCWA in the names of alleged intermediaries to camouflage the real issue and to exploit the poor workmen. The management has also given them vocational training and they have filed two items of documents namely Vocational Training Certificates marked as Exhibit W-1 series and Pay Slips marked as Exhibit W-2 series. As per NCWA they are entitled for category-I wages as well as regularization with retrospective effect and all arrears of wages with consequential benefits. In the cross-examination he has admitted that no interview was done in the colliery for appointment. No appointment letter was issued to any workmen. No order was issued by the management to work as Shale Picker. They were not working under any contractor. He has not gone to underground mines though he has seen the collieries where production was done. The management was sending them to go to the different collieries but no order was issued to them for the same. He has denied that he has never worked with the management and have fabricated the documents.

13. As regards the documentary evidence, Exhibit W-1 Series are the photo copies of Certificates in the name of all the concerned workmen issued on different dates in the year 2007 and it also transpires from the same that these concerned workmen have participated in the training program of safety of the contractor workers held at Regional Training Centre, Bastacola Area-IX under BCCL and it has been issued by the Regional Training Officer, Bastacola Area. Exhibit W-2 Series are the photo copies of pay sheets of the year 2002 that have been issued in the names of concerned workmen and it further transpires that these have been issued from the contractor Maa Lilori Transport Pvt. Ltd. Ckw Siding, Kujama and Ambey Mining Pvt. Ltd. CK Siding, Kujama, Bastacola-IX and all these pay sheets/slips are in the name of the workers with their designation as Shale Picker and account number, CMPF number as well as No. of days, Rate of wages, Basic pay, CMPF Amount, F.P Amount, SPL. Increment, H. Pay amount, Adv. amount, Total deduction and Net wages have also been mentioned.

14. On the other hand the management has examined Prakash Kumar Mishra as MW-1 who has deposed that he was working as Personnel Manager at Golukdih Colliery since last one year. There is C.K. Siding but he has further deposed that they never engaged Shale Picker in C.K. Section and he has denied that Jagdish Bhuia and 119 others were engaged as Shale Picker in C.K. Area. He deposed that no contract was given for Shale Picking though transportation contract is given there. The contractor engaged their workmen and has further deposed that the regularizations of the workmen are not justified. In the cross-examination he has stated that there is no railway siding in Dobari Colliery, Bastacola Colliery etc. All coal raised from the colliery are loaded in wagon in C.K. Siding but he does not know whether the coal is raised by solid blasting. They separate Shale Coal from C.K. Railway siding but they cannot file any document for doing the job of Shale picking through their own workmen. He has also admitted that in all mines vocational rules are applicable and there is one vocational training centre in Bastacola Colliery. All the management's employees were giving vocational training. He has denied that the workmen are working as Shale Picker since 1992 and their demand of regularization is justified.

15. On perusal of the oral testimony of WW1 as also the statement of claim of the workmen it is evident that they have orally claimed that they have been working under the direct control and supervision of the management as shale picker since 1991-92 but they have failed to produce any documentary evidence such as attendance records, pay slips, order showing direct instruction from the principal employer, appointment letter, ID Cards etc directly issued from the management or witness statement from supervisor and proof that contractor lacked valid license or did not comply with statutory obligations etc. At the same time on perusal of Ext.W2 Series which are the photo copies of pay sheets/pay slips of different months of the year 2010 and 2011 that have been issued in the names of concerned workmen, it is self evident from these documents that these have been issued by the contractor Maa Lilori Transport Pvt. Ltd. Ckw Siding, Kujama and Ambey Mining Pvt. Ltd. CK Siding, Kujama, Bastacola-IX and not by the management which proves that these concerned workmen are the contractor's workmen and supports the claim of the management that the concerned workmen are the contractor's employees and they are not the employees of the management and also corroborates the oral testimony of MW1 that transportation contract is given there and the contractor engaged their workmen.

Now as regards Ext.W1 Series, these prove that the workmen have participated in training program for the contractors labourers under BCCL for the purpose of safety but giving safety training to the concerned workmen do not by itself prove that they are the employees of the management because safety training is a legal obligation and not an employment benefit as under the Contract Labour (Regulation and Abolition) Act 1970, the principal employer is responsible for ensuring the health and safety of all workers on their premises including contract labourers. Providing safety training and personal protective equipment is a statutory requirement to prevent accidents and exploitation and not a proof of employer-employee relationship. Not only this, the workmen have also failed to adduce any cogent evidence to prove their claim that the contractors have been interposed only to camouflage the real issue.

As regards the authority cited by the learned advocate of the workmen reported in 2011 LLR 1079, in this case the workmen were working under the order of the officers of the employer whereas in the instant case the workmen have failed to bring on record any such order or direction of the principal employer rather the copies of pay slips submitted by them clearly show the names of their contractors as Maa Lilori Transport Pvt. Ltd and Ambey

Mining Pvt. Ltd proving that they were working under them and thus the facts and circumstances of the instant case are different from the cited case and so can not be applied in the instant case and same is the situation with the other one.

Thus on the basis of the above appreciation of the facts, circumstances and evidence available on the case record this Tribunal comes to the conclusion that the concerned workmen have failed to prove their case that they are the employees of the management and not the contractor's employees and so they are not legally entitled to regularization in Category-1 and accordingly it is held that the demand of Bihar Colliery Kamgar Union from the management of Bastacola Area of M/s. BCCL for regularization at least in Category-I of Sri Jagdish Bhuia and 119 other workmen as per list and payment of wages accordingly, is neither reasonable nor justified and so they are not entitled to get any relief as claimed. The Reference is answered accordingly.

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, 27 नवम्बर, 2025

का.आ. 2095.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **69/2005**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/47/2005-आई आर (सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2095.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 69/2005**) 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 **26/11/2025**.

[No. L-20012/47/2005 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 69/2005

Parties:

Employers in relation to the management of Kustore Area

Of M/s. BCCL, Kustore, Dhanbad

AND

Their Workmen

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workmen :- Sri Sadhan Banerjee, Representative

State : Jharkhand.

Industry:-Coal

Dated 04/11/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No.L-20012/47/2005- IR(C-I) dated 26/07/2005 has been pleased to refer the following dispute between the employer i.e. management of Kustore Area of M/s. BCCL, Kustore, Dhanbad and their workman through Vice President, Bihar Colliery Kamgar Union, Amlabad Colliery, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Burragarh Colliery of M/s BCCL in dismissing Sri Gurupado Bauri, M/Loader from the services w.e.f. 30.4.2003 is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the workman as per written statement filed on 22.11.2019 is that the concerned workman had been working as a permanent M/L at Burragarh Colliery since long with unblemished record of service but he could not attend his duty due to serious illness and though the management was aware about the illness of the worker but even then the anti-labour management issued a false and frivolous charge sheet for his unauthorized absence from duty and thereafter invalid and irregular domestic enquiry through a biased & prejudiced Enquiry Officer was conducted. The Enquiry Officer acted as an agent of the management and did not give proper opportunity to the workman to defend himself. The charges against the concerned workman was not established but in spite of that the management dismissed the concerned workman from service w.e.f. 30.04.2003 and the concerned workman and the union on behalf of the concerned workman represented before the management several times against the illegal & arbitrary order of dismissal but to no avail. Seeing no alternative the union raised an Industrial Dispute before the A.L.C.(C), Dhanbad but the same ended in failure and the case was referred before this Tribunal for adjudication. The action of the management in dismissing the concerned workman from service w.e.f. 30.04.2003 is unjustified, illegal, arbitrary and against the principle of natural justice as well as against the settled law and Certified Standing Order of the Company. The dismissal order is harsh and disproportionate to the alleged offence and therefore it was prayed to pass an award in favour of the workman by directing the management to reinstate him with full back wages and other consequential benefits by setting aside the dismissal order dated 30.04.2003.

3. On the other hand the case of the management as per the written statement cum rejoinder filed on 21.10.2021 is that the present reference is not maintainable either in law or in facts. The aforesaid reference was made by the Ministry vide notification dated 26.07.2005 and issued specific direction to file claim under Rule 10B of the Industrial Dispute (Central) Rules within 15 days from the date of notification but the sponsoring union did not file the statement of claim till 22.11.2019. The sponsoring union has not made any explanation for the delay in filing the claim, therefore the statement of claim filed by the union belatedly is not acceptable. The workman concerned was absenting from his duty w.e.f. 01.11.2002 without information and permission of the management, hence he has committed misconduct under clause 26.1.1 of the Certified Standing Order and therefore the management issued him charge sheet vide charge sheet dated 18/19.11.2002. Although the charge sheet was served to the workman concerned but he has not submitted any explanation to the aforesaid charge sheet, therefore the Disciplinary Authority appointed Enquiry Officer to conduct domestic enquiry in accordance with principle of natural justice. The Enquiry Officer fixed the date of enquiry on 17.02.2003 and issued notice but he did not turn up before the Enquiry Officer to participate in the enquiry. The Enquiry Officer fixed another date of enquiry on 14.03.2003 and issued notice to the workman but again he did not turn up to attend the enquiry as such finding no alternative the enquiry officer conducted ex-parte enquiry and submitted his report holding therein that the charges levelled against him were duly proved during the enquiry. Thereafter the disciplinary authority supplied the copy of proceeding of the enquiry, enquiry report and second show cause notice to the workman concerned and asked to submit explanation as to why appropriate disciplinary action should not be taken against him, but he has not submitted any explanation. The workman concerned was habitual absentee. His attendance in preceding last three years was very poor which is as follows:-

2000	-	80 days
2001	-	17 days
2002	-	47 days

It was further submitted that the workman concerned was habitual absentee and on several occasion he was found guilty of unauthorized absence, however the management has taken lenient view and passed minor punishment with the view that he will improve himself but in spite of that he had not improved himself and committed same misconduct. Ultimately considering his past record and enquiry report submitted by the Enquiry Officer, the Disciplinary Authority dismissed the workman concerned on 30.04.2003. The dismissal of the workman concerned is legal and justified and the enquiry conducted by the Enquiry Officer is fair, proper and in accordance with principles of natural justice and it was submitted to decide the fairness of domestic enquiry in preliminary hearing and if the enquiry is held not fair and proper it was prayed to allow the management to adduce evidence afresh. By way of

rejoinder it has been stated that the statement made in Para-1 and 2 of the written statement of workman are matter of record. The statement made in Para-3 of the W/S is not correct. The workman has not reported sick to the medical officer of the company. The statements made in Para-4 to 7 of the W/S are not correct. It is relevant to mention that the charge sheet and notice of the enquiry was sent to the workman through registered post but he has neither submitted explanation to the charge sheet nor appeared before the enquiry officer to defend himself. The management supplied him copy of enquiry proceeding, enquiry report and second show cause notice but he has not submitted any reply to the same. The statements made in Para- 8 to 9 of the W/S are not relevant, whereas the statements made in Para-10 to 14 of the W/S are not correct and at last it was prayed to hold that the action of the management of Burragarh Colliery M/s. BCCL in dismissing Sri Gurupado Bouri is fair and justified and the workman is not entitled to get any relief.

4. As the enquiry report was accepted as fair and proper by the union/workman by filing petition dated 12.02.2020 and the same was accepted by the Court vide order dated 19.04.2022, no evidence was adduced from the side of the workman in support of his claim.

5. On the other hand the management has adduced the following documentary evidence in support of his case:-

Exhibit M-1 – Photo copy of Charge sheet

Exhibit M-2 – Photo copy of Letter for appointment of Enquiry Officer

Exhibit M-3 – Photo copy of notice of enquiry

Exhibit M-4 – Photo copy of enquiry proceeding

Exhibit M-5 – Photo copy of enquiry report

Exhibit M-6 – Photo copy of Second Show Cause Notice

Exhibit M-7 – Photo copy of note sheet

Exhibit M-8 – Photo copy of order of dismissal dated 30.04.2003

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

7. The Ld. Representative of the workman has submitted that the workman Gurupado Bauri was employee of Burragarh Colliery working as Miner Loader but he was issued charge sheet on allegation of his being absent from duty without leave w.e.f. 01.11.2002 and domestic enquiry was held against him and ultimately he was dismissed from service w.e.f. 30.04.2003. He has further submitted that he has already admitted the domestic enquiry as fair and proper and so he has nothing to say on the fairness of enquiry report but the only point that must be considered is that Gurupado Bauri was issued charge sheet under clause 26.1.1 of CSO for minor penalty and was given 48 hours time to show cause whereas he was imposed major penalty of dismissal from service which is arbitrary and serious violation of Certified Standing Order. It is also too harsh and disproportionate to the alleged misconduct of absence from duty and so prayed to set aside the dismissal order and direct the management for the reinstatement of the concerned workman in service with full back wages and other consequential benefits.

8. On the other hand the Ld. Counsel on behalf of the management has submitted that Gurupado Bauri was working as Minor/Loader in Burragarh Colliery and absented himself from duty without any prior permission and leave of the management since 01.11.2002 and in the meantime he was issued charge sheet on 18/19.11.2002 under clause 26.1.1 of Certified Standing Order for committing misconduct due to willful habitual absence from duty. But he did not file any explanation. Thereafter enquiry officer was appointed by the disciplinary authority for enquiry of the charge sheet and Enquiry Officer fixed the date of enquiry on 17.02.2003 but the workman did not turn up before the enquiry officer to participate in the enquiry, the enquiry officer fixed another date of enquiry on 14.03.2003 and issued notice to the workman but again he did not turn up to attend the enquiry as such finding no alternative the Enquiry Officer conducted ex-parte enquiry and submitted his report holding therein that the charges levelled against him were duly proved during the enquiry. He has further submitted that second show cause notice was issued to the workman and asked to submit explanation as to why appropriate disciplinary action should not be taken against him, but he has not submitted any explanation to the same. The workman has been habitual absentee on several occasion and he was found guilty of unauthorized absence, however the management has taken lenient view and passed minor punishment with a view that he will improve himself but in spite of that he had not improved himself and committed same misconduct and ultimately he was dismissed from his service vide order dated 30.04.2003. The dismissal of the workman is legal and justified. The enquiry conducted by the Enquiry Officer is fair, proper and in accordance with principle of natural justice and so it was prayed to hold that the action of the management of Burragarh Colliery M/s BCCL in dismissing Sri Gurupado Bouri, is fair and justified and the workman is not entitled to get any relief.

9. **ISSUE**

(i) Whether the domestic enquiry was held fairly and properly?

(ii) Whether the action of the management of Burragarh Colliery of M/s. BCCL in dismissing

Sri Gurupado Bauri, M/Loader from the services w.e.f. 30.04.2003 is justified? If not, to what relief is the concerned workman entitled?

10. Now as regards the first issue, the representative of the workman has already admitted the domestic enquiry as fair and proper by filing written application dated 12.02.2020 and accordingly the same was allowed by this Tribunal vide order dated 19.04.2022 and it was held that the domestic enquiry was fair and proper and therefore, this issue is decided accordingly.

11. Now as regards the 2nd issue, the management has adduced as many as 8 documentary evidences to prove his case. Out of these documentary evidence **Ext. M-1** is the copy of charge sheet dated 18/19.11.2002 and on its perusal it transpires that it has been issued by Manager, Burragarh Colliery to the workman Gurupado Bouri stating therein that he was absent from his duty w.e.f. 01.11.2002 till that day and he has not taken any leave permission from the competent authority which is gross negligence in his duty and therefore he instructed to show cause in writing to the under signed within 48 hrs. of the receipt of this letter charge sheet as to why necessary disciplinary action should not be taken against him for his unauthorized absence as per clause 26.1.1 of Certified Standing Order of the Coal Mining Industry. On perusal of **Exhibit M-2** it transpires that this is letter dated 21.01.03 by which Sri B.R. Shukla, Senior Personnel Officer, Burragarh Colliery has been appointed as Enquiry Officer by Manager, Burragarh Colliery to enquire into the charges mentioned in the charge sheet issued against Gurupado Bouri on 18/19.11.02 and Sri B R Singh, Sr. Clerk was appointed as management representative for this case. On perusal of **Exhibit M-3** it transpires that this is enquiry notice dated 21.01.2003 by which Sri B.R. Shukla, Senior Personnel Officer, Burragarh Colliery, appointed as Enquiry Officer directed Gurupado Bauri to appear on 17.02.2003 at 10 AM in the office of manager Burragarh colliery and he was also informed that he will be given full opportunity to defend himself in course of enquiry and if he wishes to appear with a co-worker, he will be allowed for the same also and if he failed to appear, the enquiry will be done Ex-parte. On perusal of **Exhibit M-4** it transpires that this is copy of enquiry proceeding held against the workman Gurupado Bauri from 17.02.03 to 14.03.03 in pursuance of the charge sheet dated 18/19.11.2002. On its careful perusal it transpires that during course of proceeding on 17.02.03, 01.03.03 and 14.03.03 the charge sheeted workman remained absent even after due notice/information and so the enquiry commenced ex parte. Thereafter the statement of management representative Sri B.R. Singh was recorded in which he has elaborately stated regarding the misconduct of the workman for his unauthorized absence from duty since 01.11.02 and after charge sheet he neither submitted any show cause nor appeared during enquiry proceeding. He also described his past misconduct record of unauthorized absence from duty since 9.04.2001 for which he was punished after charge sheet and enquiry with stoppage of 2 SPRA. **Exhibit M-5** is the enquiry report signed by Sr. EO/Sr. P.O, Burragarh Colliery and on its perusal it transpires that during enquiry the charge of unauthorized absence of Gurupado Bouri from duty since 01.11.2002 was found proved. **Exhibit M-6** is the second show cause notice dated 20/24.03.03 issued to the workman Sri Gurupado Bouri by which he was informed that he was found guilty during enquiry against him and so he was being given another opportunity to submit his comment in his defence within 7 days of the receipt of this notice failing which management will take appropriate action in this matter. **Exhibit M-7** is the Note sheet dated 02.04.2003 and on its perusal it is evident that full details of Gurupado Bouri, Miner Loader of Burragarh Colliery such as the name, designation, personnel no., date of appointment, date of birth, date and period of unauthorized absence, date of charge sheet, finding on charge, last three years attendance, recommendation of the manager, past punishment by stoppage of 2 SPRA etc have been fully mentioned. **Exhibit M-8** is the Dismissal Order dated 30.04.2003 and on its perusal it is evident that it has been issued to Sri Gurupado Bouri informing that in view of the enquiry report of the enquiry conducted on the charge of his unauthorized absence from duty since 01.11.2002 as well as considering his past record which were aggravating, Burragarh Colliery came to the conclusion to dismiss him from the services of the management with immediate effect.

12. Thus, on the basis of above discussions of the documentary evidences adduced from the side of the management it is established that the workman Gurupado Bouri who was working as Miner Loader in Burragarh Colliery, absented himself from his duty since 01.11.2002 without any information or leave from the competent authority and thereafter he was issued charge sheet on 18/19.11.2002 under clause 26.1.1 of the certified standing order of the coal mining industry for willful and habitual absence from duty and was directed to show cause within 48 hours of the receipt of charge sheet but he did not submit his show cause, so domestic enquiry proceeding was started against him in which also he did not appear even after due notice on 3 dates so the enquiry was conducted ex parte and ultimately he was found guilty of absenting himself from his duty since 01.11.2002 without prior permission and leave of the competent authority that the union also admitted by filing a petition dated 12.02.2020. Not only this, the materials on record further reveal that the attendance of the workman in the past three years from 2000 to 2002 is not satisfactory and previously also he remained absent from his duty without giving any information to the competent authority since 09.04.2001 for which he was punished by stoppage of two SPRA because of being absent unauthorisedly from duty since 09.04.2001.

13. Thus the above materials establish that the workman is a habitual absentee and for habitual absentee, the penalty of dismissal is quite justified because a prior penalty like stoppage of 2 SPRA indicates that the employee was already warned about the seriousness of the unauthorized absence from duty. Therefore, a repeated misconduct demonstrates lack of improvement and a disregard for workplace rules and proceedings which can be seen as an

aggravating factor in a domestic proceeding making dismissal a more plausible outcome. Complete absence from enquiry proceeding as well as not submitting any show cause/reply goes to prove the workman's disrespect towards the established system as well as procedure of the institution where he was working so no mitigating circumstance any more is visible in this case.

In case of **Om Prakash Vs State of Punjab & Ors reported in (2011) 14 SCC 682**, the Hon'ble Supreme Court has been pleased to hold that habitual absentee without leave does not deserve any sympathy from the court.

14. Now as regards the contention of the learned representative of the workman that the dismissal of the workman Gurupado Bouri from the services of the company is harsh and disproportionate in view of his misconduct, is not tenable in the eye of law because the Hon'ble Apex Court in case of **Maan Singh vs Union of India, reported in AIR 2003 supreme court 1800**, has been pleased to hold that habitual absenteeism without leave is sufficient to provide major punishment of dismissal.

15. Now as regards the contention of the Ld. Representative of the workman that the workman can not be imposed major penalty if charge sheet has been issued under clause 26.1.1 of Certified Standing Order of coal mining industry and the workman has been allowed only 48 hours to show cause which indicates minor penalty, though this is settled principle of law that a workman can not be punished for a charge not included in the charge sheet but if the past misconduct of the workman has been brought on record in the enquiry report, major punishment can be imposed in view of past and present repeated misconduct. In this regard, the Hon'ble Apex Court has been pleased to hold in case of **state of Punjab & Ors. Vs. Ex. C. Satpal Singh, Civil Appeal No. 312/2012 reported in INSC 1056** and delivered on 29.08.2025, that the "past misconduct cannot be the basis for punishment unless it is cited in the show-cause notice or inquiry report.

Here in the instant case on perusal of the case record it transpires that though the past misconduct of the unauthorized absence of the workman Gurupado Bouri has not been mentioned in the show cause notice but on perusal of the enquiry proceeding Exhibit (M-4) it is crystal clear that the past misconduct of Gurupado Bouri has been very clearly mentioned therein and therefore, the contention of the Ld. Representative of the workman that the charge sheet was issued for minor punishment and therefore, the major punishment cannot be imposed is not legally tenable in the eye of law and considering the past misconduct as well as the present misconduct it is crystal clear that the workman is a habitual absentee for which action of the management of Burragarh Colliery of M/s. BCCL in dismissing the workman Sri Gurupado Bouri from the services of the company w.e.f. 30.04.2003 is held justified and accordingly the workman is not entitled to any relief. So this issue is decided against the workman and the reference is answered accordingly.

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, 27 नवम्बर, 2025

का.आ. 2096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **31/2011**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/99/2010-आई आर .(सी.एस-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2096.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 31/2011**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL. and their workmen** received by the Central Government on **26/11/2025**.

[No. L-20012/99/2010 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD**

In the matter of reference U/S 10 (1) (d)& (2A) of I.D.Act. 1947.

Reference Case No. 31/2011**Parties:**

Employers in relation to the management of P.B. Area

Of M/s. BCCL, Kusunda, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- Sri Ranjit Kumar Jha, Legal Inspector

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 04/11/2025

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-20012/99/2010(IR(CM-I)) dated 16/05/2011 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL, Kusunda, Dhanbad and their workman through Branch Secretary, Janta Mazdoor Sangh, Jharia, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of South Balihari Colliery under P.B. Area of BCCL in not regularizing Sri Sukhdeo Saw to the post of On Setter is fair and justified? To what relief the concerned workman is entitled to?”

2. On receiving order no. L-20012/99/2010 (IR(CM-I)) dated 16/05/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 31 of 2011 was registered on 06.06.2011 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 19.01.2022, registered notices were sent to both the parties and thereafter no step was taken from both sides. Though on 08.08.2025, Sri Ranjit Kumar Jha, Legal Inspector for the management appeared and filed a notice of retirement of concerned workman stating that concerned workman was superannuated/retired on 30.06.2011, so the case may be closed.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 14 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2097.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-1** के पंचाट (संदर्भ संख्या **49/2003**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **26/11/2025** को प्राप्त हुआ था।

[सं. एल-20012/295/2002-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2097.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 49/2003**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **26/11/2025**

[No. L-20012/295/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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. 49/2003

Parties:

Employers in relation to the management of Sijua Area

Of M/s. BCCL, Sijua, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 12/11/2025

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-20012/295/2002-IR (C-I) dated 23/06/2003 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Dhanbad and their workman through Secretary, Bihar Janta Khan Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the union claiming the date of birth of Sri Sita Ram Paswan, Ex-Security Guard as 1.1.1944 is proper and justified? If so, to what relief is the concerned workman entitled?”

2. On receiving order no. L-20012/295/2002-IR(C-I) dated 23/06/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 49 of 2003 was registered on 22.07.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 17.09.2021, registered notices were sent to both the parties but thereafter no step was taken from workman side and the notice of the workman/union returned with endorsement "Not Found". However Sri D.K. Verma, Advocate for the management appeared and filed his letter of authority and thereafter he remained present before this Tribunal but the union/workman did not appear before this Tribunal since the year 2003.

4. On perusal of the entire case record it transpires that the workman/union never appeared before this Tribunal for a period of 22 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-44/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/88/2016-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/44/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL and their workmen, received by the Central Government on **27/11/2025**.

[No. L-22012/88/2016 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/44/2017

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Sitaram Banjare,

S/o Ghurau Banjare,

Ex-Pump Khalasi, Balgi Project SECL,

R/o Qr. No DS 26 Balgi Colony PO Balgi,

Distt. Korba (CG),

Workman

Vs

The Sub Area Manager,

Surakachhar Colliery of SECL,

Korba Area, Distt. Korba,

Korba (Chhatisgarh)

Management

(JUDGMENT)**(Passed on this 22th day of September- 2025)**

As per letter dated 11/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification No. L-22012/88/2016 (IR(CM-II)) dt. 11/05/2017. The dispute under reference relates to:

“Whether the action on the part of the management of Sub Area Manager, Surakachhar Colliery of SECL, Korba Area, Distt. Korba (CG) and appeal rejected by the Management of SECL Headquarter, Bilaspur in not considering towards reinstatement of service with back wages in respect of Shri Sitaram Banjare, S/o Ghurau Banjare, Ex-Pump Khalasi w.e.f. 13/12/2005 is legal, appropriate and justified? If not, to what relief Shri Sitaram Banjare, the delinquent workman is entitled to?”

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

Case of the Workman, is mainly that when he was posted as Pump Khalasi, SECL Balgi Project, he was issued a charge sheet dated 15.11.2004, with an allegation of misconduct with regard to misbehavior with Officers and threatened them thus, committing misconduct under Clause 26.16, 26.18 & 26.22 and Certified Standing Orders.

It is further his case that the management failed to follow principles of natural justice during the course of inquiry, proceeded ex-parte against the workman and conducted inquiry without affording sufficient and proper opportunity to the workman, the enquiry officer wrongly concluded that the charges were proved and the punishment was also disproportionate to the charges proved.

The case of management is that, while the workman was working on 13.11.2004 as Pump Khalasi, Category-III, he assaulted Shri U.S. Goyal and P.L. Kewat who were Superintendent of Mines in Balgi Project. He was issued a charge-sheet containing charges of misconduct under Clause 26.16, 26.18 and 26.22 of the Certified Standing Orders on 15.11.2004. He submitted his reply on 27.11.2004. On finding the reply unsatisfactory, management decided to conduct regular departmental inquiry. The inquiry concluded in as many as 20 sittings in which the workman was given full opportunity to defend himself. The Disciplinary Authority issued show cause notice against him. Another show cause notice was issued by Appellate Authority at appeal stage asking the workman to show cause with respect to inquiry and punishment. The workman did submit his reply and thereafter punishment order was passed and confirmed, the management has also pleaded that the charges were rightly held proved and punishment is also not disproportionate to the charges proved.

Following preliminary issue was framed on the basis of pleadings.

Whether the departmental enquiry conducted against the workman is just, proper and legal?

This issue was decided after evidence vide order dated 03.10.2024, the departmental enquiry was held not vitiated in law. This order is part of this Judgment.

Following Additional Issues were framed, thereafter:-

- 1. Whether finding of the enquiry officer that the charges are proved can be held perverse?***
- 2. Whether the punishment awarded is disproportionate to the charges proved?***

Parties were given opportunity to lead evidence on additional issues, they proposed no evidence.

I have heard argument of Learned Counsel for the workman Mr. Arun Patel, and Learned Senior Counsel Mr. Anoop Nair, assisted by Learned Counsel Mr. Neeraj Kewat for Management. I have gone through the record as well.

Additional Issue No. 1-

The charges against the workman are mainly that on 30.11.2004 at about 01:00 pm, the workman came in the O/o MTK of 1 & 2 Mine and abused Shri U.S. Goyal, Superintendent of Mines saying that he did not award duty to the workman and also alleging that he accepted bribe. It is further alleged that the workman threatened Shri U.S. Goyal to kill him and assaulted him as well beat him by Chappal, thus, committing misconduct under Clause 26.16, 26.18 & 26.22 of the Certified Standing Orders.

Perusal of enquiry papers reveals that the workman has not denied his presence at the time, place and date of the incident. He has also stated before the enquiry officer that infact, he was forced to bribe Shri U.S. Goyal which he paid, Shri U.S. Goyal was demanding more money, for this he himself abused the workman and it was only on this provocation, the workman abused him. The workman denied the allegations that he assaulted Shri U.S. Goyal and also that he was drunk at that time. He also denied the words he is alleged to have used in abuse against Shri U.S. Goyal.

Management has examined witnesses on fact which have corroborated the charges. These witnesses have not deposed in their cross-examination that Shri U.S. Goyal also abused the workman. The case that the workman misbehaved or abused Shri U.S. Goyal on provocation by him is to be proved by the workman himself, except his statement before the enquiry officer, there is no evidence in form of any eye witness to the incident to support his case. On the contrary, the victim and the eye witness examined have corroborated the case of management.

Scope of disciplinary proceedings and scope of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different. Ref. T.N.C.S. Corpn. Ltd. vs. K. Meerabai, (2006) 2 SCC 255

*Standard of proof in a departmental enquiry which is quasicriminal/quasi-judicial in nature: Disciplinary proceedings, however, being quasi-criminal in nature, **there should be some evidence to prove the charge(emphasis supplied).** Although the charges in a departmental proceedings are not required to be proved like a criminal trial i.e. beyond all reasonable doubts, we cannot lose sight of the fact that the enquiry officer performs a quasi judicial function, who upon analyzing the documents must arrive at a conclusion that there had been a preponderance of probability to prove the charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact. He cannot refuse to consider the relevant facts. He cannot shift the burden of proof. He cannot reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. Ref: (i) *Nirmala J. Jhala Vs. State of Gujarat & Another*, AIR 2013 SC 1513 (paras 10, 11, 12 & 13). (ii) *M.V. Bijlani Vs. Union of India*, (2006) 5 SCC 88 (Para 25)*

In the cases of (i) NOIDA Entrepreneurs Association Vs NOIDA & others, AIR 2007 SC 1161 (i4i) State Bank of India Vs. R.B. Sharma, (2004) 7 SCC 27 (iii) Kendriya Vidyalaya Sangathan Vs. T. Srinivas, (2004) 7 SCC 442 (iv) Depot Manager, APSRTC Vs. Mohd. Yousuf Miya, (1997) 2 SCC 699 (v) Captain M. Paul Anthony Vs. Bharat Gold Mines Limited (1999) 3 SCC 679 and (vi) State of Rajasthan Vs. B.K. Meena, (1996) 6 SCC 417 (vi) Pratap Singh Vs. State of Punjab, AIR 1964 SC 72 (vii) Jang Bahadur Singh Vs. Baij Nath, AIR 1969 SC 30, it has been laid down by the Hon'ble Supreme Court that "the purpose of departmental enquiry and of prosecution are two different and distinct aspects. Departmental Enquiry is to maintain discipline in the service and efficiency of public service. Crime is an act of commission in violation of law or of omission of public duty. The enquiry in a departmental proceeding relates to the conduct or breach of duty by the delinquent officer to punish him for his misconduct defined under the relevant statutory rules or law. It is the settled legal position that the strict standard of proof or applicability of the Evidence Act stands excluded in a departmental proceeding. Criminal Proceedings and the departmental proceeding under enquiry can go on simultaneously."

In the case of T.N.C.S. Corporation Ltd. Vs. K. Meerabai, (2006) 2 SCC 255, it has been held by the Hon'ble Supreme Court that the scopes of the disciplinary proceedings and of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different.

In the cases of Mohd. Saleem Siddiqui Vs. State of UP & others, (2011) 2 UPLBEC 1575 (Allahabad High Court) and Ajeet Kumar Naag Vs. General Manager Indian Oil Corporation Ltd. Haldia, JT 2005 (8) SC 425, the distinction between departmental enquiry and criminal proceedings has been drawn as under: "The two proceedings i.e. criminal and departmental are entirely different. They operate in different fields and have different objectives. The object of criminal proceedings is to inflict appropriate punishment on offender and the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance service rules the rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of accused beyond reasonable doubts, he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of preponderance of probability. Procedure with respect to standard of proof in criminal case and departmental enquiry are different. In the case of departmental enquiry the technical rules of evidence have no application and the doctrine of "proof beyond doubt" has also no application in the departmental enquiry. Criminal prosecution is launched for an offence for violation of a duty the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service. There would be no bar to proceed simultaneously with departmental enquiry and trial of criminal case. "

Now testing the aforesaid evidence on the parameters led down above, the finding of enquiry officer that the charges are proved cannot be held to be perverse.

Additional Issue No. 1 is answered accordingly.

Additional Issue No. 2.

The charges proved the workman has misbehaved and physically assaulted as well abused on his senior officer is lack of discipline. Learned Counsel for management has relied on judgment of Hon'ble Supreme Court in the case, *Civil Appeal No. 1508 of 2003, Mahindra and Mahindra v/s NB Narwade*, 2005 (3) SCC 134. In this case,

it has been held that in case of acts subversive of discipline, and use of abusive language to senior officer, punishment of dismissal may be awarded.

Learned Counsel for workman has attempted to distinguish the judgment with an argument that in the referred judgment, the workman had several acts of same misconduct behind him committed by him, which is not in the case in hand, case thus was the first misconduct proved against the workman. Management has referred to another judgment of Hon'ble Supreme Court in the case, **Civil Appeal No. 881 of 2006, L. K. Verma v/s H.M.T. Ltd. & Anr. 2006 (2) SCC 269**, in which verbal abuse is held to be sufficient for punishment of dismissal, case of *Mahindra and Mahindra (supra)* has also been referred to in this judgment. It has been observed in this case that verbal abuse has been held to be sufficient for inflicting the punishment of dismissal, Hon'ble Supreme Court also observed that the workman in the referred case had admitted that he verbally abused his senior but his conduct never showed that he had any remorse.

Learned Counsel for workman has submitted that the punishment is disproportionate to the charges because otherwise, the service record of the workman has been spotless, the disciplinary authority and appellate authority did not consider this fact. He has referred to the judgment of **Hon'ble Supreme Court reported in AIR (1964) 364**, in which, it has been held that only suspension will not amount to proof. This judgment has been followed by **Hon'ble High Court of M.P. in the case reported in 2003 (1) MPLJ 487**.

Learned Counsel has further referred to another judgment of **Hon'ble Supreme Court in the case of Union of India v/s J. Ahmad, AIR (1979) SC 1022**, which defines misconduct and lays down that innocent mistakes do not constitute misconduct. Learned counsel has referred to another judgment of **The Hon'ble Supreme Court in the case of Inspector Premchand v/s Government of NCT Delhi (2007) 4 SCC 566**, in which the same law has been approved.

The settled proposition of law is that the punishment can be interfered by this Tribunal only when it is so disproportionate to the charge that it shocks the conscience of this Tribunal. Following judgments are being referred to in this respect.

Hon'ble Apex Court in **B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749** while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

"The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mold the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof."

In **DG, RPF vs. Sai Babu (2003) 4 SCC 331**, Hon'ble Apex Court has observed that:

"6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department/establishment which the delinquent person concerned works."

In **United Commercial Bank vs. P.C. Kakkar (2003) 4 SCC 364** Hon'ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

11. *The common thread running through in all these decisions is that the court should not interfere with the administrators' decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.*

12. *To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof."*

In **Union of India vs. S.S. Ahluwalia (2007) 7 SCC 257** Hon'ble Supreme Court reiterated the legal position as follows:

"8. The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved."

In *State of Meghalaya v. Mecken Singh N. Marak* (2008) 7 SCC 580 Hon'ble Supreme Court stated that:

"The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review."

Hon'ble Apex Court in *Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad* (2010) 2 SCC (L&S) 101 has observed that

"The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts."

This extract is taken from *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya*, (2011) 4 SCC 584 : (2011) 1 SCC (L&S) 721 : 2011 SCC OnLine SC 416 at page 587

7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide *B.C. Chaturvedi v. Union of India* [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , *Union of India v. G. Ganayutham* [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , *Bank of India v. Degala Suryanarayana* [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and *High Court of Judicature at Bombay v. Shashikant S. Patil* [(2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)

In *Air India Corporation Bombay vs. V.A. Ravellor* 1972 (25) FLR 319 (SC) it has been observed that:

"Once the employer has lost the confidence in the employee and the bona fide loss of confidence is affirmed, the order of punishment must be considered to be immune from challenge, for the reason that discharging the office of trust and confidence requires absolute integrity, and in a case of loss of confidence, reinstatement cannot be directed."

In *Knhaiyalal Agarwal and others vs. Factory Manager, Gwalior Sugar Co. Ltd.* AIR 2001 SC 3645 Hon'ble Apex Court laid down the test for loss of confidence to find out as to whether there was bona fide loss of confidence in the employee, observing that:

"Loss of confidence cannot be subjective, based upon the mind of the management. Objective facts which would lead to a definite inference of apprehension in the mind of the management, regarding trust worthiness or reliability of the employee, must be alleged and proved."

Abuse and physical assault by a subordinate against his superior becomes a more serious matter. It is not a quarrel between two equal persons who are equally placed, such type of misconduct if permitted, will be subversive to discipline, no establishment can run without discipline, which is the core of an establishment. In this circumstance, the action of management in awarding punishment of dismissal to the workman from service is held to be not so shockingly disproportionate to invite interference of this Tribunal.

Hence, holding the punishment not disproportionate to the charges proved.

Additional Issue No. 2 is answered accordingly.

On the basis of above discussion and findings, the reference deserves to be answered as follows:-

AWARD

Holding the action on the part of the management of Sub Area Manager, Surakachhar Colliery of SECL, Korba Area, Distt. Korba (CG) and appeal rejected by the Management of SECL Headquarter, Bilaspur in not considering towards reinstatement of service with back wages in respect of Shri Sitaram Banjare, w.e.f. 13/12/2005 legal, appropriate and justified, the workman is held entitled to no relief."

No order as to cost.

DATE:- 22/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2099.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर केपंचाट(एलसी/आर-08/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/93/2017-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2099.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/08/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL and their workmen, received by the Central Government on **27/11/2025**

[No. L-22012/93/2017 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/08/2018

Present: P.K.Srivastava

H.J.S.(Retd)

The General Manager,

Rashtriya Colliery Workers Federation,

H.P. Federation Office – Chirmiri

PO- Chirmiri, Distt. Korea (C.G.) - 497449

Workmen

Vs

The Sub Area Manager,

SECL, Kurasia Colliery Chirmiri Area

PO- Kurasia Colliery

Distt. Korea (C.G.)

Management

(JUDGMENT)

(Passed on this 24st day of September - 2025)

As per letter dated 05.02.2018 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/93/2017-(IR(CM-II))** dt. 05.02.2018. The dispute under reference relates to:

“Whether the Action on the part of the management of SECL, Kurasia Colliery of Chirmiri Area in causing wrongful superannuation in case of Shri Rafique Ahmed reckoning to be date of birth as 10.04.1958 instead of treating it to be 22-09-1955 as recorded in school leaving certificate is appropriate and justified? If not, what relief the already retired workman Shri Rafique Ahmed as espoused by the Secretary of Rashtriya Colliery Worker's Federation is entitled to?”

Case of the Workman is that, he was first appointed as a Category-I General Mazdoor in Kurasia Colliery under the Management on 11.01.1978. He produced his school leaving Certificate at the time of his joining in which his date of birth was mention as 10.04.1958. No Medical Examination was conducted by Management at the time of his first joining as required under Rule 29B of the Mines (Amendment) Rules, 1978. This Medical Examination was conducted on 22.09.1988 i.e. after 9 years of service in which his age was wrongly written as 33 years at the time of

Medical Examination without any basis. Management recorded his date of birth on the basis of the Medical Examination report wrongly showing his age 33 years on the date of Medical Examination i.e. 22.09.1988 and his date of birth as 22.09.1955 in Form B and other records. In 1988 Service Extract was issued to him in which is wrong date of birth 22.09.1955 was mentioned. He made a written endorsement on the extract of service record stating that this date of birth was wrongly recorded on the basis of Medical Examination. The correct date of birth is 10.04.1958 as recorded in his school leaving certificate filed by him. The Management did not corrected his date of birth and superannuated him on his wrong date of birth 22.09.1955 which is unjust, illegal and arbitrary on its part. Workman has prayed that, holding this action of Management superannuated him on the basis of his wrong date of birth i.e. 22.09.1955 as unjust, illegal and arbitrary, he be deemed to be in service till the date of his superannuation based on his date of birth i.e. 10.04.1958 and also be held entitled to all back wages and all consequential benefits pre and post retrial.

Case of Management is mainly that, his date of birth 22.09.1955 was recorded in his service records Form B, Service Register, CMPF, on his declaration made by him in this respect. The Workman himself had made this declaration and had signed it. The case of Workman was referred to the age determination committee which filed its finding after assessing his age as 33 years as on 22.09.1988. This decision was communicated to the Workman vide his age and date of birth determined by the **age determination committee**.

In evidence, the Workman filed his affidavit as his examination in chief but he never turned up for cross-examination. He also filed photocopy of school leaving certificate with Scholar Register, Identity Card, copy of Service Extract on which he had made endorsement with regard to his objection of his date of birth recorded by Management. But he never proved.

Management has filed affidavit of its witness as his cross-examination. He was not cross-examined by Workman side. Management has filed and proved Exhibit M-1 Copy Form PS-3, M-2 PS-4, M-3 which is a list of the Workman containing their dates of birth/age.

The Workman did not appear at the time of argument. Hence, arguments of Learned Counsel for Management Mr. Neeraj Kewat were heard. I have also perused record.

It is pertinent to mention here that, the Management was directed to file the report of Age Determination Committee. The Management did not file the said report, later filed an affidavit stating that this report of Age Determination Committee is not available with them. Even then, the initial burden to prove his claim is on the workman. His affidavit on which Management was not given any opportunity to cross-examine him because he never appeared thereafter, and unproved photocopy documents can never lead any evidence in his favour.

Hence, holding the case and claim of the Workman not proved, the reference is stands answered accordingly.

No order as to cost.

DATE:- 24/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-57/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/109/2018-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/57/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL and their workmen, received by the Central Government on 27/11/2025.

[No. L-22012/109/2018 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/ R/57/2018Present: P.K.SrivastavaH.J.S.(Retd.)

Shri Gopiram,

S/o Shri Setram Sahu,

Ex-General Mazdoor,

Banwari Side, Ambedkar Nagar,

Distt. Korba (Chhattisgarh)-495677

Workman

Vs

The Sub Area Manager,

SECL, Bank Sub Area Korba Area,

PO- Banki Colliery,

Distt. Korba (Chhattisgarh)-495677

Management

(JUDGMENT)(Passed on this 15th day of October, 2025)

As per letter dated 08/11/2018 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification **No.L-22012/109/2018(IR(CM-II))** dt. 08/11/2018. The dispute under reference relates to:-

“Whether the action on the part of management of SECL, Banki Sub Area under Korba Area in dismissing Shri Gopiram, Ex-Piece Rated Loader vide letter No. SECL/SAM/BSA/Dismissal/16/1886 dated 16.06.2016, since he has 10 years of service left in his carrier is appropriate and justified? If not, what relief Shri Gopiram S/o Setram Sahu is entitled to?”

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

According to the workman, Navratan Sahu was working with the management. He had two sons Dhansai and Kewaldas, who were working with the same management and were residing separately from their father. Navratan Sahu had adopted one Savitri Devi daughter of Hinsaram and Smt. Fulmat on 23.03.1980 and since then, Savitri Devi used to live with Navratan Sahu as his adopted daughter. She was married with the applicant workman Gopiram on 15.05.1985 and after marriage, she and her husband the applicant Gopiram used to live with Navratan Sahu and were his dependant. The Navratan Sahu become medically unfit hence on his application, employment was given by management to the applicant workman Gopiram being his dependant son-in-law on 26.10.1989. It is further the case of the applicant workman that after completing 26 years in service of management, he was issued a charge sheet on the basis of complaint alleging misconduct by way of furnishing wrong information about himself and misrepresenting the management about him in getting employment under management as dependant son-in-law of the medically unfit workman Navratan. A departmental enquiry was conducted in perfunctory manner; copy of enquiry report was not given to the applicant and was dismissed illegally on the basis of such an enquiry which is illegal, arbitrary and unjust. The applicant workman has further prayed that, holding the actions of management in dismissing him vide order dated 03.06.2016 is illegal and unjust, he be held entitled to reinstate with all consequential benefits and back wages from the date of his dismissal.

The case of management is mainly that Navratan Sahu was employed with management, he was declared medically unfit for further employment as per provisions of NCWA, one dependant of an employee who has been declared medically unfit for employment, is entitled to compassionate appointment. The applicant workman claimed himself to be son-in-law of Navratan Sahu being married with Savitri, the adopted daughter and had submitted certain documents in support of his claim. Believing on his claim, he was issued an appointment offer on 05.10.1989 as dependant of Navratan. Savitribai made complaint to SECL headquarter that she is daughter of Dhansai, son of Navratan and was married with Chunnailal of Village Pauni, PS-Bilaigarh, Dist. Balaua Bazar,

Chattisgarh, and not with applicant workman Gopiram S/o Setram Village Sukhri Pali, PO- Jayram Nagar, Police Station Masturi, District Bilaspur, Chattisgarh. It is further the case of management that on receipt of this complaint, a letter was sent to SP Bilaspur with a request to investigate the complaint with photograph applicant workman. SP Bilaspur sent his enquiry report dated 28.09.2016. A charge sheet was issued against the workman on 02.09.2015. Required departmental enquiry was conducted. The Enquiry Officer submitted his enquiry report dated 05.05.2016 holding the charges proved. The applicant workman was issued a show cause notice with the copy of enquiry report on 07.05.2016, he submitted his representation on 09.05.2016 and taking all the relevant facts into consideration, the Disciplinary Authority passed the impugned order of punishment of dismissal from service against the applicant workman on 16.06.2016. An appeal filed by the applicant workman against dismissal order was also dismissed on 16/18.01.2017. According to management, it was found during the enquiry that in fact the workman Navratan had two sons only Dhansai and Kewaldas, he did not have any daughter. He never adopted any Savitribai and the applicant workman got employed as dependant on the basis of false documents and wrong information produce by him before management. The adoption deed was found not legal hence the charges were rightly held proved by the Enquiry Officer the punishment awarded is not disproportionate to the charges. Accordingly, management has prayed that the reference be answered against the applicant workman.

The applicant workman filed rejoinder wherein he mainly retreated his allegations as taken his statement of claim.

Following preliminary issue was framed vide order dated 21.07.2022 on the basis of pleadings-

Whether the enquiry conducted against the workman is legal and proper?

On the basis of evidence on record, this preliminary issue was decided vide order dated 16.10.2024, the departmental enquiry was held just legal and proper. This order is part of this judgment.

Following Additional Issues were framed, thereafter:-

- 1) ***Whether the findings of the enquiry officer with respect to charges are proved is perverse?***
- 2) ***Whether the punishment awarded is proportionate to the charges proved?***

Parties were given opportunity to lead evidence on additional issues. No evidence was produced.

None was present for the workman at the stage of argument. I have heard Learned Senior Advocate, Mr. Anoop Nair, assisted by Learned Counsel Mr. Neeraj Kewat for management. I have gone through the record, no written argument has been filed.

Additional Issue No.1.

Charges against the workman are that he committed theft, fraud and dishonesty with respect to the business of the employer and furnished wrong information to the employer regarding his name, age, father's name, qualification, etc with respect to his employment with management, thus committed misconduct under Clause 26.1 and 26.9 of the Certified Standing Orders.

It comes out, from the perusal of the enquiry proceedings that during enquiry, two witnesses were produced before the management, witness No. 1 Kewaldas S/o Navratan Sahu and witness No. 2 Phuleshwar, who claims to be a social activist who was examined on behalf of the complainant Savitribai D/o Lt. Dhansai and W/o Chunnilal Sahu. The workman filed before the enquiry officer, as many as nine documents which are; 'adoption deed, notarized affidavit of Navratan Sahu dated 24.04.1989, affidavit of Navratan Sahu dated 31.07.1989 before the Executive Magistrate, certificate issued by Sarpanch, Village Bilari on 29.07.1989, marriage certificate between the workman Gopiram and Savitribai D/o Navratan Sahu solemnized on 15.05.1985, certificate of Sarpanch, Village Pali dated 27.08.1989 with respect to marriage of workman Gopiram with Savitribai D/o Navratan Sahu, medical memo dated 02.08.2010 and 17.08.2010 issued with respect to the workman Gopiram S/o Setram Sahu and wife Savitribai D/o Navratan Sahu, the Voter card of Savitribai W/o workman Gopiram and Adhar card of Savitribai'.

Case of the management is that Navratan Sahu did not have any daughter, he had only two sons Dhansai and Kewaldas. The complainant is Savitribai D/o Dhansai. Dhansai and Kewaldas are employees of the SECL. Savitribai D/o Dhansai is married to Chunnilal Sahu. **Thus complainant Savitribai never appeared during the enquiry, the person named Phuleshwar claims himself to be a social activist appeared on behalf of the complainant Savitribai D/o Dhansai.** He claimed that he has been authorized by the complainant to depose on her behalf (no power of Attorney was filed), his statement was recorded during the enquiry, he stated that the complaint was made by the Savitribai D/o Dhansai, stating that the workman Navratan Sahu was her grandfather, the applicant Gopiram had no relation with Navratan Sahu. Navratan Sahu did not have any daughter, he stated that the complainant Savitribai D/o Dhansai was never married with applicant Gopiram. He also stated that the documents, adoption deed and other documents as mentioned above are false.

The other management witness examined during the enquiry is Kewaldas S/o Navratan Sahu, he stated that Navratan Sahu did not have any daughter, the applicant workman was not married with the complainant Savitribai D/o Dhansai, Navratan Sahu had only two sons Dhansai and Kewaldas, he does not know the applicant workman Gopiram. He pleads ignorance as to how this Gopiram got employment.

The workman has stated during the enquiry that Savitribai D/o Hinsaram and Smt. Fulmati was adopted by Navratan Sahu and was married with the applicant workman Gopiram. They were living with Navratan Sahu and were dependant on him. When Navratan Sahu became medically unfit, he proposed name of the applicant workman being the husband of his adopted daughter Savitribai, (whose biological parents were Hinsaram and Smt. Fulmati). This prayer was granted by management and he got employment and worked for as many as 26 years. He further stated about the adoption deed of Savitribai, the biological daughter of Hinsaram and Smt. Fulmati as well as affidavit, marriage documents and other documents as referred to above.

This is also evident from record that management sent the letter to the concerned Superintendent of Police to verify the allegations, he sent his report, in which it was stated that Savitribai, whose biological parents were Hinsaram and Smt. Fulmati was adopted long back by Navratan Sahu as his daughter in the year 1980 and was living with him as his adopted daughter. Navratan Sahu, married her with Gopiram. **Thus, there are two Savitribai, one is the complainant Savitribai D/o Dhansai and second is Savitribai whose biological parents are Hinsaram and Smt. Fulmati, who was adopted by Navratan Sahu as his daughter.**

It is also not disputed that Navratan Sahu once accepted this Savitribai (not the complainant) as his adopted daughter and got her name included in his service records. This is also not disputed that the applicant workman was married with this Savitribai and not with the Savitribai D/o Dhansai, the complainant. The social activist who has deposed as a representative of the complainant has no authority to do so because facts are not within his knowledge, the complainant was the best person to state about the facts in her complaint.

The enquiry officer has relied on the statement of this so called social activist that the adoption deed is not legal, documents are forged and false and that complainant Savitribai D/o Dhansai is not the W/o Gopiram applicant workman and held the charges proved. He has ignored the fact that Savitribai D/o Dhansai who is complainant and Savitribai who is said to be the adopted D/o Navratan Sahu, whose biological parents are Hinsaram and Smt. Fulmati are two different persons. The adoption deed (though unregistered) also corroborates the fact that this Savitribai whose biological parents are Hinsaram and Smt. Fulmati though adopted by Navratan Sahu a long back in the year 1980 according to customs prevalent in their community. It is the settled proposition of law that strict rules of evidence and proof are not applicable in departmental trials. Navratan Sahu himself proposed the name of the applicant workman as his dependant, stating him to be the husband of her adopted daughter, the other documents also support this fact. Ignoring these facts, the reliance of the enquiry officer on the statement of the so called social activist and the fact that original adoption deed was not filed nor the adoption deed is notarized only, the enquiry officer has committed error in law in recording his findings. The Disciplinary Authority as well appellate authority has also committed the said mistake in relying and agreeing with these findings.

In light of above discussion, findings of the enquiry officer and concurrence by the Disciplinary Authority as well appellate authority with respect to the proof of the charges is held perverse and the charges are held not proved.

Additional Issue No. 1 is answered accordingly.

Issue No. 2,

Following observations of Hon'ble Supreme Court in its judgment in case of ***Deepali Gundu Surwase Vs Kranti Junior Adhyapak Mahavidyalaya reported in (2013)10 SCC324*** are being reproduced as follows-

38. The propositions which can be culled out from the aforementioned judgments are:

38.1. In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

38.2. The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

38.3. Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averment about its existence. It is always easier to prove a

positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.

38.4. The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.

38.5. The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimising the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always keep in view that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee/workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

38.6. In a number of cases, the superior courts have interfered with the award of the primary adjudicatory authority on the premise that finalisation of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer i.e. the employee or workman, who can ill-afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in *Hindustan Tin Works (P) Ltd. v. Employees* [Hindustan Tin Works (P) Ltd. v. Employees, (1979) 2 SCC 80 : 1979 SCC (L&S) 53].

38.7. The observation made in *J.K. Synthetics Ltd. v. K.P. Agrawal* [(2007) 2 SCC 433 : (2007) 1 SCC (L&S) 651] that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three-Judge Benches [*Hindustan Tin Works (P) Ltd. v. Employees*, (1979) 2 SCC 80 : 1979 SCC (L&S) 53], [*Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court*, (1980) 4 SCC 443 : 1981 SCC (L&S) 16] referred to hereinabove and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman.

In light of the findings recorded on additional issue No. 1 and in light of the above mentioned proposition of law, setting aside the dismissal of the workman, he is held entitled to be reinstated with back wages, and is also held entitled to in service and post retiral consequential benefits deeming him in continuous service.

Issue No. 2 stands answered accordingly.

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

AWARD

Holding the action of the management of SECL, Banki Sub Area under Korba Area in dismissing Shri Gopiram, Ex-Piece Rated Loader vide letter No. SECL/SAM/BSA/Dismissal/16/1886 dated 16.06.2016, inappropriate & unjustified, workman is held entitled to be reinstated with back wages, and in service as well post retiral consequential benefits, deeming him in continuous service to be paid to him by management with in thirty days from publication of Award failing which interest @6% p.a. from the date of Award till payment. No order as to cost."

DATE:- 15-10-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-43/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/151/2012-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/43/2013**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and their workmen, received by the Central Government on **27/11/2025**.

[No. L-22012/151/2012 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/ R/43/2013

Present: P.K. Srivastava

H.J.S.(Retd.)

Shri Hare Singh,

S/o Sh. Jungle Singh,

Kher Mandal, Hinothia, Jamai,

Distt. Chhindwara (M.P.)-480551

Workman

Vs

Manager,

Western Coalfields Limited,

Tansi khan, Kanhan Region,

Chhindwara(M.P.)

Management

(JUDGMENT)

(Passed on this 13th day of October, 2025)

As per letter dated 15/02/2013 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the '*Act*') as per Notification **No.L-22012/151/2012(IR(CM-II))** dt. 15/02/2013. The dispute under reference relates to:-

“क्या प्रबन्धक वेस्टन कोलफील्ड लिमिटेड तानसी खान के कर्मकार श्री हरे सिंह की विवादास्पद जाँच कार्यवाही करके दिनांक 27.12.1998 से नौकरी से बर्खास्त किया जाना न्यायोचित है? यदि नहीं तो कर्मकार क्या अनुतोष पाने का अधिकारी है?”

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

The case of the workman is mainly that while in service of management he was issued a charge sheet on 30.03.1997 with an allegation of misconduct by way of unauthorizedly and willfully absents from workplace since 17.01.1997 till date of charge sheet i.e., 30.03.1997. The workman was ill during this period, he had Abscess on his leg, hence he could not move. He sent a letter on 23.05.1997 to management to postpone the enquiry as he was not able to attend the enquiry due to his illness. He had also sent similar letters to management on 29.04.1997 and 04.06.1997 but the management conducted an enquiry behind his back and terminated his services on the basis of the said enquiry, he was not given any chance to defend himself in the enquiry or to have his say on the enquiry report. Thus, the act of management is unjust, illegal and arbitrary.

Workman has requested to set aside his termination order and he be held reinstated with back wages and benefits.

The case of the management is that the workman submitted his reply on the charge sheet before the enquiry officer, he did not appear during the enquiry inspite of knowledge, he filed an application dated 23.05.1997, requesting the appointment of defense assistant. He appeared with his defense assistant in the enquiry but absented himself later on. The enquiry officer submitted his report, holding the charges proved and disciplinary authority issued the order of punishment in terminating the services of the workman.

Following preliminary issue was framed on the basis of pleadings-

Whether the departmental enquiry conducted against the workman is legal and proper?

On the basis of evidence on record, this preliminary issue was decided vide order dated 12.04.2024, the enquiry was held vitiated in law, management was given opportunity to prove the charges before this Tribunal. This order is part of this judgment.

Management filed affidavit of its witness Mr. Sumith Vaikunth Raut, Management (Min.), as his Examination-in-chief. He was cross-examined by the workman. The workman did not produce any witness or document in his defense.

I have heard argument of Learned Counsel for workman Mr. Praveen Yadav and Mr. Neeraj Kewat, Learned Counsel for the management. I have gone through the record as well.

Following Issues were raised, in the case in hand:-

- 1) ***Whether the charge is proved from the evidence of management before this Tribunal?***
- 2) ***Whether the punishment is proportionate to the charge proved?***

Issue No.1,

Charge against the workman is of misconduct by habitually absents himself from duty without prior intimation and sufficient reason and without getting any leave sanctioned and without stating sufficient reason over more than 10 days after expiry of period of sanctioned leave, which is misconduct under Clause 26.24 and 26.30 of the certified standing orders.

In his affidavit, as his Examination-in-chief, the management witness has stated that the workman absented himself and had been irregular in his present workplace, at workplace his presence was zero dates in the year 1994, 1995, 1997 and 37 days in 1996.

He has proved document M-E/1, copy of Form-G records of his attendance.

There is nothing in his cross-examination to discredit him.

On the other hand, the workman has not examined himself in defense. There are on record various medical certificates but they do not relate to the period of absence under the charge. They are for the period before and after the period mentioned in the charge.

Thus, it is established that management has successfully proved the absence of the workman. It is also proved that he was absented for the period under the charge without intimation to management and without getting any leave sanctioned, his attendance as stated by management witness for other years also is very-very poor.

In light of these facts, the charges as mentioned above against the workman are held proved.

Issue No. 1 is answered accordingly.

Issue No. 2,

Continuous and habitual unauthorized absence is a misconduct for which even punishment of dismissal is provided.

Keeping in view the facts of absence of the workman for three years in which he did not appeared at his workplace even for a day and only 37 days in one year before the charge, the punishment of termination of his services cannot be held disproportionate to the charge proved, hence the punishment awarded by management to the workman is held proportionate to the misconduct proved.

Issue No. 2 stands answered accordingly.

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

AWARD

Holding the action of the management of Western Coalfields Limited's Tansi Mine, in terminating the service of workman Shri Hare Singh w.e.f. 07.12.1998, legal, proper and justified, he is held entitled to no relief."

No order as to cost.

DATE:- 13-10-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-70/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

[सं. एल-22012/52/2015-आई आर .(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/70/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL and their workmen, received by the Central Government on **27/11/2025**

[No. L-22012/52/2015 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/70/2015

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Raj Kumar Rajwade,

Village Bhatikuda, Post- Pantore,

Tehsil- Katghora,

District – Korba (Chhattisgarh)- 495446

Workman

Versus

General Manager,

SECL, Kusmunda Area,

PO: Kusmunda Project,

District –Korba (Chhattisgarh)- 495454

Management

AWARD**(Passed on this 15th day of October, 2025.)**

As per letter dated 03/08/2015 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification **No. L-22012/52/2015(IR(CM-II))** dt. 03/08/2015. The dispute under reference relates to:-

“Whether the Management of Southern Eastern Coalfields Ltd., Kusmunda Colliery is justified in dismissing Shri Rajkumar Rajwade, SBA Category-5, from service w.e.f. 05 September, 2014? If not, what relief the workman is entitled to and from which date?”

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

During pendency of the case, the management filed an application to admit three photocopy judgments on record allowing the application, the photocopy judgments were taken on record.

Today on 15.10.2025, none was present for the workman. Mr. Neeraj Kewat, Learned Counsel for management was present, his arguments have been heard. I have gone through the record as well.

From the photocopy judgments, filed by the management, it comes out that one Durga Devi Jaiswal claimed herself to be a land oustee and filed a writ petition before the Hon'ble High Court of Chhattisgarh at Bilaspur, claiming appointment for her as land oustee. She also asserted that the present workman had obtained employment with the management by misrepresenting the facts that he was a land oustee. She made a complaint in this respect and he was terminated from services by the management.

It also comes out that the said writ petition, bearing W.P.(s) No 3189/2014 was allowed after hearing. A writ appeal, bearing W.A. No. 702/2024, filed by the management was also dismissed by a Division Bench of Hon'ble High Court, vide its order dated 04.11.2024. A Special Leave Petition, bearing S.L.P.(c) No. 5717/2025, has also been dismissed vide order dated 07.03.2025.

On perusal of these judgments, it comes out that the management was directed to consider the appointment of the petitioner, Durga Devi Jaiswal as land oustee.

In light of these facts, the reference becomes infructuous with respect to the parties and holding so stands answered accordingly.

DATE: 15-10-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जेपी पावर वेंचर लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर-55/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference:LC/R/55/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **JP Power Venture Limited** and their workmen, received by the Central Government on **27/11/2025**.

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/55/2024Present: P.K.SrivastavaH.J.S.(Retd.)

Narendra Prasad Mishra

791/40, Aadarsha Ward Waidhan

Singrauli, Madhya Pradesh-486886

Workman

Versus

JP Power Venture Amilya North Coal Mines

Majhauri, District Singrauli

Madhya Pradesh - 486886

Management

AWARD(Passed on this 15th day of October - 2025.)

As per letter dated 13/03/2024 by the Deputy Chief Labour Commissioner (Central) Jabalpur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number J-5(51)/2023-RLC dt. 13/03/2024. The dispute under reference related to :-

“Whether the demands of Amelia North Koyla Khadan Karamchari Trade Union Congress, Majahuli as mentioned in the charter of demands dated 1st September, 2023 from the management of the Chief General Manager, JP Power Venture Limited, Amelia North Coal Mines, Village-Majhuli are legal, fair and justified ? If yes, what relief the union and workmen are entitled to an from which date ?”

After registering a case on the basis of the reference, notices were sent to the parties and served. They filed their respective statements of claims and defence.

During proceedings the Workman union filed application stating that certain demands claimed by them are not in accordance with the schedule under the Act. They have filed a Writ Petition No. 15585/2024 before Hon'ble High Court in this respect, which is pending. Further stated that since some of the demands do not come under the schedule under Minimum Wages Act, they are praying withdrawal of their claim. Application is accompanied with affidavit of President of the Union.

Management side has no objection, except for cost of litigation.

On perusal also, the reference which contains charter of demands, these demands do not qualify to be an Industrial Disputes as defined under the Act. Hence, the reference has become in fructuous in the light of said withdrawal application and stands disposed accordingly.

DATE: 15/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-04/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/04/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of NCL and their workmen, received by the Central Government on **27/11/2025**.

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/04/2019

Present: P.K.Srivastava

H.J.S.(Retd.)

1. Shri Rajlal Shah

S/o Shri Devkaran Shah,
Village- Amjhar, Po. Amlohri,
Tehsil & District – Singrauli M.P.

Workman

Versus

1. Principal Employer,

Northern Coalfields Limited,
Amlohri Project,
District – Singrauli M.P.- 486887

2. Manager,

VPR, Mining Infrastructure (P) Ltd. (contractor),
Northern Coalfields Limited, Amlohri Project,
District – Singrauli M.P.- 486887

3. Manager,

Swami Narayan Infrastructure (P) Ltd. (sub contractor),
VPR Mining Infrastructure (P) Ltd.,
Northern Coalfields Limited, Amlohri Project,
District – Singrauli M.P.- 486887

Management

AWARD

(Passed on this 17th day of October, 2025)

The petitioner workman has filed this petition against termination of his service with a case that his land has been acquired by Northern Coalfields Limited, he was appointed as ‘Contract Worker’ and was working with the management of Northern Coalfields Limited as ‘Driver’ since 18.12.2015 to 06.11.2017 continuously, he was terminated on 06.11.2017 by management without any notice or compensation, which is bad in law. He has requested his reinstatement with back wages and benefits.

The management of Northern Coalfields Limited has taken a case that there was no Employer-Employee relation between the petitioner and management, he has been contract worker and was working as such on being supplied by the contractor, and he was disengaged by the contractor. The Northern Coalfields Limited has been granted exemption by appropriate government in ***The Contract Labour (Regulation and Abolition) Act, 1970***.

In evidence, the workman did not file any affidavit or documents, management filed affidavit of its witnesses, he has been cross-examined. The contractor never appeared inspite of service.

None appeared for the petitioner at the argument stage. I have heard argument of Learned Counsel for Northern Coalfields Limited, Mr. Neeraj Kewat. I have gone through the record as well.

Initial burden to prove his case and claim is on the petitioner in which he failed. Hence, holding the case of the petitioner not proved, the petition is liable to be dismissed and is dismissed accordingly.

ORDER

Petition dismissed.

DATE: 17-10-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-72/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/72/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and their workmen, received by the Central Government on **27/11/2025**.

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/72/2024

Present: P.K. Srivastava

H.J.S.(Retd.)

The President

Coal Mazdoor Union

Ambara, Tehsil - Parasiya

Chhindwara, Madhya Pradesh-480449

Workman

Versus

The Manager

WCL, Ambara Colliery

Kanhan Area, District Chhindwara (MP)

Management

AWARD

(Passed on this 13th day of October - 2025.)

As per letter dated **11/07/2024** by the Deputy Chief Labour Commissioner (Central) Jabalpur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number **CHA-1(20) /21 dt. 11/07/2024**. The dispute under reference related to :-

“Whether the demand of the President, Coal Mazdoor Union, Ambada, Tehsil-Parasiya, Chhindwara (MP) against the management of Manager, Ambada Colliery, W.C.L. Kanhan Area, Chhindwara (MP) for pay protection and payment of differential salary and other consequential benefits from 1987 to July, 2012 to Shri Kishore Singh, Ex-Workman on change of his designation due to injury is legal and justified ? If yes, What relief the workman is entitled to ?”

After registering a case on the basis of the reference, notices were sent to the parties and served. The workman side never appeared. They did not file even any statement of claim. None of the parties filed any pleadings or evidence.

Since, the initial burden to prove its case is on the workman side in which he fails. Hence, holding the claim of the workman not proved, the reference stands answered against him.

DATE: 13/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-58/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/58/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and their workmen, received by the Central Government on **27/11/2025**.

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/58/2024

Present: P.K.Srivastava

H.J.S.(Retd.)

The Working President

Rashtriya Koyla Khadan Mazdoor Sangh (Intuc)

Regional Office Chandameta

Chhindwara, Madhya Pradesh-480447

Workman

Versus

The Area General Manager

WCL PENCH AREA

Parasia, District- Chhindwara (MP)

Management

AWARD

(Passed on this 14th day of October - 2025.)

As per letter dated 11/07/2024 by the Deputy Chief Labour Commissioner (Central) Jabalpur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of Industrial Disputes Act, 1947 as per reference number **CHA-1(6)/2022 dt. 11/07/2024**. The dispute under reference related to :-

“Whether the action of the Area General Manager, W.C.L., PENCH AREA in not considering the representation of Smt. Manavwati Bai, wife of deceased workman Late Ganpat, Ex- Clip Man, Vishnupuri Mines of WCL PENCH AREA for monetary compensation after denial of employment to the dependent son of the deceased is legal and justified ? If not, what relief Smt. Manavwati Bai, wife of deceased workman Late Ganpat is entitled to?”

After registering a case on the basis of the reference, notices were sent to the parties and served. The workman side never appeared. They did not file even any statement of claim. None of the parties filed any pleadings or evidence.

Since, the initial burden to prove its case is on the workman side in which he fails. Hence, holding the claim of the workman not proved, the reference stands answered against him.

DATE: 14/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-81/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आई आर .(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/81/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **AIIMS** and their workmen, received by the Central Government on **27/11/2025**

[No. L-22013/01/2025 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/81/2024

Present: P.K. Srivastava

H.J.S. (Retd.)

Gopal Prasad

Behind Mahindra Showroom

Bhandari Para Devpuri

Raipur, Chhattisgarh - 492001

Workman

Versus

1. The Director

AIIMS, Tatibandh

Raipur, (CG)- 492001

2. RD Infotech Engineers PVT LTD,

AIIMS, G E Road, Tatibandh

Raipur (CG) - 492001

Management

AWARD

(Passed on this 13th day of October - 2025.)

As per letter dated 03/12/2024 by the Deputy Chief Labour Commissioner (Central) Raipur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number **RP- 8(3-15) /2024-ES-III dt. 03/12/2024**. The dispute under reference related to :-

“Whether the demand of the workman for reinstatement is justified ? If yes, to what all remedies, is the workman entitled to in relation to the present industrial disputes ?”

After registering a case on the basis of the reference, notices were sent to the parties and served. Learned Counsel Mr. K.B. Singh filed his Vakalatnama on behalf of the Management of M/s. Rohini Transport. None of the parties filed any Statement of Claim or Written Statement of Defense. The workman side never appeared.

Since the initial burden to prove the case lies with the workman, and he has failed to discharge this burden, the claim is held to be not proved. Accordingly, the reference is answered against the workman.

DATE: 09/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2108.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-73/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/73/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **WCL** and their workmen, received by the Central Government on **27/11/2025**

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/73/2024

Present: P.K.Srivastava

H.J.S.(Retd.)

The President

Rashtriya Koyla Khadan Mazdoor Sangh (INTUC)

Regional Office Chandameta

Shramik Shakti Bhawan, PO-Chandameta

Chhindwara, Madhya Pradesh-480447

Workman

Versus

The Sub Area Manager

Ravanwada Chhinda Sub Area

Western Coalfields Ltd., Pench Area

Chhindwara Madhya Pradesh-480441

Management

AWARD

(Passed on this 14th day of October - 2025.)

As per letter dated **19/09/2024** by the Deputy Chief Labour Commissioner (Central) Jabalpur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of Industrial Disputes Act, 1947 as per reference number **CHA-1(19)/21 dt. 19/09/2024**. The dispute under reference related to :-

“Whether the demand raised by the Union Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) against the management of Sub Area Manager, Ravanwada Chhinda Sub Area, Western Coalfields Ltd., Pench Area in not promoting Shri Rakesh Kumar, Mining Sardar from Technician, Grade-C to Overman Grade-B alongwith past compensation of Grade-C and promotion with previous seniority by improving seniority and related benefits is legal and justified ? If not, what relief the workman Shri Rakesh Kumar is entitled to”

After registering a case on the basis of the reference, notices were sent to the parties and served. Mr. Neeraj Kewat learned Counsel filed his Vakalatnama on behalf of Management. The workman side never appeared. They did not file even any statement of claim. None of the parties filed any pleadings or evidence.

Since, the initial burden to prove its case is on the workman side in which he fails. Hence, holding the claim of the workman not proved, the reference stands answered against him.

DATE: 14/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2025

का.आ. 2109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ईसी एलके प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-174/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/11/2025 को प्राप्त हुआ था।

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th November, 2025

S.O. 2109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/174/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL, and their workmen, received by the Central Government on **27/11/2025**

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/74/2024

Present: P.K.Srivastava

H.J.S.(Retd.)

Tara Chandra Yadav,
State Working Committee Member
Bhartiya Mazdoor Sangh,
Ward No. 7, Camp Office 1/B-57,
Jamuna Colliery, Anuppur (M.P.) -484444

Workman

Versus

1. The Sub Area Manager
Jamuna Kotma Area,
South Eastern Coalfields Ltd. (SECL)
PO- Badra, District –Anuppur (M.P.)-484334
2. The General Manager
Badra Sub Area,
South Eastern Coalfields Ltd. (SECL)
PO- Jamuna Colliery,
District Anuppur (MP)-484444

Management

AWARD**(Passed on this 16th day of October - 2025.)**

As per letter dated **19/09/2024** by the Deputy Chief Labour Commissioner (Central) Jabalpur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of Industrial Disputes Act, 1947 as per reference number **SH-1(75)/2022 dt. 19/09/2024**. The dispute under reference related to :-

“Whether the action of the management of Sub Area Manager, Badra Sub Area, South Eastern Coalfields Ltd., Anuppur (MP) in terminating the services of Shri Ramesh Kumar, Pump Operator w.e.f. 26-12-2022 is legal and justified? If not, what relief the workman Shri Ramesh Kumar is entitled to?”

After registering a case on the basis of the reference, notices were sent to the parties and served. Mr. Neeraj Kewat learned Counsel filed his Vakalatnama for management. The workman side never appeared. They did not file even any statement of claim. None of the parties filed any pleadings or evidence.

Since, the initial burden to prove its case is on the workman side in which he fails. Hence, holding the claim of the workman union not proved, the reference stands answered against the workman union.

DATE: 16/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2025

का.आ. 2110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **चंडीगढ़- II** के पंचाट (189/2024) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई आर .(बी- II)-37]

सलोनी, उप निदेशक

New Delhi, the 1st December, 2025

S.O. 2110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 189/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-II* as shown in the Annexure, in the industrial dispute between the management of **Punjab National Bank** and their workmen.

[No. L-39025/01/2025- IR (B-II)-37]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****(Presided over by Mr. Kamal Kant).**

ID No. 189/2024

Gian Chand S/o Sh. Garja Ram, R/o Village Solag, Jurassi, PO Dobha, Distt. Bilaspur, HP.

----- Workman

Versus

1. The Manager, Punjab National Bank, Branch Office VPO Panjgain, Tehsil Sadar, Distt. Bilaspur, HP.
2. General Manager, HRD, Control Office Hamirpur, Distt. Hamirpur, HP.

----Respondents

Present:- None for workman.

None for respondent no.1 & 2.

Award : 06.10.2025

1. The workman has filed the present claim statement directly under Section 2A of the Industrial Disputes Act, 1947 (hereinafter called as ID Act) for reinstatement in service along with consequential benefits.

2. In this case, issues were framed on 21.11.2022 and the case was adjourned for filing evidence by way of affidavit of workman before CGIT-cum-Labour Court-I, Chandigarh. However, no one turned up on behalf of the workman since 02.02.2024 before CGIT-cum-Labour Court-I, Chandigarh. Thereafter, in compliance of the Ministry of Labour and Employment letter No.Z-20017/16/2019-CLS-II(E) dated 31.01.2025, present file was received by way of transfer from CGIT-cum-Labour Court-I, Chandigarh and fresh notice was issued to the workman on 08.05.2025 for 06.10.2025 for appearance as well as for filing affidavit. However, today also no one has turned up on behalf of workman. The workman has been given sufficient opportunities for filing his affidavit, but he did not turned up in spite of the opportunities afforded to him for filing his affidavit, which shows that he is not interested in adjudication of the matter on merit.

3. In such circumstances, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the ID Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2025

का.आ. 2111.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई सी आई सी आई बैंक लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (6/2012) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई आर .(बी- I)-140]

सलोनी, उप निदेशक

New Delhi, the 2nd December, 2025

S.O. 2111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.6/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of ICICI Bank Limited and their workmen.

[No. L-12025/01/2025- IR (B-I)-140]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 16th October, 2025

INDUSTRIAL DISPUTE L.C.No. 6 / 2012

Between:

Damodara Pagadala,

S/o Adi Sheshaiah,

R/o D.No. 301, Subhadra Nilayam,

Dubai Gate, Old Bowenpally,

Secundrabad.

... PETIONER

AND

The Deputy General Manager,

ICICI BANK LIMITED,

ICICI Bank Tower,

Regional Office: Plot No.12,

Gachi Bowli,

Ranga Reddy District – 500032.

...Respondent

Appearances:

For the Petitioner : M/s. M. Kiran Kumar Advocates

For the Respondent: M/s. T. Krishna Mohan Advocates

AWARD

Sri Damodara Pagadala who worked as Coal Filler (who will be referred a workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent Deputy General Manager ICICI Bank Ltd Gachibowli in Ranga Reddy District seeking for reinstatement in the service by issuing direction to the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages with all other attendant benefits etc., by setting aside the termination order dated 20-11-2011.

2. The facts on the petition averred by petitioner are that the petitioner joined with the respondent on 12.07.2006 at Retail Asset Products Group – Collections (EMCT) at Nellore and subsequently he was transferred to Hyderabad in the month of February 2010 and since then he has been working in Auto Loans Department obediently and to the satisfaction of all the concerned. The Petitioner is having unblemished record of service till his dismissal. It is submitted that while the matter stood thus on 02.12.2011 the respondent has issued termination order dated 28.11.2011 the petitioner stating that he services are no more required by the Bank and his services was terminated with immediate effect in terms of the contract of employment. At the time of his dismissal petitioner was drawing salary of Rs. 39,000/-per month. Petitioner submitted that as per the terms of contract of employment dated 19.06.2006 with Ref.No.COLL/FYN/S/466 can be effected in the event of any breach of the conditions mentioned in it or if any incorrect information furnished and suppression of any material information. The Petitioner neither violated any breach of condition of his employment contract nor he has furnished any incorrect information or suppressed material information. Therefore, the said termination order issued by the respondent is not only in violation of the contract and bad in law. The said action of the respondent in terminating the services of the Petitioner without assigning any reason and without following the due procedure laid down under law is arbitrary, illegal, and unjustified and also in violation of principles of natural justice. Further, petitioner submitted that the respondent did not follow the procedure laid down Under Section 25 (F) of the I.D. Act while terminating the services of the Petitioner and thus violated Section 25 (F) of I.D Act. Therefore, the said action of the Respondent in terminating the services of the Petitioner is arbitrary, illegal, unjustified, in violation of principles of natural justice, in violation of the provisions of the I.D. Act Petitioner send the said legal notice to Respondent that was received and acknowledged by the Respondent. Respondent replied to it nor reinstated the Petitioner into services. Petitioner contended that he was designated as Assistant Manager-II, but he has discharged clerical nature of duties only and therefore he is workman as defined Under Section 2 (s) of the I.D. Act and the Respondent bank is an industry as defined Under Section 2 (i) of the I.D. Act.

Therefore, Petitioner prayed to direct the Respondent to reinstate hence into the services with continuity with full back wages by setting aside the termination order dated 28-11-2011.

3. Per contra, Respondent has filed a counter and therein he has contended that the Respondent bank does not admit any of the allegations made by the petitioner, save those which are specifically admitted hereunder, and the Petitioner be put to strict proof of each, and every allegation not specifically admitted hereunder. Further, Respondent contended that the present I.D. as raised by the Petitioner is not maintainable in law, particularly under the Provision of Industrial Dispute Act 1947, because the Petitioner was employed with the respondent bank as an Assistant Manager (Band-II) and was discharging managerial and administrative functions and he was admittedly drawing salary in excess of Rs. 10,000/- Per month (i.e. Rs.39,000/- Per Month admittedly). Hence, the Petitioner is not a 'workman' within the meaning of Section 2(s) of the I.D. Act

Respondent contended that the Petitioner's actual day to day duties involved taking decisions with regard to his portfolio, for which, he was managerially and administratively responsible.

The brief details of the portfolio handled by the Petitioner are extracted as here under: -

“ Job Role & responsibilities:

- Manage Auto Loans through Car Dealers, Direct Sales Agents, and Direct Sales Teams
- Empanelment of new car Dealers, DSA, and DST in the market
- Accountable for Sales performance and productivity of team
- Conduct training for all the channels and team on product, policy and market changes

- Manage business promotional activities with channels
- Responsible for tracking Sourcing and healthy portfolio
- Interact with the credit team, and get business approvals
- Keep close watch on competitor product, policy and market strategy

Deliverables:

Recruit, train and motivate channels and team

Achieve sales targets

Guide channel sales team and introduce clients to them

Maintain knowledge on all bank products and services and assist to resolve Customer queries

Develop new relationships with Customers to increase revenue and accounts”

Further, Respondent contended that the above duties are administrative functions distinguishable from manual, skilled, semi-skilled, unskilled, technical, operational, or clerical duties, which fall within the meaning of Section 2(s) of the ID Act. The Respondent Bank is advised to submit that the Hon'ble AP High Court in the case of **GIC Housing Finance Ltd. Vs. Presiding Officer, Labour Court-I, Hyderabad reported in 2011 (3) ALD 123**, held that a person who discharges administrative functions need not be at the helm of affairs of organisations so as to be excluded from the purview of the definition of the ‘workman’ under section 2(s) of the ID Act and that the expression ‘administrative capacity’ has to be understood in contradistinction to the functions, which a workman is required to discharge at the ground level and upon instructions of the superiors. In the case of **Vandana Joshi Vs standard Chartered Bank – 2010 (2) MhLJ 22 (Bombay High Court)**, the Hon'ble Court held that the expression workman” In order that a person can be designated as a workman, it is not enough that a person is not covered by either of the four exceptions to the definition – Burden lies on the person who asserts the status of a workman under section 2(s) to establish with reference to the dominant nature of his/her duties that the work which is performed falls within one of the stipulated categories in section 2(s), of the ID Act.

The ratio of the above judgments squarely applied to the case on hand and the petitioner, who used to discharge the administrative functions, falls within the exclusion clauses (iii) and/or (iv) of Section 2(s) of the ID Act. Hence, the very ID raised by the petitioner is wholly misconceived and is liable to be rejected at the threshold itself. The Respondent Bank is further advised to submit that since the issue as to the status of the petitioner as a manager goes to the very root of the maintainability of the ID and the jurisdiction of the this Hon'ble Tribunal to try the same, it is just and necessary that the said issue be tried as preliminary issue before embarking upon the merits of the case, so as to avoid wastage of the precious public time of this Hon'ble Tribunal.

Further, Respondent contended that the termination of the Petitioner from services is fully in accordance with the terms and conditions of the letter of appointment dated 28th November 2011 particularly because his ability to learn and discharge the work assigned by the Respondent bank was utterly disappointing. Hence the termination of the services of Petitioner is both legal and justified and it is not liable to be interfered with by this tribunal.

It is needless to submit that the Petitioner being Assistant Manager (Band II) of the Respondent Bank, should be prompt and agile and adopting to the dynamics of the work environment. It is submitted that the Petitioner had to own a performance which is result oriented. However, the Petitioner was unable to survive/ adopt to these working dynamics of the Respondent Bank and he was not inclined to perform/ deliver the required result at Respondent Bank. The Respondent Bank observed that the Petitioner was not intending to meet the terms and conditions of the Respondent Bank, which was further leading to an economic in-discipline in the Respondent Bank. The Respondent bank had under such circumstances was constrained to terminate the services of the Petitioner vide order dated: 28-11-2011, which were in accordance with the terms and conditions of his Contract of Employment, dated 19/07/2006. It is pertinent to submit that Respondent Bank has credited 3 months' salary i.e., Rs. 1,24,100/- (which includes notice period amount, full and final settlement) of the Petitioner into the Savings Bank Account No. 631001511384 on 22-12-2011. Hence, the Respondent Bank submits that the Petitioner is precluded from raising the ID or any other issue salary of Rs. 1,18,023/- before this Hon'ble Tribunal and hence, he is also guilty of suppression of material facts.

It is submitted that after having waited for more than few months hoping that the Petitioner would mend his ways and as the Petitioner did not show any improvement in his work/ performance, the Respondent Bank had decided to terminate the services of the Petitioner, which is both legal and valid.

It is submitted that the Petitioner had made an admission/ statement in the Legal Notice dated: 24/12/2011 that “he was about to submit resignation, though according to him the annual rating earned by him does not warrant resignation” The evidence Act, 1972, defines “admission” as follows:

“ Section 17:- The Indian Evidence Act, 1872

Thus, when the petitioner himself was willing to terminate the contract of employment, it is submitted that the admission made in the legal notice date 24/12/2011 by the Petitioner and seeking an gainful employment at other similar organizations exemplifies his mala fide intention. The present ID may now be considered on the admission made by the Petitioner, which is relevant and need preponderance to deliver justice.”

It is submitted that the Respondent Bank has an onerous responsibility to answer the customers/clients on day-to-day basis at the Auto Loans Department. The Petitioner admitted that he was working in Loans Disbursement Department, which is/was considered as a main wing of the Respondent Bank. The Petitioner was appointed as Assistant manager (Band II)

To perform and discharge duties and responsibilities with agility and promptness, which were seemingly not understood by the Petitioner even from the beginning of his employment. Further, It is submitted that the Petitioner had showcased a lenient working pattern, which could not be accepted by the Respondent bank, but for reasons known to him the work criterion were not met and showcased during his employment with the Respondent Bank since the year 2011. The Respondent bank had noticed/Observed the Petitioner and made several oral communications, without demeaning his morale and tried to help him improve his work/performance, but the Petitioner was hesitant and reluctant to such advice. The Respondent bank having left with no remedy as per the already mentioned terms and conditions in the appointment letter issued order dated: 28/11/2011 in accordance with Bank Rules and regulations. Therefore, the Respondent Bank had done a just and proper act issuing a termination order to the Petitioner. The conditions of termination were well informed to the Petitioner during the appointment. The procedure of annual rating adopted by the Respondent Bank is to assess the performance of an employee in order to promote or take any such required action for / against the employee, such rating cannot be illegal or arbitrary. Respondent contended that it is true that the order dated: 28/11/2011 was issued and his services were terminated as the Respondent has lost confidence in the Petitioner.

Respondent Bank has the authority to follow the terms and conditions and terminate the services of an employee. The Termination of Employment on the grounds referred by the Petitioner is a part of the Contract of Employment and not a whole, the Petitioner had, misinterpreted/ misconceived the terms of the said Contract of Employment. It is denied that termination order is in violation of contract and bad in law. All the above allegations are imaginary and invented only for the purpose of the present ID and hence, they may not be countenanced by this Hon'ble Tribunal. As regards Para - 4, of the Claim Statement, it is submitted that the termination of the services of the Petitioner is fully In accordance with the terms and conditions of the Contract of employment and cannot be denied. It is denied that Section 25-F of the ID Act should be complied by the Respondent Bank, as the Petitioner by nature of his work and Salary drawn, which is exceeding Rs 10,000/- cannot be a Workman under Section 2(s) of the ID Act, thereby no compliance with Section 25-F of the Act is required. It is also denied that the Principles of Natural Justice were violated, the Respondent Bank has been considerate/sympathetic on several occasions to the Petitioner giving him reasonable opportunity to improve his work/ performance but the Petitioner failed to consider such opportunities given by the Respondent Bank and as such the Respondent Bank had to issue the termination order dated: 28/11/2006, which was not done wantonly/ or under prejudice. It is not denied that Respondent Bank has received a Legal notice dated: 24/12/2011 sent by the Petitioner. Indisputably, the Respondent Bank has paid Rs.1,18,023/- as gross salary as per the Petitioner representing three months' gross the aforesaid clause and the said amount was credited into the SB Account of the Petitioner in 2011. Hence, the allegation that the Respondent has suddenly "dismissed" the services of the Petitioner without following the procedure laid down under the law and it is a clear violation of "provisions mentioned in the Act" and that it is ex-facie illegal, are totally misconceived, apart from being incongruous and they are hereby denied.

Therefore, Respondent prayed to dismiss the petition of the petitioner with exemplary costs.

4. In support of his averment Petitioner has examined himself in as WW1 and also filed documents in evidence that has been exhibited as Ex W1 to Ex W10. However, Respondent has examined witness MW1 in oral evidence and also filed documents in evidence Ex M1 to M2.
5. **On the basis of rival pleadings of both the parties following issues arise for determination in the present dispute:-**
 - I. Whether the Petitioner is not a workman as defined Under Section 2 (s) of the Industrial Dispute Act. And petition is not maintainable in this tribunal?
 - II. Whether the action of Respondent management in terminating the services of the Petitioner vide order dated 28th November 2011 is legal and justified?
 - I. To what relief petitioner if any entitled is for?

FINDINGS:-

6. **Issue No 1:** -At the outset, Respondent has strenuously contended that the present Petition filed by the Petitioner against the Respondent management is not maintainable in law as the petitioner is not a workman within the meaning of Section 2(s) of the I.D. Act. Further, Respondent contended that the petitioner's actual day to day duties involved taking decisions with regard to his portfolio for which he was managerially and

administratively responsible. Further, respondent contended that the job role and responsibilities of the petitioner was to manage auto loans through car dealers' direct sales agents and direct sales terms and empanelment of new car dealers, DSA, and DST in the market.

7. Further, Respondent argued that Petitioner was accountable for sales performance and productivity of the team and to conduct the training for all the channels and team on product policy and market changes. The petitioner Manages the business promotional activities with the channels and he was responsible for tracking channels and team for quality sourcing and healthy portfolio. The Petitioner was also Responsible for to interact with the credit team and getting business approval. Further, the Petitioner was also responsible for recruiting, training, and motivating the channels for sales team and to achieve the sales targets. He was also responsible to develop new relations with the customers to increase the revenue and account.
8. Thus, the petitioner was discharging the duties of administrative functions, and he was not a workman within the meaning of section 2(s) of ID Act Further, Respondent has relied upon the various decisions of the Hon'ble High Courts of which are being discussed as here under.

In the case of **H. Ramamurthy Vs K.D.R. Technologies 2009 ALD, ALD, page 39 The Hon'ble High Court of Andhra Pradesh** held: -

“In view of the fact that the petitioner described himself as supervisor and admitted that the salary exceeded Rs.1600/- Per month The heavy burden rests upon him to prove that he does not come within the exception of class fourth of section 2(s) of the Act.”

9. Respondent contended that the petitioner himself has filed the document and marked Ex W9 which is a power of attorney that was issued in favor of the petitioner by the Respondent company and the witness WW1 during his cross examination has admitted that the Respondent call issue power of attorney only to managerial cadre employee to represent the bank in any case filed by or against the bank. Thus, it is admitted fact by the petitioner was discharging of function of manager.
10. On the other hand, petitioner has denied the contention raised by the Respondent management regarding the maintainability of the petition and has relied upon the decision of the Hon'ble Supreme Court in the case **M/s Basti Sugar Mill Limited Vs Raj Ujagar, 1964 AIR Supreme Court page 355**. Therein Hon'ble Supreme Court have held that the definition of “workman” means any person employed in any industry whether employment was given by the management of the factory or by the contractor of the management. The workman contractor are the workman of the company and appellant company is their employer. The word employed by a factory wide enough to include workman employed by the contractor also.
11. Further, the petitioner has relied upon the decision of the Hon'ble High in the case of Director **Hindustan Institute of Engineering Technology Vs Presiding Officer, Additional Labour Court 2022 F.L.R Page 1005**. Therein the Hon'ble High court have held that to decide whether any person is covered under the definition of workman as provided under the Industrial Dispute Act. Supreme Court in various decisions has held that the designation post of an employee is in significant.
12. In view of submission made by Leaned Counsel for either parties perused the record firstly, it would be apposite to look into the definition of workman as provided u/s 2(s) of the Industrial Disputes Act and same is extracted below:-

“ Section 2(s) “Workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to any Industrial Dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person

- (i) Who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
- (ii) Who is employed in the police service or as an officer or other employee of a prison, or
- (iii) Who is employed mainly in a managerial or administrative capacity. Or
- (iv) Who being employed in a supervisory capacity, draws wages exceeding 56a [ten thousand rupees] per mensem or exercises, either by him, functions mainly of a managerial nature.”

13. Whereas petitioner has examined witness WW1, in support of his Petition statement and in chief affidavit. WW1 has stated that he worked as assistant Manager (Band-II) In M/s ICICI Bank Limited, Bank Tower Regional Office, plot no. 12. Hyderabad and was dismissed by the Respondent company on 28th November 2011. Further, WW1 states that he has filed four documents in support of his claim. Ex W1 is the appointment letter dated 19th June 2006, Ex W2 is the termination letter dated 28th November 2011, the Ex W3 is the legal notice dated 24th December 2011 and Ex W4 is the acknowledgment card dated 2nd January 2012.

14. Further, W1 has also exhibited document Ex W5 plaintiffs personal email printout of the performance feedback for the month of August 2011, Ex w6 is the repeat login of the Harley Davidson case, Ex W7 is the salary certificate from number 16 financial year 2010-11 issued by ICICI Bank Limited, Ex W8 is the plaintiffs personal Email printout requisition for normal relief and Ex W9 is the power of attorney in favor of the Damodara Pagadala, issued in favor of the petitioner and Ex W10 is the certificate under section 65 B of the Evidence Act. WW1 was cross-examined by the Respondent counsel and WW1 in his cross-examination, WW1 states that it is true, as per Ex M2 the Respondent bank has credited Rs. 1,24,100/- on 22nd December 2011 towards the full and final settlement. This amount includes three months gross salary.

15. Further, WW1 states that one Mr. Kranti was his reporting Manager Superior. Full form of BSM is Branch sales Manager. Witness stated that his functional designation was BSM, while his actual designation was Assistant Manager (Band II). WW1 has admitted that it is true that in the claim statement he has not stated about the fact that any explanation about poor performance was sought by his reporting Manager of the Superior before issuing the Ex W2 termination letter.

16. Further, witness WW1 state that it is true that job role and responsibilities and delivery bill of branch sales manager are as mentioned in para 3 of the counter filed by the Respondent. Witness states that the Respondent Bank official did not provide equal opportunity to him to deliver the result. WW1 states that that he has not filed any document to show his nature of duties and the result delivered by him. Further, the WW1 states, I have not filed any document to show that I was discharging the nature of duties which categorized him as a workman. Further, the WW1 states that it is true that the Respondent has issued a power of attorney only to two managerial cadre employees to represent the bank in any cases filed by or against the bank.

17. Thus, from the statement of WW1 in cross-examination, it reveals that the petitioner was appointed as Assistant manager (Band-II) and he was discharging his job roles and responsibilities as a branch sales manager, the Respondent Bank further WW1 has admitted his job roles and responsibilities were as are mentioned in para 3 of the counter filed by the Respondent. The job roles and responsibilities of the petitioner as an employee of Respondent are contented in para 3 of counter are extracted as here under: -

“The Petitioner’s actual day to day duties involved taking decisions with regard to his portfolio, for which, he was managerially and administratively responsible. The brief details of the portfolio handled by the Petitioner are as under:

“ Job Role & responsibilities:

- Manage Auto Loans through Car Dealers, Direct Sales Agents and Direct Sales Teams
- Empanelment of new car Dealers, DSA and DST in the market
- Accountable for Sales performance and productivity of team
- Conduct training for all the channels and team on product, policy and market changes
- Manage business promotional activities with channels
- Responsible for tracking Sourcing and healthy portfolio
- Interact with the credit team, and get business approvals
- Keep close watch on competitor product, policy and market strategy

Deliverables:

Recruit, train and motivate channels and team

Achieve sales targets

Guide channel sales team and introduce clients to them

Maintain knowledge on all bank products and services and assist to resolve Customer queries

Develop new relationships with Customers to increase revenue and accounts

The above duties are administrative functions distinguishable from manual, skilled, semi-skilled, unskilled, technical, operational, or clerical duties, which fall within the meaning of Section 2(s) of the ID Act”.

Thus, from the offer mentioned details of the duties discharge by the Petitioner it is clear that the petitioner was discharging managerial and administrative functions during the employment of the Respondent bank. Moreover, he has not pleaded and established that he was doing the manual. Skilled or semi-skilled, unskilled, technical or operational, or clerical duties. As of workman. Therefore, in view of the nature of duties and responsibilities

discharged by the Petitioner we are constrained to hold that he is not covered under the definition of “workman” as provided under section 2 (s) of the ID Act. Whereas the offer of appointment petitioner ExW1 goes to reveal that the petitioner was appointed as an Assistant manager (Band II) in the ICICI Bank the paragraph of other terms and conditions of service. It is clearly mentioned that he will devote his whole time and attention to the office work to promote the interest of the bank. However, Respondent has examined witness MW1 and in his chief affidavit statements para 4 witness MW1 has reiterated the contention made by the Respondent regarding designation and discharge the duties of the petitioner in the Respondent bank. MW1 stated that petitioner actual day to day work admittedly involved taking decision of portfolio for which he is managerially, administratively responsible. Further, MW1 states that the duties mentioned and duties discharge by the Petitioner are administrative functions distinguishable from manual skilled, semi-skilled, technical, operational or clerical duties as the Petitioner was in the role of the managerial performing managerial duties. MW1 was cross-examine by the petitioner counsel but the statement in chief of the witness MW1 regarding discharge of nature duties by the Petitioner in Respondent Bank was of managerial and administrative nature, that remained uncontroverted. Therefore, in view of the oral and documentary evidence on record I am constrained to conclude that the Petitioner is not concerned under the term workman as defined under Section 2 (s) of the ID Act.

There are few decisions of the Hon’ble Supreme Court as well as the Hon’ble High Court which are relevant to the present matter are being discussed below:-

(a) In the case of **Vandhana Joshi Vs Standard Chartered Bank Limited Appeal No.67 of 2010 Division Bench of Hon’ble Bombay High Court** have held

“10. These duties upon which there is absolutely no dispute or caveat would belie the contention of the first respondent that she was doing work predominantly of a clerical nature. Section 2(s) of the Industrial Disputes Act, 1947 defines the expression “workman” to mean any person “employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward”. A Constitution Bench of the Supreme Court in *H. R. Adyanthaya vs. Sandoz (India) Ltd.*, 1994(11) CLR 552 held that in order that a person can be designated as a workman under section 2(s) he/she must be employed to do work which falls within one of the stipulated viz. categories manual, unskilled, skilled, technical, operational, clerical or supervisory. In other Words, it is not enough that a person is not covered by either of the four exceptions to the definition. It is now also a well settled principle of law that the burden lies on the person who asserts the status of a workman under section 2(s) to establish with reference to the dominant nature of his / her duties that the work which is performed falls within one of the stipulated categories in section 2(s). *Mukesh K. Tripathi vs. Senior Divisional Manager, LIC*, 2004(III) CLR 534 at para 37 and *Ganga Kisan Sahkari Chini Mills Ltd. vs. Jaivir Singh*, 2007(II) CLR 840 at para 9.”

In the present case petitioner utterly failed to plead establish that he was employed to do work which falls within one of the stipulated categories manual, skilled, unskilled, technical, operational clerical or supervisory. Thus, petitioner failed to discharge his burden of proof as discussed above, hence he is not a workman within the meaning of Section 2(s) of I.D. Act.

(b). **Hon'ble Supreme Court In the case of the Bharathi Airtel Service Limited A.S Ragavendar 2024 SCC page 418** held that

“26. A bare perusal of the above makes it crystal clear that absence appoint. dismiss of power or conduct disciplinary enquiries against other employees Was not the only reason for the Court to conclude in *Ved Prakash Gupta* that the appellant therein was “workman”. At this juncture, we may note that although *Ved Prakash Gupta* was decided by a three-Judge Bench, in a later judgment by a two-Judge Bench of this Court in *S.K. Maini v. Carona Sahu Co. Ltd* 39 it was held that: (S. K. Maini case 39, SCCP. 520, para 11) 11. ... t should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested with a local manager, but such power is given to some superior officers also in the management cadre at divisional or regional level.” (emphasis supplied) The judgment in *S.K. Maini* 39 is innocent of *Ved Prakash Gupta*, but we do not find any inconsistency in the statement of law laid down in *S.K. Maini* 39, given our reading of *Ved Prakash Gupta* as enunciated hereinabove.

“That being said, in our considered view, mere absence of power to appoint, dismiss or hold disciplinary inquiries against other employees, would not and could not be the sole criterion to determine such an issue. Holding otherwise, would lead to incongruous consequences, as the same would, illustratively, mean that, employees in high-ranking positions but without powers to appoint, dismiss or hold disciplinary enquiry would be included under the umbrella of “workman” under Section 2(s) of the ID Act. We cannot be oblivious of the impact of our decisions.

Thus, the plea of the portioner that he was not conferred the power to dismiss or to hold discharge inquiry against other employee and his portioner in maintainable under the Industrial Dispute Act and he is covered with the meaning of workman is untenable in view of the law laid down by the Apex Court.

(c.) Hon'ble Supreme Court in the case of Lenin Kumar Rai Vs Express Publications, Madurai 2024 SCC page 2987 have held: -

“15. The Law is well settled that the determinative factor for "workman" covered under section 2(s) of the I.D. Act, is the principal duties and functions performed by an employee in the establishment and not merely the designation of his post. Further, the onus of proving be the nature of employment rests on the person claiming to "workman" within the definition of section 2(s) of the I.D. Act.”

16. In the present case, there is no specific document adduced relating to the actual work and functions performed by the employee. In the absence of any concrete material to demonstrate the nature or duties discharged by the employee, the employment orders issued by the management will have to be taken into consideration and as per the same, the employee was appointed as Junior Engineer and Was promoted as Assistant evidence Engineer, on the administrative side. It is the M.W.1 that the employee was Supervising the work of two junior Engineers, who Were working under him which was also admitted by the employee in his cross examination, as W.W.1. Even according to the employee, the nature of duties and functions discharged by him was of supervisory. As such, applying the pre amended provision of section 2(s), since the employee was terminated from service on 08.10.2003 and was drawing salary of more than Ps. 1,600/-, he does not Come within the definition of "workman". Therefore, we hold that the employee is not a "workman" as defined under section 2(s) and is not covered by the provisions of the I.D. Act. In view of the same, the order of the High Court upholding the finding of the Labour Court that the employee was a "workman" within the definition of post-amended section 2(s), is liable to be set aside.

(d) High Court of Judicature, Andhra Pradesh and Hyderabad in the case of A Ramamurthy Vs K.D.R Technologies Limited, Hyderabad, 2009 ALD page 39 has held that from the pleading evidence of the Petitioner it becomes evident that the petitioner was discharging supervisory function. Therefore, the Petitioner is not a workman within the mean of section 2(s) of the Act.

Thus, in view of the foregone discussion on the basis of oral and documentary evidence available on the record and law laid down by the Hon'ble Supreme Court and High Court as discussed above it can safely be concluded on the basis of oral and documentary evidence available on the record that the petitioner herein is not covered within the meaning of workman u/s section 2 (s) of Industrial Dispute Act 1947. Therefore, the claim petition filed by the Petitioner is not maintainable under the provision of Industrial Disputes Act as he is not a workman as defend u/s 2(s) of I.D. Act.

Therefore, Issue No.1. Is decided against the Petitioner and in favor of the Respondent.

18. ISSUE No: II

In view of the finding under issue no. 1, the Petitioner is not covered under the definition of workman as provided in Under section 2(s) of the I.D. Act, and his petition filed under the Industrial Dispute Act is not maintainable. Therefore, it is not expedient at this juncture to examine the legality and justification of termination order of the petitioner. Thus, issued in decided accordingly.

19.ISSUE No. III

In view of the finding given at the issue number 1, the petition filed by the petitioner against the termination order is not maintainable under the industrial Dispute Act 1947 as the Petitioner is not a workman within the meaning of “workman” as provided u/s 2(s) of the ID Act. Therefore, present Petition is not maintainable and liable to be dismissed.

AWARD

In view of the discussion and finding given at issue No. I and No. III Petitioner is not a “Workman”, hence petition filed by the Petitioner under Industrial Dispute Act, 1947 is not maintainable. Therefore, petition is dismissed.

Award is passed accordingly.

Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 16th day of October 2025.

IRFAN QAMAR, Presiding Officer

Dated 16-10-2025

Appendix of evidence

Witness examined for the

Petitioner

WW1: Sri Damodara Pagadala

Witness examined for the

Respondent

MW1: Sri Tirumala Rao A

Documents marked for the Petitioner

- Ex.W1: Photocopy of Appointment letter dated 19-06-2006
- Ex.W2: Photocopy of Termination letter dated 28-11-2011
- Ex.W3: Photocopy of Legal Noticer dated 24-12-2011
- Ex.W4: Photocopy of Postal Acknowledgment Card dated 02-01-2012
- Ex.W5: Photocopy Petitioner personal email printout from Gmail emailsubject: Performance feedback for the month of August 2011 (pages)
- Ex.W6: Photocopy of Petitioner personal email printout from Gmail email Subject: Repeat login of Harely Davidson case (2 pages)
- Ex.W7: Photocopy of Salary Certificate (form 16) FY 2010 -2011 issued by ICICI Bank Ltd, Respondent
- Ex.W8: Photocopy of Petitioner personal email print from Rediff Email subject: Requestion for Normal Releave-EMP.No.145358
- Ex.W9: POWER OF ATTORNEY in favor of Damodara Pagadala, Petitioner to represent all the suit and legal proceedings by or against theBank
- Ex.W10: Photocopy of Certificate Under Section 65B of Evidence Act

Documents marked for the Respondent

- Ex.M1: Photocopy of Resume of the Petitioner, downloaded from jobs website Named “Naukri.com”
- Ex.M2: Photocopy of ICICI Bank statement of the Petitioner
- Ex.M3: Photocopy of the Power of attorney dated 7-04-2022 issued in favor of MW1 By the Respondent