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सं. 49] नई दिल्ली, दिसम्बर 14—दिसम्बर 20, 2025, शनिवार/अग्रहायण 23—अग्रहायण 29, 1947
No. 49] NEW DELHI, DECEMBER 14—DECEMBER 20, 2025, SATURDAY/AGRAHAYANA 23—AGRAHAYANA 29, 1947

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

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

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

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 15 दिसम्बर, 2025

का.आ. 2148.— 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 आयुक्तालय, जालंधर 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 15th December, 2025

S.O. 2148.—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 GST COMMISSIONERATE, JALANDHAR** 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)

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

नई दिल्ली, 22 अक्टूबर, 2025

का.आ. 2149.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री संजय कुमार, श्री शशांक चंद्रा और श्री निलंजन चटर्जी अधिवक्तों को, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अण्वेष्टित मामलों से उद्भूत अभियोजन, अपील, पुनरीक्षण और अन्य मामलों का और उनसे संबद्ध या उनसे आनुषंगिक विषयों का माननीय पटना उच्च न्यायालय के समक्ष संचालन करने हेतु नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा.सं. 225/23/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department Of Personnel And Training)**

New Delhi, the 22nd October, 2025

S.O. 2149.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri Sanjay Kumar, Shri Shashank Chandra and Shri Nilanjan Chatterjee, Advocates as Special Public Prosecutors for conducting the prosecution, appeals, revisions and other matters arising out of the cases investigated by Delhi Special Police Establishment (Central Bureau of Investigation) and for matters connected therewith or incidental thereto, before the High Court at Patna, for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No. 225/23/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 24 नवम्बर, 2025

का.आ. 2150.— केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. जी.ओ.एमएस.सं.103, दिनांक 01.09.2025, गृह (विशेष) विभाग के माध्यम से जारी तेलंगाना राज्य सरकार की सम्मति से (1) श्री डी. प्रकाश राव, वरिष्ठ लेखा अधिकारी, पीएओ, जीएसटी / सीमाशुल्क, चौथा तल, जीएसटी भवन, बशीर बाग, हैदराबाद; निवासी – प्लॉट सं. 140, 141, रोड सं. 11, त्रिवेणी नगर कॉलोनी, मीरपेट, हैदराबाद 500097 (ii) श्री सुदर्शन, वरिष्ठ सहायक, जीएसटी / सीमाशुल्क, जीएसटी भवन, बशीर बाग, हैदराबाद, (iii) अन्य अज्ञात लोक सेवकों एवं गैर सरकारी व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केन्द्रीय अधिनियम संख्या 49) (2018 के केन्द्रीय अधिनियम 16 द्वारा यथासंशोधित) की धारा 7 & 7ए, बीएनएस, 2023 की धारा 61(2) के अंतर्गत दंडनीय अपराधों एवं दिनांक 14.08.2025 की शिकायत के आधार पर अन्य संचयी अपराधों और उक्त मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध(धों) सहित ऐसे एक या उससे अधिक

अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध के लिए दिनांक 02.09.2025 को दर्ज किए गए आरसी 12 (ए) / 2025 में पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से, दिनांक 02.09.2025 से) समस्त तेलंगाना राज्य में करती है।

[फा.सं. 228/75/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 24th November, 2025

S.O. 2150.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.103, Dated.01.09.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the State of Telangana (ex post fact w.e.f. 02.09.2025) for registration and investigation in RC 12(A)/2025 registered on 02.09.2025 against (i) Shri D. Prakash Rao, Sr Accounts Officer, PAO, GST/Customs, 4th Floor, GST Bhavan, Basheer Bagh, Hyderabad; R/o Plot No 140, 141, Road No 11, Triveni Nagar Colony, Meerpet, Hyderabad 500097 (ii) Shri Sudarshan, Sr. Assistant, GST/Customs, GST Bhavan, Basheer Bagh, Hyderabad (iii) Other Unknown Public and Private Persons for the offences punishable under section 7 & 7A of Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988) (as amended by Act 16 of 2018), 61(2) of BNS, 2023, other cumulative offences and any other offence(s) that may come to light during the investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and / or any offence committed in the course of such transaction or arising out of the same facts and any other offence(s) on the basis of complaint dated 14.08.2025.

[F. No. 228/75/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 28 नवम्बर, 2025

का.आ. 2151.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुनःअधिसूचना सं. आर-3398966/2025/बी-1/दो; भोपाल, दिनांक 28.08.2025, गृह विभाग, मंत्रालय के माध्यम से जारी मध्य प्रदेश राज्य सरकार की सम्मति से मध्य प्रदेश जल निगम की परियोजनाएँ यथा मजोदिया मल्टी विलेज स्कीम एवं लखुन्दर मल्टी विलेज स्कीम में ठेकेदार, मध्य प्रदेश बाबरिया – अंकिता कंस्ट्रक्शन जे. वी. द्वारा प्रस्तुत किए गए जाली बैंक प्रतिभूतियों के मामले में अन्वेषण का संचालन एवं उक्त अन्वेषण से जुड़े या उससे संबद्ध किसी अपराध, दुष्प्रेरणा एवं/अथवा षड्यंत्र के अन्वेषण हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त मध्य प्रदेश राज्य में करती है।

[फा.सं. 228/92/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 28th November, 2025

S.O. 2151.— In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh, issued vide Re-Notification No. R-3398966/2025/B-1/Two; Bhopal, dated 28.08.2025, Home Department, Mantralaya, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Madhya Pradesh to conduct investigation of the case of forged Bank Guarantees submitted by the contractor, Madhya Pradesh Babaria – Ankita Construction J.V in the projects of Madhya Pradesh Jal Nigam i.e Majodia Multi Village Scheme and Lakhundar Multi Village Scheme and for the investigation of any offence, abetment and/or conspiracies in relation to or in connection with the said investigation.

[F. No. 228/92/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 3 दिसम्बर, 2025

का.आ. 2152.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पुलिस उप महानिरीक्षक/शाखा प्रमुख, सीबीआई, एसीबी, रांची के दिनांक 13.09.2024 के पत्र संख्या 557/सीओ-4/2024-सीबीआई, एसीबी आर द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-428/2024-6775/रांची, दिनांक 12.11.2025, गृह, कारागार और आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से डॉ. दया राम, डॉ. बासुदेव दास, श्री निर्मल्य चक्रवर्ती एवं श्री नदीम अहमद, सभी केन्द्रीय मनोश्चिकित्सा संस्थान (सीआईपी), रांची से एवं अन्य अज्ञात लोक सेवकों एवं गैर सरकारी व्यक्तियों, झारखंड, के विरुद्ध भारतीय दंड संहिता की धारा 120(बी), 420, 468 एवं 471 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथा संशोधित) की धारा 7 के तहत दंडनीय अपराध करने के लिए साथ ही इस मामले के अन्वेषण के दौरान प्रकाश में आए किन्हीं अन्य अपराधों एवं ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) के लिए नियमित मामला दर्ज करने हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार झारखंड राज्य में करती है।

[फा.सं. 228/93/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 3rd December, 2025

S.O. 2152.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act XXV of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-428/2024-6775/Ranchi, dated 12.11.2025, Home, Prisons and Disaster Management Department upon request made vide letter number 557/CO-4/2024-CBI, ACB R, dated 13.09.2024 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the powers and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand for registration of regular case against Dr. Daya Ram, Dr. Basudeb Das, Mr. Nirmalya Chakraborty and Mr. Nadim Ahmed, all of Central Institute of Psychiatry (CIP), Ranchi and other unknown public servants and private persons, Jharkhand for committing offences u/s 120B, 420, 468 and 471 IPC and section 7 PC Act 1988 (as amended in 2018) and other offences that may come to light during investigation of this case including any attempt, abetment and conspiracy in relation or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/93/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 दिसम्बर, 2025

का.आ. 2153.—केन्द्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री अवधूत मधुकर चिमलकर, अधिवक्ता को सिटी सिविल और सत्र न्यायालय, ग्रेटर बॉम्बे (महाराष्ट्र) में 'विशेष न्यायाधीश, सीबीआई', 'विशेष न्यायाधीश, एन.आई.ए.', 'विशेष न्यायाधीश, पी.एम.एल.ए' और विशेष न्यायाधीश, (एम.पी.और एम.एल.ए.) के न्यायालयों में दिल्ली विशेष पुलिस स्थापन, (केन्द्रीय अन्वेषण ब्यूरो) द्वारा संस्थित मामले आरसी 2232021A0003 सीबीआई/एसी-वी (अब एसी-3)/नई दिल्ली (अनिल देशमुख और अन्य) के अभियोजन का और इन मामलों से उद्भूत, अपील, पुनरीक्षण और/या अन्य मामलों का विधि द्वारा स्थापित अपील या पुनरीक्षण न्यायालयों में संचालन करने हेतु मामले का निपटान होने तक या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा.सं. 225/25/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th December, 2025

S.O. 2153.— In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri Avadhut Madhukar Chimalker, Advocate as Special Public Prosecutor for conducting prosecution of case RC 2232021A0003 CBI/AC-V (now AC-III)/New Delhi (Anil Desmukh and others) instituted by the Delhi Special Police Establishment (Central Bureau of

Investigation) in the Courts of 'Special Judge, CBI', 'Special Judge, N.I.A', 'Special Judge, P.M.L.A and 'Special Judge, (M.P & M.L.A.) at City Civil and Sessions Court, Greater Bombay (Maharashtra) and Appeal, Revision and/or other matter arising out of the case in any Appellate or Revisional Court established by law, till disposal of the case or till further order, whichever is earlier.

[F. No. 225/25/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 4 दिसम्बर, 2025

का.आ. 2154.— कारखाना अधिनियम, 1948 (1948 का 63) की धारा 2 के खंड (ढ) के पहले प्रावधान के खंड (iii) द्वारा प्रदत्त शक्तियों के अनुसरण में, केंद्रीय सरकार नीचे दी गई तालिका के कॉलम (2) में निर्दिष्ट अधिकारियों को एनएलसी इंडिया लिमिटेड (एनएलसीआईएल) के संबंधित कारखाने या कार्यशाला के "अधिष्ठाता" के रूप में नियुक्त करती है, जो उक्त तालिका के कॉलम (1) में निर्दिष्ट है, जिसका पंजीकृत कार्यालय नंबर 135, ईवीआर पेरियार हाई रोड, किलपौक, चेन्नई -600 010 में है, अर्थात:

कारखाने का नाम (सौर ऊर्जा परियोजना)	अधिष्ठाता के रूप में नियुक्त किए जाने वाले अधिकारी का पदनाम
300 मेगावाट बरसिंगसर सौर ऊर्जा परियोजना	उप महाप्रबंधक/ महाप्रबंधक/मुख्य महाप्रबंधक

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

[फा.सं. 38026/1/2013-सीए- II]

प्रदीप राज नयन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 4th December, 2025

S.O. 2154.— In pursuance of the powers, conferred by clause (iii) of the first provision to clause (n) of Section 2 of the Factories Act, 1948 (63 of 1948), the Central Government hereby appoints officers specified in column (2) of the Table below as "Occupier" of the respective factory or workshop of NLC India Limited (NLCIL), specified in column (1) of the said Table having its registered office at No.135, EVR Periyar High Road, Kilpauk, Chennai-600 010, namely:

Name of the Factory (Solar Power Project)	Designation(s) of Officer to be appointed as Occupier
300 MW Barsingsar Solar Power Plant	Deputy General Manager/ General Manager / Chief General Manager

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

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

PRADEEP RAJ NAYAN, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 11 दिसम्बर, 2025

का.आ. 2155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पुरातत्वविद, भारतीय पुरातत्व सर्वेक्षण के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ** के पंचाट (पहचान संख्या 116/2004) को प्रकाशित करती है,

[सं. एल-42012/39/2004-आई. आर. (सी.एम- II)]

सलोनी, उप निदेशक/लिंक अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th December, 2025

S.O. 2155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 116/2004**) of **the Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Archaeologist, Archaeological Survey of India** and their workmen,

[No. L-42012/39/2004-IR(CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE**BEFORE THE PRESIDING OFFICER****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT,****LUCKNOW****I.D. No.116 of 2004****Reference No.L-42012/39/2004-IR(CM-II) dated 4.10.2004**

Surendra Singh, Rastriya Adhyakcha

Bartiya Puratatwa Sarvekchan Karamchari

Parishad (Intak), 68, Sector-16, Sikandara,

Agra

-----Applicant/Workman

Versus

Adhikchan Puratatwavid Bhartiya Sarvekchan

Agra Circle 22, Mall Road, Agra

----Respondent

Judgment

By means of Reference no. L-42012/39/2004-IR(CM-II) dated 4.10.2004, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

“क्या सुपरिन्टेन्डिंग आर्कलोजिस्ट, आर्कलोजिकल सर्वे आफ इण्डिया, आगरा द्वारा श्री सलीम आत्मज श्री समीरा एवं अन्य 10 सूची में संलग्न कर्मकारों को सूची में अंकित तारीख से सेवा से हटाया जाना न्यायोचित है ? यदि नहीं तो सम्बन्धित कर्मकार किस अनुतोष के हकदार हैं ?”

In response to the said reference on behalf of Sri Saleem and 10 others, filed a statement of claim had been filed on 26.10.2004, details of the workmen on whose behalf claim statement is filed, as under:

S.No.	Name (Sarvshri)	Father's name (Sarvshri)	Date of retrenchment
1.	Saleem	Sameera	7.8.2003
2.	Chattar Singh	Varan Singh	7.8.2003
3.	Om Prakash	Tek Chand	1.6.2003
4.	Chhitriya	Tek Chand	1.6.2003
5.	Vishan Singh	Ram Singh	4.8.2003
6.	Rajendra	Panna Lal	4.8.2003
7.	Rajendra	Phool Singh	7.8.2003
8.	Vijay	Radhey Shyam	1.5.2003
9.	Yadav Singh	Sitaram	1.4.1998
10.	Mukesh	Nekra	1.4.2003
11.	Sabir	Naseera	11.8.2003

In the statement of claim, filed on behalf of above said persons on 26.10.2004, it is pleaded as under:-

- The work of maintenance and conservation of historical buildings of Archaeological Department under Superintendent Archaeologist, Archaeological Survey of India, Agra Circle, Agra was continuing. In order to maintain the historical buildings the repair, construction and maintenance work, number of skilled and unskilled workers were employed as the work goes on throughout the year. All these works come under manual work, hence, the employees related to the above said work come under the category of workmen as defined under Industrial Disputes Act 1947.
- Archaeological Department earns rupees in lacs daily from the historical buildings like Taj Mahal, Agra Fort, Fatehpur Sikri, Mehtab Bagh, Etmad-ud-Daulah, Sikandra, Rambagh, Maryam Tomb etc.
- If the employees mentioned in the list are not engaged for maintenance, conservation, repair etc of these historical buildings, then these buildings will turn into ruins, collapse and these buildings will turn into mounds.
- The employees related to the dispute Saleem, S/o Samira does the work of Pacchikari; Chhatar Singh, S/o Sri Charan Singh is a stone cutter; Om Prakash, S/o Sri Tekchand; Chhitriya S/o Sri Tekchand is a mason, Kishan Singh, S/o Sri Ram Singh is a stone cutter. Both Sri Rajendra's sons Panna Lal and Phool Singh is a stone cutter. Vijay S/o Sri Radhey Shyam, Mukesh S/o Sri Nekram and Sabir S/o Sri Naseera all three are beldars and Yadav Singh, S/o Sri Sitaram is a stone cutter. All the workers have been working with the employers for more than 10 years.
- The above said workers were retrenched on different dates as mentioned in the list.
- In place of Saleem, Nazir S/o Sri Hussaini, Ram Prakash in place of Om Prakash, Madhav Singh in place of Chhitriya, Gopal in place of Kishan Singh, Kishan Swaroop in place of Rajendra S/o Panna Lal, Chandra Pal in place of Rajendra S/o Phool Singh, Rakesh in place of Vijay, Arti in place of Yadav Singh, Chand Khan S/o Mohammad in place of Mukesh, Ramdas in place of Sabir has been engaged. Apart from this after removing hundreds of other employees from service, the employers done the fresh employees.
- The employers done the manipulation in the muster rolls, take work from the employee in one building and show his name in the muster roll of some other building, they even change the name and address of the employee in the muster roll.
- The workmen have been removed from services without giving any reasons, without any charge and also without paying any retrenchment compensation rather contrary to the principles of first come last go.

- i) The employers had removed the employees from service from time to time whose disputes were heard before the CGIT Kanpur, CGIT, New Delhi etc. award were passed in favour of the workers and on the basis of awards, the employees were retained in service.
- j) The service employer tampers with the departmental records, against which a report has been lodged with the police and at present also a criminal case is under consideration.
- k) Archaeological workers cannot get temporary status in service, they cannot become permanent. In this way by trampling on the rights of the employees, the employer removed the old employees from service and hired new employees every day and he same has been done with the employees related to this dispute.

On the basis of above said averments it was prayed that the workers be taken back in service and also they be given the salary along with interest.

Thereafter the respondent filed written statement to the Statement of claim filed on behalf of workmen. In their written statement they pleaded as under:-

- Archaeological Survey of India is a sovereign department of Government of India and not an industry to be controlled within the parameters of I.D. Act, 1947. This department undertakes the onerous responsibility of preserving and conserving numerous ancient monuments and archaeological sites spread over the length and breadth of the country. To fulfil this august and arduous task, this department engages casual labourers for specific job and for specific duration of work so that the conservation works are completed within the stipulated time period. The department of the answering respondent is a sovereign department and is not covered under the definition of an industry, as such, the reference is liable to be dismissed.
- Archaeological Survey of India is a sovereign department under the department of Culture of the Govt. of India and is regulated by Ancient Monuments & Archaeological Sites and Remains, 1958 Rules thereof 1959, Antiquities and Art Treasure Act, 1972 & Public Premises Act 1957.
- This department is neither an industry nor undertakes any kind of industrial work, nor is a manufacturing concern to come under the purview of I.D. Act, 1947. As such, provisions of ID Act, 1947 on this department are not applicable. Therefore, the reference is unlawful and hence is liable to be rejected.
- The Under Secretary to the ministry of Culture had also written a letter to the Under Secretary to the Ministry of Labour intimating him that the department of the respondent is not an industry.
- The CGIT-cum-Labour Court, Ahmedabad has also clarified that the department of Archaeological Survey of India is not an industry vide their judgement and order dated 25.11.2004 in the matter of Bhagirath Sharma and others vs. Superintendent, Archaeological Survey of India.
- The earnings from the monuments are national earnings and are deposited in Govt. revenue, which is disposed off as per the budgets placed by successive Governments in the parliament. These earnings are not anyone's personal or industrial earnings so as to be disposed off with the consent of the officers/casual labourers. The government allocates budget for various departments every year and the concerned departments execute their works according to the availability of the funds. While undertaking such works, priorities are laid down and works are taken up accordingly.
- Works are undertaken as long as the funds allocated for the sanctioned estimate is exhausted. Once the fund is exhausted work is over, the work is closed. Moreover, funds are also utilised for various other purposes like the structural, chemical and horticultural conservation of such monuments, which also includes monuments at far-flung areas from which the sale of ticket is almost nil. The government is compelled to utilise funds for their conservation also.
- The applicant, Saleem had never been engaged at Taj Mahal as claimed by him. Chhatar Singh had been engaged for 88 days between 01.11.01 and 28.02.2002, again for 101 days between 01.12.02 and 31.03.03 and for 52 days between 01.05.03 and 31.08.03 under Sikandara sub-circle of this establishment. Kishan Singh, S/o Sri Ram Singh (and not Panna Lal as alleged) was engaged for 47 days between 11.12.01 and 23.03.02, again for 125 days between 01.06.02 and 31.03.03 for highly intermittent casual nature of work under Sikandara sub-circle of this establishment. Rajendra, S/o Sri Panna Lal was engaged for 47 days between 11.12.01 and 23.03.02 again for 100 days between 01.06.02 and 03.03.03 and for 50 days between 01.06.03 to 31.08.03. Vijay S/o Sri Radheshyam was engaged for 145 days between 01.07.00 and 28.03.01, again for 204 days between 29.03.01 and 28.03.02, again for 214 days between 01.05.02 and 29.03.03 under Fatehpur Sikri sub circle of this establishment. Mukesh S/o Shri Nekram was engaged for 120 days

between 25.2.86 to 05.02.87 again for 156 days between 26.04.87 to 01.10.90 under Ftehpur Sikri Sub-Circle of this establishment. Sabir S/o Sri Nasira had never been engaged at Mehtab Bag as claimed by him. Yadav Singh S/o Sri Sita Ram was engaged for 22 days between 01.01.02 to 31.01.02 under Sikendra Sub-Circle of this establishment. Om Prakash S/o Sri Tek Chand was engaged only for 26 days in the month of May-2003 under Sub-circle Etmaudolla. Rajendra S/o Sri Phool Singh was engaged only for 26 days between 01.07.03 to 31.07.03 under sub-Circle Sikendra on as and when required basis.

- The applicant was never appointed on any post, as such the question of termination of the applicant does not arise. The applicant was engaged for highly intermittent casual nature of work and as soon as the job ended, he was no more engaged. It is not termination so as to attract any provision of law.
- The department engages workers for purely temporary nature of conservation works and since the works are for limited periods, so the workers are not engaged for the whole year. Works in the department are taken up for intermittent periods against sanctioned estimates and are continued till the assignment is either over or the funds are exhausted. Continuous engagement of such workers without work would be against the interest of the government and that of the nation as well.
- The department of the respondent has filed a Writ against the award passed by the CGIT-cum-Labour Court, Kanpur and the same is still pending in the Hon'ble High Court of Allahabad for hearing. There are a number of cases which are decided against the working limit.
- Since the department of the Archaeological Survey of India neither produces any goods nor pursues any profit oriented business, so it cannot be included in the category of an industry. The department has the onerous responsibility of ensuring that the centrally protected monuments of the nation are properly conserved and maintained in the desired manner so that these monuments do not lose their lustre. Since these monuments are spread throughout the length and breadth of the country, so works are undertaken at different monuments at different times till the item of work is completed or the sanctioned amount is exhausted. Since the works are of different nature so different workers are depending upon their suitability, sincerity and employability. It is neither possibility nor justifiable to keep such works continued at a particular monument throughout the year or keep a particular worker engaged throughout the year.
- The Hon'ble Supreme Court of India had removed all ambiguities pertaining to the Scheme of Temporary status of 1993. The Hon'ble Court has held that only those unskilled workers who had been engaged during the period of 1992-1993 and have completed 240 days (206 days for offices observing 5 days a week) and were present in work on 10.9.1993 are eligible for grant of temporary status. Hence, grant of temporary status with effect from 31.1.2001 cannot be made applicable to the applicant since the said scheme was no more in vogue on this date.

On the basis of above said pleadings on behalf respondent Mrs. Neeta Mathur prays that the claim of the applicant is liable to be dismissed as he is not entitled to any relief whatsoever.

Inspite of notice none appeared on behalf of workman. Heard Mrs. Neeta Mathur on behalf of respondent and gone through the record.

Finding & conclusion:

The first question is to be considered in the present case is whether Archaeological Survey of India is Industry within the meaning of Section 2J of I.D. Act or not?

I have heard the learned counsel for respondent, Smt. Neeta Mathur and gone through the record.

The first question which is to be considered in the present case is whether Archaeological Survey of India is industry within the meaning of section 2J of the Act or not?

In order to decide its controversy it would be appropriate to see the description of industry as given u/s 2 'J' of the Act:

The core question to be determined in this petition is the nature of activities, which the respondent-Institute performs and whether such activities bring the respondent-Institute within the purview of the term "industry" used under the Act.

The Hon'ble Apex Court in the case of Bangalore Water Supply and Sewerage. Board v. R. Rajappa and others, (1978) 2 SCC 213 after taking into consideration definition of industry given by the Supreme Court in D.N. Banerji v. P.R. Mukherjee and others, AIR 1953 SC 58 held is under:

- "(a) an organization where a systematic activity is carried out;*
(b) the activity is organized by cooperation between employer and employee (the direct and substantial element is chimerical); and
(c) the activity is for production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss, i.e., making on a large scale Prasad or food)."

However, following were held irrelevant consideration:-

(A) Whether or not there is profit motive or gainful objective or investment of capital in an industry.

(B) A private individual shall be employer of the industry. This Act equally applies when the Government or the local authority is the employer. The nature could be public, joint or otherwise, the true focus is functional and the decisive test is nature of activity with special emphasis on the employer and employee relation.

The Supreme Court also enunciated "Dominant Nature Test", which is a test where there is complex of activities, the test would be predominant nature of services and integrated nature of departments. All departments integrated with industry will also be industry. Following are the exceptions carved out to the "industry":-

- (i) Casual activities (because they are not systematic);
- (ii) Small clubs, co-operatives, research labs, gurukuls which have essentially non-employee character,
- (iii) Single door lawyer taking help from clerk (because there is no organized labour) as contradiction to Solicitors Firm having employed served people each one contributing directly or indirectly to outcomes.
- (iv) Selfless charitable activities carried though volunteers, e.g., free legal or medical service;
- (v) Sovereign functions-strictly understood are maintenance of law and order, legislative and judicial functions.

The discussion made in the Seven Judge Bench judgment in Bangalore Water Supply's case (supra) in paras 140 to 144 highlights the legal position churned out after considerable debate and discussion. The majority did not find favour with the law laid down in Management of Safdarjung Hospitals v. Kuldip Singh Sethi, (1970) 1 SCC 735 and University of Delhi v. Ram Nath, AIR 1963 SC 1873 and reinstated the view taken by the Hon'ble Supreme Court in the case of State of Bombay v. Hospital Mazdoor Sabha, AIR 1960 SC 610. This majority view is still the law on the point, though there was suggestion made in the judgment itself to the Union Government to come up with legislation to clear the confusion created by the loosely and in- adequately worded definition of the term "industry" made in section 2(j) of the Act. The amendment was enacted but the same was not enforced by the Government of India for the reasons best known to it

At one point of time there was also an attempt made by a two Judge Bench of the Supreme Court to seek reconsideration of the Bangalore Water Supply case's judgment but the same was declined by a three Judge Bench of the Supreme Court in the case of Coir Board Emakulam Kerala State and another v. Indira Devi P.S. and others, (2000) 1 SCC 224. It is in the light of this judgment and the principles laid down therein, the issue raised before this Court in the instant petition is required to be examined.

"The historical background definition of 'industry' is that there was no definition of 'industry' in the Trade Disputes Act, 1919. The present definitions continues to be as originally enacted in the IDA which is based on section 4 of the Commonwealth Conciliation and Arbitration Act, 1904-25 of Australia which reads thus:-

- "(1) Any business, trade, manufacture, undertaking or calling of employers on land or water,

- (ii) any calling, service, employment, handicraft or industrial occupation or avocation of employees on land or water, and
- (ii) a branch of an industry and a group of industries."

Thus, in brief, it can be said that the definition of 'industry' in this clause is both exhaustive and inclusive and is ambivalently comprehensive in scope. It is in two parts. The first part says that it means any business, trade, undertaking, manufacture or calling of employees and then goes on to say that it includes any calling, service, employment handicraft or industrial occupation or avocation of workmen. Thus, one part defines it from the standpoint of the employer, the other from the standpoint of the employees. The first part of the definition gives the statutory meaning of industry, whereas the second part deliberately refers to several other items of industry and brings them in the definition in any inclusive way. The first part of the definition determines an industry by reference to the occupation of the employers in respect of certain activities. The activities are specified by five words, namely, 'business', 'trade', 'undertaking', 'manufacture' or 'calling'. These words determine the scope of the word 'industry' and they describe what the cognate expression 'industrial' is intended to convey.

'Business' is a word of wide import. This expression is wider than the term 'trade' and is not synonymous with it, and it means practically 'anything which is not an occupation. "Trade' is not only in the etymological or dictionary sense, but, in legal usage as well, a term of a wide scope; it may mean the occupation of a smaller shopkeeper just as well as that of a commercial magnate, while it may also mean a skilled craft. The word 'trade' in its primary meaning is an 'exchange of goods for goods or goods for money' and in its secondary meaning, it is 'any business carried on with a view to profiting, whether manual or mercantile, as distinguished from the liberal arts or learned professions or from agriculture.

The word 'undertaking' is the most elastic of all the words used in the definition. An 'undertaking' means 'anything undertaken or any business, work or project which one engages in or attempts as an enterprise. The word 'undertaking' in the context of the definition, has been understood to mean 'any business or any work or project which one engages in or attempts as an enterprise, analogous to business or trade.

'Manufacture' is a kind of a productive activity, in which the making of articles or materials, often on a large scale, is by physical labour or mechanical power.

The second part views the matter from the angle of the employees and is designed to include something more than what the term primary denotes. By this part of the definition, any 'calling', 'employment', 'handicraft', 'industrial occupation' or 'avocation' of workmen, is included in the concept of an industry. The word 'calling' finds place in both the parties of the definition. In the first part, it refers to the employers and in the second part, to the workmen. The word 'service' in the second part is again of a very wide import. The word 'employment' brings in the contract of service between the employer and the employee. The word 'handicraft' means any manual labour exercised by way of trade or for purposes of gain in or incidental to the making of any article or a part of an article. The word 'avocation' is a word of wide signification, meaning the way in which a man passes his life or spends his time. The word 'occupation' is a word of a still wider signification. In other words, what does not amount to avocation, may amount to an occupation. The phrase 'occupation or avocation' is, however, qualified by the word 'industrial', which indicates that the 'occupation or avocation' in which the workmen are employed should be of an 'industrial character."

Further, Hon'ble Allahabad High Court in the case of Union of India and Ors. Vs. Surendra Singh Rastriya Adhyaksha (INTUC) and Ors. reported in [2019 (162) FLR 467] held as under:

"3. Briefly stated the case of the respondents No. 3 to 43-workmen is that they were working in the Garden Branch of Archaeological Survey of India (ASI for short), Agra during 1.8.1987 to 31.1.1997 from time to time. Their services were dispensed with w.e.f. 1.2.1997 and thereafter they have not been re-engaged in service as per their seniority in violation of the provisions of Section 25-H of the Industrial Disputes Act, 1947. The case of the workmen is that they were engaged in the maintenance of Garden and other related work of a perennial nature and work being available they were entitled for re-employment. The Government referred the dispute to the Industrial Tribunal and one of the pleas of the ASI before the Tribunal was that it is not an "Industry" within the meaning of the term as defined in Section 2(j) of the Act, 1947 and it was also stated that none of the workmen had completed 240 days continuous service in a

calender year and infact some of the workmen had never been engaged at all and therefore the question of their retrenchment or compliance of Section 25F of the Act, 1947 did not arise.

4. So far as the question as to whether ASI falls within the definition of "Industry" under Section 2(j) of the Act, 1947, the contention of the workmen was that the maintenance of the Garden was carried out through the revenue generated from the sale of tickets to the visitors and tourists at the various sites and monuments maintained by ASI and therefore it was an organized commercial activity of ASI Department and in ally case the workmen respondents were engaged in the maintenance of Gardens and monuments which was a work of a perennial nature involving their labour and manual skill and in any case the work of maintenance of Garden cannot be said to be a sole sovereign function of the Government of India. Reliance was placed on the judgement of the Supreme Court in the case of Bangalore Water Supply and Sewerage Board etc. v. A. Rajappa and others MANU/SC/0257/1978: 1978(36)FLR 266(SC) The Tribunal decided the issue relying upon the judgement of A. Rajappa (supra) and held that the Garden/Horticulture Wing of the ASI was an "Industry".

7. So far as the first question as to whether Garden/Horticulture Department of the ASI falls within the definition of "Industry" as defined in Section 2(j) of the Act, the Supreme Court in the case of A. Rajappa (supra) has held as under.

"Where there is: (1) systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical), and (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making on a large scale Prasad or food), prima facie, there is an 'industry' in that enterprise."

8. From the nature of the work done by the respondent-workmen it cannot be said that the same is of a sovereign nature, therefore, I have no difficulty in holding that the Garden/Horticulture Department of the ASI is an "Industry" as defined in Section 2(j) of the Act, 1947."

Accordingly, the submission is made by Smt. Neeta Mathur that the Archaeological Survey of India does not fall within the definition of under section 2J of the Act has got no force and rejected, and Archaeological Survey of India is an 'industry' as per section 2 'j' of the Act.

Next point is to be considered in the present case, whether the workmen are entitled for protection u/s 25-F of the Act or not?

In this regard it will be appropriate to state the following facts/judgment:

Hon'ble Delhi High Court in the case of Sarita Tiwari v. Aastha Garments reported in 2024 (180) FLR 649 after taking into consideration the definition of retrenchment as provided under Section 25-F of the Act, held as under:-

"20. It is well-settled that the burden to prove that the workman was in continuous employment of 240 days with the management is on the workman herself. This principle was reiterated by the Hon'ble Supreme Court in the landmark judgement of R.M. Yellatti Versus Asstt. Executive Engineer, (2006) 1 SCC 105; the relevant paragraph is extracted below:-

"17. Analysing the above decisions of this Court, it is clear that the provisions of the Evidence Act in terms do not apply to the proceedings under Section 10 of the Industrial Disputes Act. However, applying general principles and on reading the aforesated judgments, we find that this By:MANISH KUMAR W.P.(C) 5369/2019 8 of 16 Court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman stepping in the witness box. This burden is discharged upon the workman adducing cogent evidence, both oral and documentary. In cases of termination of services of daily-waged earners, there will be no letter of appointment or termination. There will also be no receipt or proof of payment. Thus in most cases, the workman (the claimant) can only call upon the employer to produce before the court the nominal muster roll for the given period, the letter of appointment or termination, if any, the wage register, the attendance register, etc. Drawing of adverse inference ultimately would depend thereafter on the facts of each case. The above decisions however make it clear that mere affidavits or self-serving statements made by the claimant workman will not suffice in the matter of discharge of the burden placed by law on the workman to prove that he had worked for 240 days in a given year. The above judgments further lay down that mere non-production of muster rolls per se without any plea of suppression by the claimant workman will not be the ground for the Tribunal to draw an adverse inference against the management. Lastly, the above judgments lay down the basic principle, namely, that the High Court under Article 226 of the Constitution

will not interfere with the concurrent findings of fact recorded by the Labour Court unless they are perverse. This exercise will depend upon the facts of each case."

21. *These principles were reiterated by the Hon'ble Supreme Court in Krishna Bhagya Jala Nigam Ltd. v. Mohd. Raft, (2009) 11 SCC 522, and the law on this subject was traced as under in paragraphs 8 to 10:*

"8. In Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan [(2004) 8 SCC 161] the position was again reiterated in para 6 as follows: (SCC p. 163)

'6. It was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had in fact worked up to 240 days in the year preceding his termination. He has filed an affidavit. It is only his own statement which is in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year. These aspects were highlighted in Range Forest Officer versus S.T. Hadimani ((2002) 3 SCC 25]. No proof of receipt of salary or wages for 240 days or order or record in that regard was produced. Mere non-production of the muster roll for a particular period was not sufficient for the Labour Court to hold that the workman had worked for 240 days as claimed."

9. In Municipal Corpn., Faridabad v. Siri Niwas [(2004) 8 SCC 195] it was held that the burden was on the workman to show that he was working for more than 240 days in the preceding one year prior to his alleged retrenchment. In M.P. Electricity Board v. Hariram ((2004) 8 SCC 246] the position By: MANISH KUMAR W.P. (C) 5369/2019 10 of 16 was again reiterated in para 11 as follows: (SCC p. 250) '11. The above burden having not been discharged and the Labour Court having held so, in our opinion, the Industrial Court and the High Court erred in basing an order of reinstatement solely on an adverse inference drawn erroneously. At this stage it may be useful to refer to a judgment of this Court in Municipal Corpn., Faridabad v. Siri Niwas (2004) 8 SCC 195] wherein this Court disagreed with the High Court's view of drawing an adverse inference in regard to the non- production of certain relevant documents. This is what this Court had to say in that regard (SCC p. 198, para 15)

"15. A court of law even in a case where provisions of the Evidence Act apply, may presume or may not presume that if a party despite possession of the best evidence had not produced the same, it would have gone against his contentions. The matter, however, would be different where despite direction by a court the evidence is withheld. Presumption as to adverse inference for non-production of evidence is always optional and one of the factors which is required to be taken into consideration is the background of facts involved in the lis. The presumption, thus, is not obligatory because notwithstanding the intentional non-production, other circumstances may exist upon which such intentional non-production may be found to be justifiable on some reasonable grounds. In the instant case, the Industrial Tribunal did not draw any adverse inference against the appellant. it was within its jurisdiction to do so particularly having regard to the nature of the evidence adduced by the respondent."

10. In RBI v. S. Mani [(2005) 5 SCC 100] a three- Judge Bench of this Court again considered the matter and held that the initial burden of proof was on the workman to show that he had completed 240 days of service. The Tribunal's view that the burden was on the employer was held to be erroneous. [...]"

22. In light of the law laid down by the Hon'ble Supreme Court, the initial question to be examined is whether the petitioner discharged her burden of proving that she was in continuous employment for at least 240 days in the year preceding her date of termination."

It is trite law that a party invoking protection of Article 14 of the Constitution of India has to make an averment with details to sustain such a plea and has to adduce material to establish the allegations made and the burden is on the party to plead and prove that its right under Article 14 of the Constitution of India has been infringed. (See State of Uttar Pradesh v. Kartar Singh, AIR 1964 SC 1135 and Dantuluri Ram Raju v. State of Andhra Pradesh, (1972) 1 SCC 421). It is equally well settled legal proposition that in the absence of any pleading, the challenge to the constitutional validity of a provision has to be rejected in limine (See State of Haryana v. State of Punjab, (2004) 12 SCC 673)."

The Hon'ble Apex Court in the case of *Workman of Nilgiri Coop. Mkt. Society Ltd. v. State of T.N.*, (2004) 3 SCC 514, as held that the onus and degree of proof in respect to particular facts lies on a person who has set up a plea of appeal.

A Division Bench of Allahabad High Court in a case of *Ghanshyam Prajapati Versus Union of India* reported in 2024 (1) FLR 131, after taking into consideration has held that if a workman has not completed 240 days in the last preceding year is not entitled for the benefit of Section 25-F of the Act.

Hon'ble Apex Court in the case of *Pradeep Versus Maganese ore (India) Ltd. & others* reported in (2022) 3 SCC 683 after taking into consideration the provisions of Section 106 of Evidence Act held that burden lies on a person who wants to get the benefit of a particular thing on the basis of facts of the case.

The Hon'ble Gauhati High Court in the case of *Binoy Kumar Singh versus State Bank of India & others*, 2024 (182) FLR 78 held as under:-

"15. In the case of Hari Nandan Prasad & Another (supra), wherein the appellant, who was engaged on a daily wage basis, has been terminated from service, the industrial dispute was referred to the Central Government -cum- Industrial Tribunal (CGIT). The proceedings in the CGIT culminated in the termination of appellants being held to be illegal and they were directed to be reinstated and the service being regularized, in terms of a circular issued by the FCI, wherein any temporary worker employed for more than 90 days was entitled to be regularized.

16. In the case of Assistant Engineer, Rajasthan State Agriculture Marketing Board, Sub-Division, Kota vs. Mohan Lal (supra), the respondent was engaged as a Mistri on muster roll basis, whose services were terminated. The workman was neither given one month's notice nor one month's salary was given in lieu of that notice, prior to termination of his service and he was also not paid retrenchment compensation. The industrial dispute, which was referred to the Labour Court culminated with the award made by the Labour Page No.# 7/12 Court, holding that as the workman had completed more than 240 days in a calendar year and his services were being terminated in violation of Section 25- F of the Industrial Dispute Act, 1947, the workman was entitled to be reinstated with continuity in service.

The Single Judge of the High Court set aside the award and the Division Bench reinstated the award passed by the Labour Court. The Hon'ble Supreme Court observed that the workman had worked for 286 days from 01.11.1984 to 17.02.1986 and though the service of the workman was terminated w.e.f. 18.02.1986, the industrial dispute was raised by the workman after six years. The Supreme Court thus held that the judicial discretion exercised by the Labour Court was flawed and unsustainable, in view of the delay of six years in raising the industrial dispute. However, the Supreme Court held that the interest of justice would be sub-served, if in lieu of reinstatement, compensation @ Rs.1 Lakh was paid to the workman.

17. In the case of U.P. State Road Transport Corporation vs. Man Singh (supra), the service of the respondent, who was appointed on temporary basis, was terminated. The industrial dispute referred to the Labour Court culminated with the termination of the workman being set aside, in view of Section 25-F of the Industrial Dispute Act, 1947, not being complied with. However, the workman was granted only back wages. The Supreme Court, on considering the fact that there was nothing to show that the workman had been appointed in accordance with the Recruitment Rules for filling up a vacancy, in terms of Article 14 and 16 of the Constitution, besides the fact that the dispute was raised after 12 years, the Supreme Court held that the interest of justice would be sub-served, if the Page No.# 8/12 Corporation was made to pay a sum of Rs. 50,000/- to the workman.

18. In the case of Nand Kumar vs. State of Bihar and others (supra), the Supreme Court considered the judgment of the Constitution Bench in the case of State of Karnataka vs. Uma Devi reported in (2006) 4 SCC 1, where it had held that while directing the appointments, temporary or casual, be regularized or made permanent, the Courts are swayed by the fact that the concerned person had worked for some time. It is not as if the person who accepts an engagement either temporary or casual in nature, is not aware of the nature of his employment. He accepts the employment with eyes open. It may be true that he is not in a position to bargain since he might have been searching for some employment so as to eke out his livelihood and accepts whatever he gets. But on that ground alone, it would not be appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so, it would be creating another mode of public appointment which is not permissible.

19. In the case of State of Orissa vs. Mamata Mohanty reported in (2011) 3 SCC 436, the Supreme Court has held that the appointment made without advertisement was in violation of Article 14 and 16 of the Constitution. Para 35 and 36 of the said judgment is reproduced below as follows:-

"35. At one time this Court had been of the view that calling the names from Employment Exchange would curb to certain extent the menace of nepotism and corruption in public employment. But, later on, came to the conclusion that some Page No.# 9/12 appropriate method consistent with the requirements of Article 16 should be followed. In other words there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly. Even if the names of candidates are requisitioned from Employment Exchange, in addition thereto it is mandatory on the part of the employer to invite applications from all eligible candidates from the open market by advertising the vacancies in newspapers having wide circulation or by announcement in Radio and Television as merely calling the names from the Employment Exchange does not meet the requirement of the said Article of the Constitution. (Vide: Delhi Development Horticulture Employees' Union v. Delhi Administration, Delhi & Ors., AIR 1992 SC 789; State of Haryana & Ors. v. Piara Singh & Ors., AIR 1992 SC 2130; Excise Superintendent Malkapatnam, Krishna District, A.P. v. K.B.N. Visweshwara Rao & Ors., (1996) 6 SCC 216; Arun Tewari & Ors. v. Zila Mansavi Shikshak Sangh & Ors., AIR 1998 SC 331; Binod Kumar Gupta & Ors. v. Ram Ashray Mahoto & Ors., AIR 2005 SC 2103; National Fertilizers Ltd. & Ors. v. Somvir Singh, AIR 2006 SC 2319; Telecom District Manager & Ors. v. Keshab Deb, (2008) 8 SCC 402; State of Bihar v. Upendra Narayan Singh & Ors., (2009) 5 SCC 65; and State of Madhya Pradesh & Anr. v. Mohd. Ibrahim, (2009) 15 SCC 214).

36. Therefore, it is a settled legal proposition that no person can be appointed even on a temporary or ad hoc basis without inviting applications from all eligible candidates. If any appointment is made by merely inviting names from the Employment Exchange or putting a note on the Notice Board etc. that will not meet the requirement of Articles 14 and 16 of the Constitution. Such a course violates the mandates of Articles 14 and 16 of the Constitution of India as it deprives the candidates who are eligible for the post, from being considered. A person employed in violation of these provisions is not entitled to any relief including salary. For a valid and legal appointment mandatory compliance of the Page No.# 10/12 said Constitutional requirement is to be fulfilled. The equality clause enshrined in Article 16 requires that every such appointment be made by an open advertisement as to enable all eligible persons to compete on merit."

The Hon'ble Delhi High Court in the case of Sri Pappu Pathak Vs. Bansal Brothers Industries reported in 2025(185) FLR 330 held that it is mandatory on the part of workman to plead and establish that he has continuously worked for more than 240 days in the months immediately preceding the date of alleged termination/retrenchment of his services.

Reverting to the facts of present case, in order to consider whether workmen have worked for 240 days in preceding 12 month from the date of alleged termination/retrenchment of their services. In this regard in paragraph 06 of the written statement, it is categorically stated by respondent as under:

"6. That In reply to the contents of paragraph no. 5, it is stated that the same are false. fictitious and baseless and hence the same are categorically denied. The applicant may be put to strict proof of his contentions. On the contrary, it is stated that the applicant, Sh. Saleem had never been engaged at Taj Mahal as claimed by him. Sh.Chhatar Singh had been engaged for 88 days between 01.11.01 and 28.02.2002, again for 101 days between 01.12.02 and 31.03.03 and for 52 days between 01.05.03 and 31.08.03 under Sikandara sub-circle of this establishment. Kishan Singh, S/o Ram Singh (and not Panna Lal as alleged) was engaged for 47 days between 11.12.01 and 23.03.02, again for 125 days between 01.06.02 and 31.03.03 for highly intermittent casual nature of work under Sikandara sub-circle of this establishment. Rajendra, S/o Panna Lal was engaged for 47 days between 11.12.01 and 23.03.02 again for 100 days between 01.06.02 and 03.03.03 and for 50 days between 01.06.03 to 31.08.03. Sh. Vijay S/o Sh.Radheshyam was engaged for 145 days between 01.07.00 and 28.03.01, again for 204 days between 29.03.01 and 28.03.02, again for 214 days between 01.05.02 and 29.03.03 under Fatehpur Sikri sub circle of this establishment. Shri Mukesh S/o Shri Nekram was engaged for 120 days between 25.2.86 to 05.02.87 again for 156 days between 26.04.87 to 01.10.90 under Ftehpur Sikri Sub- Circle of this establishment. Sh. Sabir S/o Shri Nasira had never been engaged at Mehtab Bag as claimed by him. Shri Yadav Singh S/o Shri Sita Ram Was engaged for 22 days between 01.01.02 to 31.01.02 under Sikendra Sub- Circle of this establishment. Shri Om Prakash S/o Shri Tek Chand was engaged only for 26 days in the month of May-2003 under Sub- circle Etmaudolla. Shri Rajendra s/o Phool Singh was engaged only for 26 days between 01.07.03 to 31.07.03 under sub- Circle Sikendra on as and when required basis."

However, in rejoinder affidavit said facts were not denied by the claimants. Further, in the present case from evidence on affidavit, filed on behalf of workman by Sabir, C-36, it was no were stated that the claimants have worked for 240 days and from the cross-examination, it is also clear that the case of respondent is established that the workmen have not worked for 240 days in preceding one year from the date of alleged termination/retrenchment, relevant portion quoted hereunder:

"1- यह कि शपथकर्ता उक्त विवाद से संबंधित कर्मकारों में से एक है अतः विवाद के ध्यो ते भली भाँति परिचित है।

2- यह कि शपथकर्ता एवं शपथकर्ता के साथी कर्मचारियों ने एक लम्बे अरसे से सेवायोजकों के यहाँ काम किया है सेवायोजकों के छ विवाद से संबंधित कर्मचारियों को जबते तेवा से हटाया है तब से उन्हें पुनः तेवा में नियोजित करने के बजाय नये श्रमिकों को काम दे रहे हैं बल्कि शपथकर्ता के बाद मैं लगे कर्मचारी टेम्परेरी स्टेटस हासिल कर चुके हैं और सेवा में नियमित भी हो चुके हैं।

3- यह कि माननीय अदालत के समक्ष सेवायोजकों से अभिलेख सम्मन कराने हेतु प्रार्थना पत्र श्रमिक पक्ष की ओर से दिया गया जिस पर मस्टर रोल्स प्रस्तुत करने के आदेश दिये गये। निरीक्षण प्रारम्भ किया गया मस्टर रोल्स में हेरा फेरी पाई गयी विवाद से संबंधित कर्मचारियों से कार्य वहीं लिया गया और नियोजन मैं अन्यत्र स्मारकों में कार्य करने का रिकार्ड मस्टर रोड में पाया गया। नाम व बल्लियत मैं भी तब्दीली पायी गई हकीकत आने पर सेवायोजकों ने मस्टर रोल्स का अवलोकन श्रमिक पक्ष को कराने से मना कर दिया तथ्य व माननीय अदालत के जादेश पत्रावली पर उपलब्ध है 4- यह कि श्रमिक पक्ष की ओर से दाखिल लिखित कथन दिनांक 26-10-04 तथा प्रति उत्तर दिनांक १-2-05 के तथ्यों पर बल देता है साक्ष्य के रूप में लिखित कथन एवं पात प्रति उत्तर के तथ्यों को स्वीकार किया जावे साथ ही समीप के शपथ पत्र के साथ क्रमांक लगायत 43 में दाखिल अभिलेखों को साक्ष्य के रूप में पढ़ा जावे।”

Moreover, respondent in order to prove their case, an evidence filed affidavit (extermination-in-chief) in para 4 to 14 the witness of respondent has mentioned that work discharged, from the same, it is clearly borne out that none of the workers have worked for 240 days in preceding one year from the date of alleged termination/retranchment, relevant portion quoted as under:

- “4. यह कि वाद से संबंधित श्रमिक श्री छतर सिंह पुत्र श्री चरन सिंह ने (01.11. 2001 से 28.02.2002 की अवधि में कुल 88 दिन) एवं पुनः (01.12.2002 से 31. 03.2003 की अवधि में कुल 101 दिन) एवं (01.05.2003 से 31.08.2003 कुल 52 दिन) तक सिकन्दरा सब सर्किल में कार्य किया। श्री छतर सिंह द्वारा 240 दिन लगातार कार्य नहीं किया गया। उसका कार्य स्वतः समाप्त हो गया। श्रमिक को उसके कार्य की मजदूरी दे दी गयी।
5. यह कि वाद से सम्बंधित ओम प्रकाश पुत्र टेक चन्द ने मात्र 26 दिन माह मई 2003 में स्मारक एतमादौला में कार्य किया।
6. यह कि वाद से सम्बंधित छीतरिया पुत्र श्री टेक चन्द ने किसी स्मारक में कभी कोई कार्य नहीं किया। वाद झूठे व मनगढन्त तथ्यों पर लगाया गया है। वादी अपने कथनों को सप्रमाण स्वयं साबित करें।
7. यह कि किशन सिंह पुत्र श्री राम सिंह ने (11.012.2001 से 23.03.2002 में मात्र 47 दिन ही कार्य किया है) एवं पुनः (01.06.2002 से 31.03.2003 की अवधि में सिर्फ 125 दिन) सिकन्दरा सब सर्किल में कार्य किया है। श्रमिक किशन सिंह ने 240 दिन लगातार कार्य कभी नहीं किया। उसका कार्य स्वतः समाप्त हो गया। श्रमिक को उसके कार्य की पूर्ण मजदूरी दे दी गयी।
8. यह कि राजेन्द्र पुत्र फूल सिंह ने मात्र 26 दिन 01.07.2003 से 31.07.2003 तक सिकन्दरा सब सर्किल में कार्य किया।
9. यह कि राजेन्द्र पुत्र पन्ना लाल ने दिनांक (11.12.2001 से 23.03.2002 की अवधि में मात्र 47 दिन) एवं पुनः आवश्यकतानुसार (01.06.2002 से 03.03.2003 की अवधि में मात्र 100 दिन) दिनांक (01.06.2003 से 31.08.2003 की अवधि में मात्र 50 दिन) कार्य किया है, श्रमिक द्वारा 240 लगातार कार्य नहीं किया गया। उसका कार्य स्वतः समाप्त हो गया। श्रमिक को उसके कार्य की मजदूरी दे दी गयी।
10. यह कि विजय पुत्र राधेश्याम ने फतेहपुर सीकरी सब सर्किल में (01.07.200 से 28.03.2001 की अवधि में कुल 145 दिन) एवं (29.03.2001 से 28.03.2002 तक 204 दिन) एवं (01.05.2002 से 29.03.2003 मात्र 214 दिन) तक आवश्यकता पड़ने पर कार्य किया है। श्रमिक ने किसी भी कैलेंडर वर्ष में 240 दिन लगातार कार्य नहीं किया है। उसका कार्य स्वतः समाप्त हो गया है। दैनिक मजदूर को उसके कार्य की पूर्ण मजदूरी का भुगतान कर दिया गया है।
11. यह कि मुकेश पुत्र नेकराम ने फतेहपुर सीकरी में दिनांक (25.02.1986 से 05. 02.1987 कुल 120 दिन) एवं दिनांक (26.04.1987 से 01.10.1990 कुल 156 दिन) कार्य किया, श्रमिक द्वारा 240 दिन लगातार कार्य नहीं किया गया उसका कार्य स्वतः समाप्त हो गया। दैनिक मजदूर को उसके कार्य की पूर्ण मजदूरी का भुगतान कर दिया गया है।
12. यह कि वाद से संबंधित साबिर पुत्र नसीरा ने मेहताब बाग में कभी कोई कार्य नहीं किया। वाद झूठे व मनगढन्त तथ्यों पर लगाया गया है। वादी अपने कथनों को सप्रमाण स्वयं साबित करें।
13. यह कि यादव सिंह पुत्र सीताराम ने दिनांक (01.01.2002 से 31.01.2002 मात्र 22 दिन) तक सिकन्दरा सब सर्किल में कार्य किया। उसका कार्य स्वतः समाप्त हो गया। श्रमिक को उसके कार्य की मजदूरी दे दी गयी।
14. उल्लेखनीय है, कि किसी भी श्रमिक ने 240 दिन लगातार कार्य नहीं किया। विभाग द्वारा नोटिस पे व छंटनी का मुआवजा देने का कोई औचित्य नहीं है।”

The said facts have been further proved by the witness of respondent in his cross-examination.

Taking into consideration the documents available on record/cross examination of Saleem/workman dated 11.3.2010 (W-47), the relevant portion of which is quoted below:-

“मैंने वर्ष 1976 से 1978 तक तथा 1979 से 7 अगस्त 2003 तक काम किया है निश्चित नहीं बता सकता कि किस साल कितने दिन काम किया है। मैंने फतेहपुर सिकरी के अलावा सिकन्दरा में 330 दिन काम किया है 2002 से 2003 के बीच काम किया है तथा 24 दिन आगरा ताज में काम किया है। जनवरी 2002 से 2003 तक काम किया निश्चित नहीं मालूम कब से कब किया है उसके बाद 24 दिन आगरा ताज में रखा”

As well as affidavit filed on behalf of respondent (examination in chief) dated 5.12.2019 of Sri Kalendar, S/o Sri Jailal Bind-Sanrakchan Sahayak, Fatehpur Sikri, Sub Circle Archaeological Survey of India, it is clearly established that the workmen on whose behalf the present I.D. Case have failed to prove either by way of pleadings or cogent evidence that they have worked for 240 days in the preceding 12 months before the retrenchment of their engagement. Hence, the applicants/workmen are not entitled for any relief as claimed by them.

Award

For the foregoing reasons the workmen are not entitled for any relief as per the Reference No. L-42012/39/2004-IR(CM-II) dated 04.10.2004 and the same is answered accordingly.

Dated: 11th July, 2025.

Lucknow.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 2 दिसम्बर, 2025

का.आ. 2156.— औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गुरप्रीत सिंह बेदी सिक्योरिटी एजेंसी बीएसपी; भिलाई स्टील प्लांट, सेल के प्रबंधन के संबद्ध नियोजकों और श्री विक्रम कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेंस न.- 26/2025) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 02.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-162]

सलोनी, उप निदेशक

New Delhi, the 2nd December, 2025

S.O. 2156.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 26/2025**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Gurpreet Singh Bedi Security Agency BSP; Bhilai Steel Plant, SAIL and Shri Vikram Kumar** which was received along with soft copy of the award by the Central Government on 02.12.2025.

[No. Z-16025/04/2025-IR(M)-162]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/26/2025

Present: P.K.Srivastava

H.J.S..(Retd)

Vikram Kumar

H.No. 24, Dixit Colony, Kosa Nagar

Bhilai, Street No. 10, Near Badminton Court

Durg, Chhattisgarh - 490020

Workman

Versus

1. **Gurpreet Singh Bedi Security Agency BSP,
Office No. 5, 4th Floor RIO Complex L alpur
Raipur, Chhattisgarh – 492015**
2. **The Director Incharge
Bhilai Steel Plant, SAIL, Bhilai,
District – Durg (CG) - 490001**

Management

A W A R D

(Passed on this 09th day of October - 2025.)

As per letter dated 27/12/2024 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(3-19) /2024-ES.III(ID) dt. 27/12/2024**. The dispute under reference related to :-

“Whether the demand of the workman for lumpsum relief compensation of Rupees Fifty Thousand only (Rs 50K) 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. 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, 3 दिसम्बर, 2025

का.आ. 2157.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स इंडियन मैरीटाइम यूनिवर्सिटी मुंबई कैंपस, मर्चेन्ट मरीन एजुकेशन एंड रिसर्च ट्रस्ट, मेसर्स इनफिनिट आउटसोर्सिंग सॉल्यूशन के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-2, के पंचाट (47/2015) प्रकाशित करती है।

[सं. एल- 31011/02/2015 -आई आर (बी - II)]

सलोनी, उप निदेशक

New Delhi, the 3rd December, 2025

S.O. 2157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.47/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -2* as shown in the Annexure, in the industrial dispute between the management of M/s. Indian Maritime University Mumbai Campus, Merchant Marine Education & Research Trust, M/s Infinite Outsourcing Solution and their workmen.

[No. L-31011/02/2015- IR (B-II)]

SALONI, Dy. Director

ANNEXURE
BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD
PRESIDING OFFICER/LINK OFFICER
THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI
PRESENT
JUSTICE RETIRED SHIV SHANKER PRASAD
Presiding Officer/Link Officer
REFERENCE NO. CGIT-2/47 of 2015
EMPLOYERS IN RELATION TO THE MANAGEMENT OF

Party No.1 **M/s. Indian Maritime University, Mumbai Campus.,**
The Director,
Indian Maritime University, Mumbai Campus
Karave, Navi Mumbai,
Mumbai – 400706.

Merchant Marine Education & Research Trust,

The Chairman,
Director General of Shipping, Jahaz Bhavan,
W.H. Marg,
Mumbai – 400001.

M/s. Infinite Outsourcing Solutions,

The Director,
11/462, Shriram Bhavan, Ground Floor,
Dr. Ambedkar Road, Matunga,
Mumbai – 400019.

AND

THEIR WORKMEN.

Party No.2 **(Bharaitya Kamgar Sena)**
The Secretary,
Prafullaban Society, R.K. Vaidya Road,
Dadar (W),
Mumbai- 400028.

APPEARANCES:

Management No.1	:	Absent
Management No.2		Mr. Lancy D'Souza Advocate
Management No.3		Absent
Workmen	:	Absent

AWARD

(Delivered on 09-10-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-31011/02/2015 (IR(B-II) dated 24.08.2015. The terms of reference given in the schedule are as follows:

“Whether the action of the management of M/s. Merchant Marine Education & Research Trust in terminating the services of 22 workmen (as per list enclosed) who have put in 4 to 15 years of continuous service as employed at various Central Government Institutions i.e.,

- (i) *Lal Bahadur Shastri (LBS) College, Hay Bunder, Sewree, Mumbai*
- (ii) *Marine Engineering & Research Institute, Hay Bunder Road, Sewree, Mumbai*
- (iii) *Training Ship Chanakya, Karave, Neural, Navi Mumbai as per termination notice dated 31.03.2009 w.e.f. 01.05.2009 and their non absorption with Indian Maritime University w.e.f. 01.05.2009 is just and legal?*

If not, what relief the workmen concerned are entitled to?”

<u>Sl. No.</u>	<u>Workmen</u>
1	V.S. Chauhan
2	V.Y. Limaye
3	Mithun Das
4	Nand Kishor Gupta
5	Prakash D'Souza
6	A. Nagarathinam
7	Pramod J. Sherkhane
8	Ashok N. Pawar
9	Dattatray Zodge
10	Dinkar M. Phalke
11	Manoj M. Mane
12	Ganpat K. Kothar
13	Sitaram S. Jadhav
14	Arvind S. Waghmare
15	Pravin S. Todkar
16	Bhavna C. Rathod

17	Madhav Das
18	Venkant S. Dabholkar
19	Santosh P. Thorat
20	Rajeshri R. Pedamkar
21	Vicky Vilas Kadlak
22	S.S. Sansare

2. The case is called out today. The Learned Counsel for the respondent Mr. L. D'Souza is present before the Court, but none is present on behalf of the petitioner. From perusal of record, it is apparent that, the petitioner is not responding and attending the Court since 07.11.2019. Although, the Statement of Claim & the Written Statement have been filed by the parties respectively, but no evidence has been filed by the petitioner to prove his case. The petitioner is not coming to the Court since long back. It appears that, he is not interested to contest the case furthermore. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The action of the management of M/s. Merchant Marine Education & Research Trust in terminating the services of 22 workmen (as per list enclosed) who have put in 4 to 15 years of continuous service as employed at various Central Government Institutions i.e.,

(i) Lal Bahadur Shastri (LBS) College, Hay Bunder, Sewree, Mumbai

(ii) Marine Engineering & Research Institute, Hay Bunder Road, Sewree, Mumbai

(iii) Training Ship Chanakya, Karave, Neural, Navi Mumbai as per termination notice dated 31.03.2009 w.e.f. 01.05.2009 and their non absorption with Indian Maritime University w.e.f. 01.05.2009 is just and legal. The workmen are not entitled to any relief.

Sd/-

Date: 09-10-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 5 दिसम्बर, 2025

का.आ. 2158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (एलसी/आर-26/2023) को प्रकाशित करती है,

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

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 5th December, 2025

S.O. 2158.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/26/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **Shresth Detective Security Pvt Ltd**, and their workmen,

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

SALONI, Dy. Director/Link officer

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

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

REFERENCE CASE NO. 26 OF 2023

PARTIES: Paritosh Roy
Vs.
Management of M/s. Shresth Detective Security Pvt. Ltd.

REPRESENTATIVES:

For the Union/Workman: None.
For the Management: None.

INDUSTRY: Security Services.

STATE: West Bengal.

Dated: 03.06.2025.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Ministry of Labour, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Asansol, vide its Order **No. 1(6)/2023/E** dated 13.04.2023 has been pleased to refer the following dispute between the employer, that is the Management of M/s. Shresth Detective Security Private Limited and their workman for adjudication by this Tribunal. A Corrigendum was received bearing No. 1(06)/2023-E dated 21.09.2023 revising the address of the workman and Schedule, as follows :

SCHEDULE

“ Whether the action of the management of M/s. Shresth Detective Security Private Ltd. under Bank of India, Benachity Branch, in terminating service of Sri Paritosh Roy, Ex. Security Guard is justified? If not, what relief the workman is entitled to? ”

1. On receiving Order **No. 1(6)/2023/E** dated 13.04.2023 from the Office of the Deputy Chief Labour Commissioner (Central), Asansol, Ministry of Labour, Government of India, for adjudication of the dispute a Reference case was registered on 15.05.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.
2. Case is fixed up today for the tenth consecutive date for appearance and filing written statement by the parties. It is 12.25 PM now. On repeated calls none appeared for the aggrieved workman Paritosh Roy, Ex-Security Guard and for the management of M/s. Shresth Detective Security Private Limited.
3. After registration of the case Notice was issued to both parties fixing 30.06.2023 for their appearance and for filing written statement. The case was thereafter fixed on 21.08.2023, 04.10.2023, 13.12.2023, 12.02.2024, 18.03.2024, 09.08.2024, 20.01.2025, 07.05.2025 and today i.e., on 03.06.2025 for appearance and filing written statement by the parties. I find that reasonable opportunities have been extended to the parties to represent their case before this Tribunal. No effective step has been taken by the aggrieved workman as well as his employer.

Under such circumstances, no further time is required to be granted. The scheduled dispute is therefore dismissed for non-prosecution. Let an No Dispute Award be drawn up.

Hence,

ORDERED

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

Sd/-

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 2025

का.आ. 2159.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल की श्यामपुर 'ए' कोयला खदान के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 40/2010) को प्रकाशित करती है,

[सं. एल-20012/89/2009-आईआर (सीएम- I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 11th December, 2025

S.O. 2159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 40/2010**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of Shyampur 'A' Colliery of ECL, and their workmen.

[No. L-20012/89/2009-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: No. 40/2010

Employer in relation to the management of Mugma Area of M/s. ECL.

AND.

Their workman.

Present: **Shri Dinesh Kumar Singh**

Presiding Officer.

Appearances:

For Employer :- Sri D.K. Verma, Advocate

For workman :- Sri K.Chakraborty, Advocate

State : Jharkhand.

Industry:- Coal

Dated 28/09 /2022

AWARD.

By Order No.L-20012/89/2009 (IR(CM-I)) dated 24.06.2010, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub -section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE**“Whether the action of management of Shyampur ‘A’ Colliery of M/s ECL in dismissing Sri Badri Pandey from the services of the company w.e.f. 22.4.1996 is legal and justified? To what relief is the claimant entitled for?”**

2. The Tribunal in this matter has passed an award on 16/09/2013 and held as follows:- “Considering the facts and circumstances of this case, hold that the action of the management of Shyampur ‘A’ Colliery of M/s. ECL in dismissing Sri Badri Pandey from the services of the company w.e.f. 22.4.1996 is not legal and justified. Hence the workman be reinstated in service with 25% (twenty five percent) back wages. Implementation or non implementation of the award be intimated to the undersigned.”

3. The management of Shyampur ‘A’ Colliery of M/s. ECL being aggrieved by the said award filed a writ petition bearing WP(L) No. 2859 of 2014 before the Hon’ble High Court of Jharkhand at Ranchi. The Hon’ble High Court of Jharkhand at Ranchi has been pleased to observe as follows:- “It is trite that the reasoned order is sine-qua-non in the rule of law. Any unreasoned order is not acceptable in the rule of law. In view of above fact and judicial pronouncement, the impugned award dated 16.09.2013 is hereby, quashed.

However the matter is remitted back to the Central Government Industrial Tribunal No.1, Dhanbad for taking a fresh decision, after hearing both the sides. The entire exercise must be completed within six months from the date of receipt/production of a copy of this order. The parties are directed to co-operate with the Tribunal.”

4. After production of the order of Hon’ble High Court of Jharkhand at Ranchi passed in WP(L) No. 2859 of 2014 on 04/09.07.2019 sufficient opportunities were given to both the parties and both the parties were heard at length again.

5. The claim of the concerned workman as per his written statement is as follows:-

That he was working as permanent Pit Clerk in Shampur ‘A’ Colliery since long but the management was biased and prejudiced against him for ventilating the grievance of the workman. The management in order to victimise him issued a false and frivolous charge sheet-cum-suspension order on 29/12/1995 for allegedly assaulting Sri L.N. Singh, General Manager. He had submitted reply to the charge-sheet denying the charges. In the meantime a criminal case was also registered but the management without holding any enquiry arbitrarily dismissed him. After that he had challenged the order of dismissal before the Hon’ble Calcutta High Court and the Hon’ble Calcutta High Court has been pleased to set aside the dismissal order and directed the management to pay arrear salary and to conduct proper enquiry if the management so like. Subsequently the management conducted a formalities of enquiry and again dismissed him from the service. After that he had again challenged the matter before the Hon’ble High Court but the Hon’ble High Court directed him to raise the issue before the appropriate authority. In the meantime he was acquitted of the criminal case and he had submitted the relevant documents before the Enquiry Officer but the same were not considered. In the enquiry proceeding the finding of the Enquiry Officer was that the charges were not proved but even than the management dismissed him from the service w.e.f. 22/04/1996.

A prayer has been made to pass an Award in his favour.

6. On the other hand the case of the management as per its written statement is as follows:-

That the concerned workman along with others workman after making unlawful assembly on 15/09/1995 abused, threatened and assaulted the General Manager of Mugma Area of M/s ECL and subsequently management terminated the service of workman concerned vide order dated 18/09/1995. After that the concerned workman filed a writ petition before the Hon’ble High Court of Calcutta vide CO No. 19913 (W/95) and as per the order of the Hon’ble High Court the management reinstated the workman vide order dated 28/12/1995. The Hon’ble High Court in its order has been pleased to grant liberty to the management to take action against the concerned workman in accordance with law and consequently a charge-sheet was issued to the concerned workman on 29/12/1995 for commission of misconduct according to the clause 17(i) (r) and 17 (i) (t) of Certified Standing Order of the Company. The concerned workman had submitted his reply which was not found satisfactory and subsequently an Enquiry Officer was appointed for conducting domestic enquiry. The domestic enquiry was conducted in the presence of the workman and the Enquiry Officer had submitted his report holding the concerned workman guilty of the charges. After that the disciplinary authority supplied the copy of enquiry report to the workman and subsequently issued second show cause notice. The concerned workman had submitted his explanation to second show cause notice which was not found satisfactory and the concerned workman was dismissed from the service. The enquiry conducted by the Enquiry Officer was fair and proper manner and full opportunity was given to the concerned workman to defend himself.

A prayer has been made to pass an Award in favour of the management.

The management by way of rejoinder has stated that the statement made in Para 1, 4, 5, 10 and 16 of the written statement of workman are matter of record, the statement made in Para 2, 3, 7, 8, 9, 11, 12, 13, 14, 15 and 17 of the written statement of workman are not correct, the statement made in Para 6 of the written statement of workman is not relevant.

7. The concerned workman has filed rejoinder to the written statement of management and has stated that the statement made in Para 1 of the written statement of management is illegal and denied, the statement made in Para 2, 9 to 14 of the written statement of management are false, motivated and denied, the statement made in Para 4 of the written statement of management it is submitted that the anti-labour management terminated the services of the concerned workman in utter violation of settled law of the land, the statement made in Para 5 of the written statement of management it is submitted that the illegal termination order being set aside by the Hon'ble High Court, the statement made in Para 6 of the written statement of management it is submitted that the High Court held that if the management so like can conduct enquiry afresh, the statement made in Para 8 of written statement of management it is submitted that though the reply submitted by the workman was satisfactory enough still then the management conducted enquiry by appointing a biased and prejudiced enquiry officer.

8. The concerned workman has neither examined any witnesses nor produced any documents in support of its case.

9. The management has also not examined any witness but has proved following documents which are marked as:-

Exhibit M-1- Office Copy of letter of appointment of Enquiry Officer dated 31/01/1996.

Exhibit M-2-Photo Copy of Charge-sheet dated 29/12/1995.

Exhibit M-3- Photo Copy of reply of Badri Pandey, Pit Clerk, Shampur colliery of Charge-sheet dated 29/12/1995.

Exhibit M-4- Original Copy of Enquiry Proceeding dated 08/02/1996 .

Exhibit M-5- Original Copy of Enquiry report of Sri Badri Pandey, Pit Clerk, Shyampur 'A' Colliery dated 22/03/1996.

Exhibit M-6- Original Copy of reply of Badri Pandey, Pit Clerk, dated 09/04/1996.

Exhibit M-7- Original Copy of Dismissal Order of Sri Badri Pandey, Pit Clerk issued by Director (Technical) ECL.

10. In course of proceeding before the Tribunal the concerned workman and the management has filed joint compromise petition mentioning therein that both the parties have amicably settled their dispute outside the court and entered into a settlement in Form 'H'. It has also been mentioned that the management has agreed to pay him 25% of back wages for the period from date of dismissal on 22/04/1996 to the date of superannuation on 30/09/2005. It has been further mentioned that the workman will be paid gratuity as per payment of Gratuity Act and he has been entitled for other retiral benefits. It has been further mentioned that the workman will not raise any further claim in future.

11. The management has submitted a calculation chart of the salary and other allowances of concerned workman namely Badri Pandey since 22/04/1996 to 30/09/2005 and this chart was signed by Deputy Manager, Gopinathpur Colliery/Shampur 'A' Colliery and Agent, Gopinathpur Colliery/Shampur 'A' Colliery. Further the management has also filed gratuity calculation chart in respect of the concerned workman mentioning payable gratuity amount payable as Rs. 2,75,567.16/- which has been signed by Deputy Manager, Gopinathpur Colliery/Shampur 'A' Colliery and Agent, Gopinathpur Colliery/Shampur 'A' Colliery.

12. Now, in this case both the parties have settled their dispute outside Tribunal and they don't want to contest this case. Moreover the concerned workman has agreed on payment of 25% of wages from the date of his dismissal to the date of his retirement. Further he has also agreed for payment of gratuity amount of Rs. 2,75,567.16/- .

13. It is relevant to mention here that in this case the concerned workman has been dismissed from service since 22/04/1996 and thereafter enquiry had been conducted against him by the management.

14. Now, the management has settled the dispute with the concerned workman and is not pressing the enquiry proceeding, so the order of dismissal of the concerned workman by the management on 22/04/1996 is set aside.

15. After considering all the facts and circumstances the action of the management of Shampur 'A' Colliery of M/s. E.C.Ltd in dismissing Sri Badri Pandey from service is not legal and justified.

In view of such fact the concerned workman is directed to be reinstated from the date of dismissal.

16. Since, the concerned has superannuated on 30/09/2005, so as per settlement the management is directed to pay 25% of back wages from 22/04/1996 to 30/09/2005 along with the agreed amount of the gratuity.

The compromise petition along with form 'H' and the calculation chart of wages and calculation chart of gratuity will be part of this Award.

This is the Award of this Tribunal

Sd/-
DINESH KUMAR SINGH, Presiding Officer

Dictated and Corrected by me

नई दिल्ली, 12 दिसम्बर, 2025

का.आ. 2160.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **केन्द्रीय लोक निर्माण विभाग** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **नं I दिल्ली** के पंचाट (45/2023) प्रकाशित करती है।

[सं. एल-42011/141/2022-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 12th December, 2025

S.O. 2160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.45/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. I Delhi* as shown in the Annexure, in the industrial dispute between the management of **CPWD** and their workmen.

[No L-42011/141/2022- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No.45/2023

Sh. Vijay Singh S/o Sh. Ram Sahai, Rept. General Secretary, All India Central PWD(MRM) Karamchari Sangathan (Regd.) H.No. 4823, Gali No. 13, Balbir Nagar Extension, shahdra, Delhi-110032.

...Claimant

Versus

1. The Director General, CPWD, Nirman Bhawan, New Delhi-110001.
2. The Executive Engineer, P Division, CPWD Andrews Ganj, New Delhi-110049.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/141/2022 (IR(DU)) dated 16.01.2023 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

Schedule

‘Whether demands of Shri Vijay Singh S/o Shri Ram Sahai through All India Central P.W.D. (MRM) Karamchari Sangathan (Regd.), Delhi vide letter dated 19.07.2019 to the management of CPWD, Nirman Bhawan, New Delhi and other for regularization of his services from the date 24.09.1992, counting of 50% service of muster roll period for the purpose of pensionary benefits, ACP/MACP benefits, promotion w.e.f. the date of availability of vacant post or date of promotion of junior workmen to the post of Plumber, are proper, legal and justified? If yes, to what reliefs are the disputant entitled and what directions, if any, are necessary in the matter?’

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2025

का.आ. 2161.—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 मुम्बई- 1 के पंचाट (3/2023) प्रकाशित करती है।

[सं. एल - 39025/01/2025- आई आर (बी-II)-41]

सलोनी, उप निदेशक

New Delhi, the 12th December, 2025

S.O. 2161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.3/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -I* 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)-41]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,
MUMBA
(CAMP COURT GOA)

Present

JUSTICE ANIL KUMAR

Presiding Officer

REFERENCE NO.CGIT-3 of 2023

Parties: Employers in relation to the management of

Punjab National Bank,

Head Office, Plot No.4,

Sector-10, Dwarka, New Delhi-110075.

And

Shri Noora Kattimani,

House No. B-4(84), Houseing Board Colony, Upas Nagar, Sancoale,

South Goa,

Goa-403726.

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Goa, dated the 12th day of November, 2025.

AWARD

The present reference has been made by the Central Government by its order No. RV-8(14)/2021 dated 29/09/2022 passed in exercise of the powers conferred by clause(d) of sub-section(1) and sub-section(2A) of Section 10 of the Industrial Dispute Act 1947. The terms of reference as per the schedule to the said order are as under:

“Whether the action of the management in terminating Shri Noora L Kattimani without following section 25F of the Industrial dispute Act is legal? If not, what relief is Shri Noor Kattimani entitled to?”

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

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

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

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

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

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

As the workman has not filed any statement of claim, so it is a case of no statement of claim filed on behalf of workman in support of case set up by her, liable to be dismissed.

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

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 2025

का.आ. 2162.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स इम्पेक्स कार्गो करे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई- 1 के पंचाट (22/2007) प्रकाशित करती है।

[सं. एल - 31011/14/2006- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 12th December, 2025

S.O. 2162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.22/2007) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -I* as shown in the Annexure, in the industrial dispute between the management of M/s Impex Kargo Kare and their workmen.

[No. L-31011/14/2006-IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,

MUMBA

(CAMP COURT GOA)

Present

JUSTICE ANIL KUMAR

Presiding Officer

REFERENCE NO.CGIT-22 of 2007

Parties: Employers in relation to the management of

The Proprietor,
M/s. Impex Kargo Kare,
Clearing & Forwarding Agents,
134, Modey Street,
Sawant Chambers, 1st Floor,
Fort, Mumbai-400001.

And

The General Secretary
Bhartiya Navik Sena Union,

63, Poddar Chambers, 3rd Floor, S.A. Brelvi Road,
Fort, Mumbai-40001.

Appearances:

For the first party Management : Absent
For the second party workmen : Absent
Goa, dated the 12th day of November, 2025.

AWARD

The present reference has been made by the Central Government by its order No. L-31011/14/2006(IR(B-II)) dated 5/6/2007 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act 1947. The terms of reference as per the schedule to the said order are as under:

“Whether the action of the management of M/s. Impex Kargo Kare, Clearing & Forwarding Agents, Mumbai by terminating the services of Shri Vilas S. Chavan w.e.f 04.04.2006 is justified? If not, what relief the workman, Shri Vilas S. Chavan is entitled to?”

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

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

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

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

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

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

As the workman has not filed field any rejoinder/evidence in support of his case on affidavit,, so it is a case of no evidence filed on behalf of workman in support of case set up by her, liable to be dismissed.

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

Award as above.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2163.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.एस.एन.एल., पश्चिम बंगाल टेलीकॉम सर्किल, के प्रबंधन के संबद्ध नियोजकों और बी.एस.एन.एल., कैजुअल मजदूर यूनियन, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, कोलकाता, पंचाट

(संदर्भ संख्या- 09/2018) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल - 40011/02/2017 -आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 16th December, 2025

S.O. 2163.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **No. 09 of 2018**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **B.S.N.L, West Bengal Telecom Circle, and B.S.N.L, Casual Mazdoor Union**.

[No. L-40011/02/2017 -IR (DU)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

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

REF. NO. 09 OF 2018

Parties : Employers in relation to the management of

B.S. N.L, West Bengal Telecom Circle

VS

B.S.N.L. Casual Mazdoor Union, West Bengal

Appearance:

On behalf B.S.N.L. Casual Mazdoor Union: Mr. Rajib Mukherjee, Ld. Advocate.

On behalf of the Union : Mrs. Madhumita Dutta, Ld. Advocate.

Dated: 27th January, 2025

A W A R D

By order No. L-40011/02/2017 –IR(DU) dated 02-06-2017, the Central Government, Ministry of Labour in exercise of power conferred sub-section 1(d) and sub-section 2(A) of section 10 of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

“Whether the action of the management of B.S.N.L. headed by Chief General Manager, West Bengal Telecom Circle, 1, Council House Street, Kolkata – 700001 by not paying minimum relevant pay scale of central govt. i.e. Rs.6500/- (PB-1 Rs.5200/- + grade pay Rs.1,300/-) or Rs.7,000/- (PB-1 Rs.5200/- + GP Rs.1800/-) with effect from 01-01-2006 to the casual labourers of BSNL is legal and/or justified? If not, what relief the workmen are entitled to?”

The facts relevant for determination of the present case is that the casual employees of BSNL, West Bengal Circle, through their union have raised the present dispute demanding payment of minimum scale of pay of Rs.6,500/- or Rs.7,000/- w.e.f. 01-01-2006 as per recommendation of 6th Central Pay Commission.

It is their case that they have been engaged directly by Dept. of Telecommunication and presently BSNL at various offices and Exchanges of Calcutta, Howrah, Hooghly, North 24 Parganas and South 24 Parganas. They have been engaged to do various jobs which are normally discharged by ordinary Group-C and Group-D staff of the BSNL. That they have been rendering their continuous service to Telecommunication Department without any break for more than two decades by doing the job which is normally done by regular employees of BSNL.

Earlier all casual labourers were working in Dept. of Telecommunication (DOT) and they were paid wages as per the recommendation of 4th and 5th Central Pay Commission. Accordingly, DOT issued order to that effect on 05-09-1998 vide which wages of the casual labourers were fixed at the rate of 1/30th of pay the minimum of the relevant pay scale plus dearness allowance for work of 8 hours w.e.f. 01-01-1996.

The Dept. of Telecommunication was converted into BSNL w.e.f. 01-01-2000 under. At the time of formation of BSNL in the year 2000, the wages of casual labours was fixed on the basis of DOT order dt.15-09-1998 and no separate order was issued by BSNL authorities with regard to the wages of casual labourers. Therefore, all along BSNL followed the order dt. 15-09-1998 issued by DOT.

Recommendation of 6th Central Pay Commission was implemented w.e.f. 01-01-2006 but the authority of BSNL by issuing order No.269-11/2009/Pers-IV/LE dated 01-01-2010, for revised the wages of casual labourers as 1/30th of the minimum pay plus dearness allowance on the basis of revised CDA pay scale for Group-“D” cadre notified by the Govt. of India dated 29-08-2008, but failed to fix minimum pay of casual labourers of BSNL at Rs.7,000/- (PB-1 Rs.5,200/- + GP Rs.1800/-) , rather BSNL fixed basic pay of casual labourers at Rs.6,050/-w.e.f. 01-01-2006, thereby depriving casual labourers of Rs.950/- per month in their basic pay.

Further, BSNL, West Bengal, revised the wages of its casual workers by reducing from Rs.6,050/- to Rs.5,740/- without any reason or basis.

Thus, union has alleged that as per Pay Commission recommendation the casual labourers engaged on casual basis are to be paid wages worked out on the basis of minimum pay in the pay scale of regular employees in the corresponding cadre but without any increment. That casual employees/labourers are entitled to DA on the minimum of the pay scale.

Thus, they have alleged that the order of BSNL dated 01-01-2010 is in violation of recommendation of payment of wages to casual labourers by 6th Central Pay Commission w.e.f.01-01-2006.

Thus, they have prayed for minimum basic pay of casual labourers may be fixed as per the recommendation of the 6th Central Pay Commission and pass necessary order.

Such case of the union has been contested by BSNL by filing written statement and where it is categorically alleged that the claim made by the union is not maintainable. That casual labourers are not entitled to get benefits of 6th Central Pay Commission, rather they are entitled to get the wages as per the terms and conditions of the engagement. The wages of all casuals are decided by the management of BSNL after due negotiation with the concerned set of employees/unions. In view of revision of minimum wages by Govt. of India vide letter dt. 19-01-2017, BSNL by issuing a letter no. 11-3/2016-LE dt.22-8-2017 issued following guidelines :-

- A. The wages of Casual Labour continue to be engaged in BSNL should continue to be calculated on the basis of basic pay plus applicable DA on the minimum of lowest CDA pay scale of Government of India (6th Central Pay Commission CDA pay scales) i.e. in terms of this office letter no.269-11/2009-Pers-IV/ LE dated 01-01-2010.
- B. Wherever the wages so calculated are less than the wages prescribed under Minimum Wages Act as notified, including the State amendments, the higher of the two should be paid.

Accordingly, BSNL Corporate Office formed a committee to examine the issue of wage revision of casual labourers in BSNL and recommended payment of minimum wages to the casual labourers and revision of wages of the casual labourers will be taken up as and when financial health of BSNL would improve and becomes sustainable.

Therefore, the pay of casual labourers fixed at Rs.5,740/- vide Gazette notification no.GSR-622(E) dt.29-08-2008 and which was implemented by BSNL, Telecom Circle, Kolkata by issuing a circular dated 24-03-2010 and as per BSNL Corporate Office instruction no.269-11-Pers-IV/LE dt. 01-01-2010. However, due to mistake basic pay of casual workers remained at Rs.6,050/- and which was later corrected and fixed at Rs.5,740/- after receiving instruction from Dy. General Manager, (HR & Admn.), West Bengal Telecom Circle, Kolkata on 24-03-2010 and issued in line of BSNL Corporate Office instruction no.269 mentioned above. Accordingly, at present the pay of BSNL casual workers is fixed at Rs.5,740/-. Therefore, it has alleged claim of the union being baseless is not maintainable.

The union has filed rejoinder where it has invariably reiterated what it has alleged in its claim application.

The union to substantiate its case and claim has examined Sri Tarak Kundu, Asst. Secretary as W.W.1 and Sri Goutam Das, District Secretary, BSNL Casual Mazdoor Union as W.W.2. BSNL has examined Smt. Sunanda Bose, JTO as M.W.1.

The union have filed the following documents:-

1. Copy of letter of authority, Exb. W-1.
2. Copy of letter dt.18-01-2014 of the union to the management of BSNL, Exb.W-2.
3. Copy of letter dt. 10-07-2015 of union to DLC (C), Exb.W-3.
4. Copy of letter dt. 22-01-2015 to the Ministry of Telecom, Exb.W-4.
5. Copy of notice of ALC (C) dt. 16-07-2015 to the management of BSNL. Exb.W-5.
6. Copy of union's letter dt. 10-06-2016 to ALC (C), Exb.W-6/

7. Copy of BSNL's letter dt. 21-11-2007 along with minutes of the meeting dt.05-11-2007 are collectively marked as Exb.W-7.
8. Copy of minutes of meeting dt. 08-11-2007, Exb.W-8.
9. Copy of letter dt. 15-09-1998 and 19-04-1999 of Deptt. of telecommunication as Exb.W-9 & Exb.W-10.
10. Copy of notification of Ministry of Finance, dt. 29-08-2008, Exb.W-11.
11. Copy of memorandum of explanatory to the Central Civil Services (Revised Pay) Rules, 2008, Exb.W-12.
12. Copy of resolution dt.29-08-2008 of Ministry of Finance, Exb.W-13.
13. Copy of O.M. No.49014/5/2004/Est. (C) dt.31-05-2004, Exb.W-14.
14. Copy of circular dt.01-01-2010 along with methodology of fixation of pay, Exb.W-15.
15. Copy of office memorandum dt.10-04-2023, 06-11-2023, 20-04-2023, dt.19-02-2018, 13-09-2019, 14-09-2019, dt.12-09-2008, 30-08-2008 and 23-01-2012, Exb.W-16 to Exb.16/H.
16. Copy of Deptt.'s letters dt. 23-04-2018 and 11-12-2023, Exb.W-17 & 17/A.
17. Copy of union's two letters both dt. 05-11-2022, Exb.W-18 & 18/A.
18. Copy of circular no.71 dt.05-03-2018 of Ministry of Communication and I. T., Exb.W-19.
19. Copy of office eleven wage slips, Exb.W-20 series.
20. Copy of fitment table issued as per 6th Pay Commission, Exb. W-21 and 21/A.
21. Copy of DOT's letter dt.15-09-1998, Exb.W-22.
22. Copy of BSNL's letter dt.14-11-2018, Exb.W-23 and
23. Copy of office order dt.23-09-2008 issued by Deptt. of Personal Training, Exb.W-24.

On the other hand, Management has filed the following documents :-

1. Letter of authority of M.W.1, Exb.M-1.
2. Copy of AGM's letter dt.22-08-2017, Exb.M-2.
3. Copy of Ministry of Finance Notification dt. 29-08-2008, Exb.M-3.
4. Copy of AGM's letter dt. 27-01-2023, Exb.M-4.
5. Copy of DGM's letter dt. 24-03-2010, Exb.M-5 and
6. Copy of letter dt.01-01-2010 of AGM, Exb.M-6.

The parties are filed their written notes of argument.

Having regards to the pleadings of the parties both oral and documentary and the submission made by the Ld. Counsels for both sides the only issue that needs determination in the present reference is whether the casual labourers of BSNL are entitled to get benefits of the recommendation of 6th Central Pay Commission.

It is a matter of common knowledge that Bharat Sanchar Nigam Limited, is a central public sector undertaking, under the ownership of Department of Telecommunication, which is part of the Ministry of Communications, Government of India having its headquarter, Registered and Corporate Office in New Delhi, India. Therefore, BSNL cannot be termed as a Central Government office or Govt. Department, the salary of whose employees is guided by Central Pay Commission and persons working in BSNL cannot be termed as Central Govt. employees. Further, it is the matter of common knowledge, any Central Pay Commission recommendation is primarily applied to Central Govt. employees.

M.W.1 Smt. Sunanda Bose, JTO of BSNL in her cross examination has stated that as per the order of the Corporate Office the pay scale of casual workmen is calculated and fixed. That she has produced letters dt. 22-08-2017 and dt. 27-01-2023 issued by Corporate Office of BSNL and which have been marked as Exb.M-2 and M-4. Both such letters deal with the revision of wages of casual labourers in BSNL in view of revision of minimum wages notified by Govt. of India on 19-01-2017 and for reduction of basic pay of casual labourers from Rs.6,050/- to Rs.5,740/- during the pendency of the present reference case. Both such letters prima facie shows the wages of casual labourers continue to be engaged in BSNL should continue to be calculated on the basis of pay plus applicable DA on the minimum of lowest CDA pay scale of Govt. of India (6th Central Pay Commission CDA Pay Scale) i.e. in terms of office letter no.269/11/2009-Pers-IV/LE dt. 01-01-2010. In case the wages so calculated are

less than the wages prescribed under Minimum Wages Act as notified, includes the State amendments, the higher of the two should be paid. The same proposal has been accepted by BSNL with regard to revision of basic pay of casual labourers by issuing letter dt.27-01-2023. Thus, from those two exhibited letters of BSNL it appears that basic pay of casual labourers engaged by BSNL is calculated on the basis of the basic pay plus DA on the minimum of lowest CDA pay scale of Govt. of India (6th Central Pay Commission CDA Pay Scales) and in case such fixation is less than prescribed minimum wages then higher of the two should be paid.

That apart, Exb.M-6, a letter dt.01-01-2010 issued by Corporate Office, New Delhi shows that wages of temporary status mazdoors and casual labourers engaged for work of regular nature were revised and guided by DOT's letter no.269-10/1989-STN dt. 07-11-1989 issued under "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989. That as per the said scheme conferment of temporary status would inter alia entitled the casual labourers to wages at daily rate with reference to the minimum of pay scale of regular Group-D cadre (IS Pay Band) notified by Govt. of India vide GSR no. 622(E) dt.29-08-2008 (Central Civil Service [Revised Pay] Rules, 2008) and enclosed methodology of fixation of pay of the casual labourers with temporary status. That wages of casual labourers engaged for regular nature was revised to 1/30th of the minimum of pay plus dearness allowance on the basis of revised CDA Pay Scale of Group-D cadre (IS Pay Band) notified by Govt. of India vide GSR no. 622(E) dt.29-08-2008 (Central Civil Service [Revised Pay] Rules, 2008) and wages of casual labourers engaged for work of intermittent/ seasonal nature may be paid at rate of Minimum Wages notified from time to time by the Ministry of Labour and Employment, Government of India.

Exb.W-4, office memorandum dt.22-01-2015 issued by Govt. of India, Ministry of Communication & IT Department of Posts shows that the remuneration of full time casual labourer (other than temporary status), part time labourers / workers engaged on contingencies basis was revised in concurrence with Integrated Finance Wing dairy no. 343/FA /2015 CS dt.22-01-2015 w.e.f. 01-01-2006 as follows:-

- (i) The wages of Full Time Casual Labourers (other than Temporary Status) would be calculated at the minimum of Pay Band-1 (Rs.5200-20200) i.e. Rs.5200 plus a Grade Pay of Rs.1300/- and Dearness Allowances as admissible from time to time. In addition, the benefit of merger of 50% of dearness allowance will also be admissible in terms of DOPT OM No. 49014/5/2004-Estt. (C) dt. 31-05-2004.
- (ii) So far as part time casual labourers are concerned, their wages would be calculated on pro-rata basis in terms of hours of duty put in with respect to the minimum Pay Band-1 (Rs.5200/- - 20200/-) i.e. Rs.5200/- plus a Grade Pay of Rs.1,300/- and Dearness Allowances as admissible from time to time. In addition, the benefit of merger of 50% of dearness allowance will also be admissible in terms of DOPT OM No. 49014/5/2004-Estt. (C) dt. 31-05-2004.

Further, for the Full Time Casual Labourers covered by Para I (V) of DoPT OM no. 49014/2/86 Estt. (C) dt. 07-06-1988 i.e. Full Time Casual Labourers who are engaged to perform work different from the work performed by regular employee will continue to be remunerated based on the Minimum Wages prescribed by Central or State Govt., whichever is higher.

That Exb.W-9, letter dt.15-09-1998 issued by the Govt. of India, Dept. of Telecommunication, New Delhi, to the Chief General Managers of all Telecom Circles, prima facie shows that in view of guidelines laid down by the Personnel and Training vide letter No.49014/2/86 Estt. (C) dated 07-06-1988 issued in compliance of the Apex Court Judgment regarding wages of casual labourers it has now been decided that all the casual labourers working in the Department may be paid wages at the rate of 1/30th of pay at the minimum of the relevant pay scale plus Dearness Allowance for work of 8 hours w.e.f. 01-09-1996. That other instructions regarding calculation of wages etc. issued by the department from time to time may however, be kept into consideration while making payments to different categories of casual labourers/part time Casual Labourers. Such letter was issued in concurrence of Telecom. Finance vide letter no. 2347/FA-1/98 dated 10-09-1998. Such exhibit further shows it is applicable to the casual labourers without temporary status working in the Dept. of Telecommunication. Such recommendation of 5th Pay Commission was circulated by Department of Telecommunication, West Bengal Circle by issuing Exb.W-10 a circular dt. 19-04-1999 only in respect of casual labourers (without temporary status) working in the Dept. of Telecommunication.

Exb.W-15, letter dt. 01-01-2010 issued by BSNL, Govt. of India Enterprises Corporate Office, New Delhi shows that wages of the casual labourers including TSMs was revised from 01-01-2010 in the following manner:-

1. Wages of Casual Labourers with Temporary Status shall be revised as per the provisions of the letter quoted at 1.0(a) above and worked out on the basis of the revised CDA Pay Scales for Group D Cadre (-IS Pay Band) notified by Government of India vide G.S.R. No.622(E) dated 29-08-2008 (Central Civil Service (Revised Pay) Rules, 2008). The methodology for fixation of pay of the casual labourers with Temporary Status is enclosed as Annexure-I.

2. Wages of casual labourers engaged for work of regular nature shall be revised to 1/30th of the minimum pay scale plus Dearness Allowance on the basis of the revised CDA Pay Scales for Group D Cadre (-IS Pay Band) notified by the Government of India vide G.S.R. 622(E) dated 29-08-2008 (Central Civil Service (Revised Pay) Rules, 2008).

3. Wages of casual labourers engaged for work of intermittent/seasonal nature may be paid at rates of Minimum Wages notified from time to time by the Ministry of Labour and Employment, Government of India.

It has further been observed that despite of a complete ban on engagement of casual labourers for work of regular nature from the year 1988 which has been stressed upon by BSNL CO from time to time, instances of engagement of casual labourers for work of regular nature by various Circles/ Units have been reported. Flouting of the above said ban orders is a serious offence. It is therefore reiterated that casual labourers should not be engaged and strict action be taken against erring officers/ officials who have engaged casual labourers for works of regular nature.

That apart, Exb.W-16/F dt. 12-09-2008 issued by Govt. of India, Ministry of Personnel, PG and Pensions, Dept. of Personnel & Training shows that recommendation of 6th Central Pay Commission as per Govt. of India notification dt.2229-08-2008 was extended to casual labourers with temporary status and their basic pay was fixed at the pay scale of Group-D employees as per 15th Pay Band and corresponding Grade Pay.

Exb.W-16/H office memorandum dt.23-01-2012 issued by Govt. of India, Ministry of Personnel, PG and Pensions, Dept. of Personnel & Training shows that the wages of casual labourers, who were granted the temporary status in terms of the provision of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 were paid wages based on the pre-revised scale-1 as on 01-01-2006 was worked out and paid on the basis of the Pay Band-1 with Grade Pay of Rs.1800/- w.e.f. 01-01-2006 to the matriculate labourers and was extended such benefit to non-matriculate labourers on certain conditions.

Exb.W-16/C another office memorandum dt.19-02-2018 issued by Govt. of India, Ministry of Personnel, PG and Pensions, Dept. of Personnel & Training regarding applicability of recommendation of 7th Central Pay Commission to casual labourers with temporary status and which also shows extension of pay matrix recommended by 7th Central Pay Commission to casual labourers with temporary status having Matriculate education and extension to non-matriculated casual employees on certain conditions.

Further, Exb.W-16/D a letter dt. 13th September, 2019 issued by Govt. of India, Ministry of Heavy Industries & Public Enterprises, after taking into consideration various instructions issued by the Hon'ble Supreme Court and also by DOPT's OM no. 49014/1/2017-Estt.(C) dt. 04-09-2019 (Exb-W-16/E) on the subject of equal pay for equal work for casual workers has provided guidelines for fixation of wages to casual worker/ daily worker employed by Central Public Sector Enterprises as follows :

- A. Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
- B. In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour & Employment or the state Government/ Union Territory Administration, whichever is higher as per the Minimum Wage Act, 1948.
- C. Persons on daily wages (casual workers) should not be recruited for work of regular nature.

Thus directed all CEOs of CPSEs and administrative Ministries/Departments to ensure strict compliance of the above provisions.

Exb.W-19, Circular No.17 issued under F. No. 1-5(01) /2018 –PAT dt.05-03-2018 by Govt. of India, Ministry of Communication and IT, Deptt. of Telecommunication, which controls BSNL prima facie shows that Dept. of Telecommunication follows guidelines issued by Govt. of India, Ministry of Personnel, PG and Pensions, Dept. of Personnel & Training with regard to the fixation of pay scale of casual labourers with temporary status. Such facts stands corroborated by Exb.W-22 a circular issued by Govt. of India, Dept. of Telecommunication directing its all Chief General Managers, directing them to pay wages to all casual labourers working in the Telecom Dept. at the rate of 1/30th of pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours w.e.f. 01-01-1996.

Therefore, in view of the above exhibited documents, it is seen that all along the basic pay scale of casual workers with temporary status or casual workers without temporary status working in BSNL, earlier in DOT, was fixed on the minimum basic scale of Group-D cadre of Central Govt. and as recommended by Central Pay Commission. Further, guidelines issued by the Govt. of India, Ministry of Personnel, PG and Pensions, Dept. of Personnel & Training also shows fixation of basic pay scale of temporary casual workmen at per with pay scales for

Group-D employees as per IS Pay Band and corresponding Grade Pay recommended by 6th Central Pay Commission and approved by the Govt. and Ministry of Finance (Deptt. of Expenditure).

That apart, M.W.1 in her cross examination has stated that casual workers of BSNL used to draw basic pay as per recommendation of 5th Central Pay Commission and they are also entitled to get recommendation of 6th Pay Commission. She has further stated that she has no knowledge how the basic pay of casual workmen has been fixed to Rs.5,740/- by Corporate Office.

In the present case no material whatsoever have come with regard to prove the actual status of those casual employees whom the union represent, whether they were/are Full Time Casual Workmen other than temporary status casual workmen or part time casual workmen or they are governed by the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993.

However, from the admission made by M.W during cross examination and from letters issued by Govt. of India, Ministry of Communication and IT, Deptt. of Telecommunication in connection of fixation and revision of pay of casual employees of BSNL and discussed above, it appears that BSNL or earlier DOT had extended 4th & 5th Central Pay Commission recommendation for fixation of minimum pay scale of its casual workmen and their wages were fixed or worked out on the basis of minimum pay scale of regularly employed workers in the corresponding cadre but without increment. Further, it is seen BSNL follows the guidelines issued by the Govt. of India, Ministry of Personnel, PG and Pensions, Dept. of Personnel & Training. Ext w-16/F dt. 12-09-2008 clearly provides applicability of revised Group “D” Pay Scale to casual Labourers with Temporary Status and revision of basic pay of casual labourers with temporary status at per with pay scales for Group-D employees as per IS Pay Band and corresponding Grade Pay recommended by 6th Central Pay Commission and approved by the Govt. and Ministry of Finance (Deptt. of Expenditure). Therefore, this Tribunal is of view BSNL cannot deny or deprive its casual employees in fixation of their pay scale at the minimum Pay Scale of Group- D cadre employees as provided in of 6th & 7th Pay Commission but without increment.

In view of the above, the casual employees engaged by BSNL, West Bengal Circle are entitled to get the benefit of revision of their pay scale and fixation of their pay on the basis of minimum pay scale of Group D cadre employees of Central Government, without any increment based on recommendation of 6th and 7th pay commission. Accordingly, Reference Case no. 09 of 2018 is disposed of and an award to that effect is passed.

Sd/-

Justice K. D. BHUTIA, Presiding Officer