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No. 50] NEW DELHI, DECEMBER 21—DECEMBER 27, 2025, SATURDAY/AGRAHAYANA 30—PAUSHA 6, 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. 2164.—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 केन्द्रीय माल एवं सेवा कर (अपील) आयुक्तालय, गुरुग्राम 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. 2164.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies **CENTRAL GOODS & SERVICES TAX (APPEALS) COMMISSIONERATE, GURUGRAM** 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)

अंतरिक्ष विभाग

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2165.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में एतत् द्वारा अंतरिक्ष विभाग की निम्नलिखित यूनिटों, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

- I. माउंट आबू वेधशाला
भौतिक अनुसंधान प्रयोगशाला
अंतरिक्ष विभाग की यूनिट, भारत सरकार
माउंट आबू, राजस्थान - 307501
- II. उदयपुर सौर वेधशाला (यू.एस.ओ.)
भौतिक अनुसंधान प्रयोगशाला
अंतरिक्ष विभाग की यूनिट, भारत सरकार
उदयपुर, राजस्थान - 313011

[फा. सं. 8/1/10/2024-हिं.]

राजी आर., अवर सचिव

DEPARTMENT OF SPACE

New Delhi, the 17th December, 2025

S.O. 2165.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following Units of the Department of Space, whereof more than 80 percent staff have acquired the working knowledge of Hindi.

- I. Mount Abu Observatory
Physical Research Laboratory
A Unit of Department of Space, Government of India
Mount Abu, Rajasthan - 307501
- II. Udaipur Solar Observatory (USO)
Physical Research Laboratory
A Unit of Department of Space, Government of India
Udaipur, Rajasthan - 313011

[F. No. 8/1/10/2024-H.]

RAJI R., Under Secy.

रेल मंत्रालय**(रेलवे बोर्ड)**

नई दिल्ली, 15 मई, 2025

का.आ. 2166.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/ कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, गुवाहाटी टेरिटरी.
2. राइट्स लिमिटेड, उत्तरी क्षेत्र परियोजना कार्यालय, गुरुग्राम.
3. मुख्य प्रशासनिक अधिकारी कार्यालय (निर्माण संगठन), दक्षिण पश्चिम रेलवे, बेंगलूर छावनी.
4. रेल भर्ती बोर्ड, गुवाहाटी.

[फा. सं. हिंदी -2023/रा.भा.-1/12/1/(2094595)]

डॉ. वी. सुगुणा, निदेशक, राजभाषा

MINISTRY OF RAILWAYS**(Railway Board)**

New Delhi, the 15th May, 2025

S.O. 2166.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. RailTel Corporation of India LTD., Guwahati Territory.
2. RITES Limited, Northern Region Project Office, Gurugram.
3. Office of Chief Administrative Officer (Construction Organization), South Western Railway, Bengaluru Cantonment.
4. Railway Recruitment Board, Guwahati.

[F. No. Hindi-2023/O.L.1/12/1/ (2094595)]

Dr. V. SUGUNA, Director, O.L.

नई दिल्ली, 18 जून, 2025

का.आ. 2167.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम (2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/ कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, अहमदाबाद टेरीटरी.
2. भारतीय कंटेनर निगम लिमिटेड, गतिशक्ति मल्टीमोडल कार्गो टर्मिनल, वरनामा.

[फा. सं. हिंदी -2023/रा.भा.-1/12/1/ (2126873)]

डॉ. वी. सुगुणा, निदेशक, राजभाषा

New Delhi, the 18th June, 2025

S.O. 2167.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. **RailTel Corporation of India Ltd., Ahmedabad Territory.**
2. **Container Corporation of India Ltd, Gati Shakti Multi-Modal Cargo Terminal, Varnama.**

[F. No. Hindi-2023/O.L.1/12/1/ (2126873)]

Dr. V. SUGUNA, Director, O.L.

नई दिल्ली, 25 अगस्त, 2025

का.आ. 2168.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में रेल भर्ती बोर्ड, सिलीगुड़ी कार्यालय जहाँ 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी-2023/रा.भा.-1/12/1/(2202330)]

डॉ. वी. सुगुणा, निदेशक, राजभाषा

New Delhi, the 25th August, 2025

S.O. 2168.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the **Railway Recruitment Board, Siliguri** office where 80 percent or more employees have acquired the working knowledge of Hindi.

[F. No. Hindi-2023/O.L.1/12/1/ (2202330)]

Dr. V. SUGUNA, Director, O.L.

नई दिल्ली, 9 सितम्बर, 2025

का.आ. 2169.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम-10 के उपनियम(2) और (4) के अनुसरण में निम्नलिखित कार्यालयों जहाँ 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है:-

1. स्टेशन निदेशक, टाटानगर, चक्रधरपुर मंडल
2. मुख्य प्रशासनिक अधिकारी, निर्माण कार्यालय, जयपुर
3. नेशनल हाई-स्पीड रेल कॉर्पोरेशन लिमिटेड, नई दिल्ली
4. भारतीय कंटेनर निगम लिमिटेड, आईसीडी, व्हाइटफील्ड, बेंगलूर

[फा. सं. हिंदी -2023/रा.भा.-1/12/1/(2219315)]

डॉ. वी. सुगुणा, निदेशक, राजभाषा

New Delhi, the 9th September, 2025

S.O. 2169.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule-10 of the Official Language Rules, 1976 (Use for the Official Purpose of the Union) hereby, notify the following offices where 80 percent or more officers/employees have acquired the working knowledge of Hindi:-

1. **Station Director, Tatanagar, Chakradharpur Division**
2. **Chief Administrative Officer, Construction Office, Jaipur**
3. **National High-Speed Rail Corporation Limited, New Delhi**
4. **Container Corporation of India Limited, ICD, Whitefield, Bengaluru**

[F. No. Hindi-2023/O.L.1/12/1/ (2219315)]

Dr. V. SUGUNA, Director, O.L.

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2170.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

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

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

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

अनुसूची

जिला: पंचमहाल		राज्य : गुजरात	
क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुका
(1)	(2)	(3)	(4)
1.	का.आ.3304 (अ)दिनांक.13.08.2021 का.आ.2607 (अ)दिनांक.04.07.2024	गोल्लाव	गोधरा
2.	का.आ.4252(अ)दिनांक.14.10 .2021 का.आ.2608(अ)दिनांक.04.07.2024	नेवरिया	कालोल
3.	का.आ.4252(अ)दिनांक.14.10 .2021	पलासा	कालोल
4.	का.आ.4252(अ)दिनांक.14.10 .2021 का.आ.2608(अ)दिनांक.04.07.2024	रतनपुरा	कालोल
5.	का.आ.4252(अ)दिनांक.14.10 .2021 का.आ.2608(अ)दिनांक.04.07.2024	बाकरोल	कालोल
6.	का.आ.4252(अ)दिनांक.14.10 .2021 का.आ.2608(अ)दिनांक.04.07.2024	भादरोली(बुजर्ग)	कालोल
7.	का.आ.4252(अ)दिनांक.14.10 .2021	समा	कालोल
8.	का.आ.4252(अ)दिनांक.14.10 .2021 का.आ.2608(अ)दिनांक.04.07.2024	कणेटिया	कालोल

9.	का.आ.4250(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	जेली	कालोल
10.	का.आ.4250(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	डेरोल	कालोल
11.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	नेसड़ा	कालोल
12.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	खड़की	कालोल
13.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	बेढीया	कालोल
14.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	सुरेली	कालोल
15.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	धुसर	कालोल
16.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	परुणा	कालोल
17.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	अड़ादरा	कालोल
18.	का.आ.4252(अ)दिनांक.14.10.2021 का.आ.2608(अ)दिनांक.04.07.2024	फणसी	कालोल
19.	का.आ.4252(अ)दिनांक.14.10.2021	करौली	कालोल
20.	का.आ.1993(अ)दिनांक.24.05.2021 का.आ.2609(अ)दिनांक.04.07.2024	शेरपुरा	घोघंबा
21.	का.आ.1993(अ)दिनांक.24.05.2021	कोठायडी	घोघंबा
22.	का.आ.1993(अ)दिनांक.24.05.2021 का.आ.2609(अ)दिनांक.04.07.2024	गुणेशिया	घोघंबा
23.	का.आ.1993(अ)दिनांक.24.05.2021	झबवणीया	घोघंबा
24.	का.आ.1993(अ)दिनांक.24.05.2021 का.आ.2609(अ)दिनांक.04.07.2024	सीमलिया	घोघंबा
25.	का.आ.1993(अ)दिनांक.24.05.2021	पादरडी	घोघंबा

26.	का.आ.1993(अ)दिनांक.24.05.2021 का.आ.2609(अ)दिनांक.04.07.2024	साजोरा	घोघंवा
27.	का.आ.1993(अ)दिनांक.24.05.2021	आलबेटा	घोघंवा
28.	का.आ.3294(अ)दिनांक.13.08.2021 का.आ.2609(अ)दिनांक.04.07.2024	रींछवाणी	घोघंवा
29.	का.आ.3294(अ)दिनांक.13.08.2021	खिलोड़ी	घोघंवा

[फा. सं. आर.-11025(15)/11/2019-ओआर-I-भाग(1)/ई-45901]

शशि शेखर सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 16th December, 2025

S.O. 2170.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

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

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

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

SCHEDULE

District: Panchmahal			State: Gujarat
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No.3304 (E)Dated .13.08.2021 S.O. No.2607 (E) Dated.04.07.2024	Gollav	Godhra
2.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Nevariya	Kalol
3.	S.O. No.4252(E) Dated.14.10 .2021	Palasa	Kalol
4.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated.04.07.2024	Ratanpura	Kalol
5.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Bakrol	Kalol
6.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Bhadroli(Bujarg)	Kalol
7.	S.O.No.4252(E) Dated.14.10.2021	Sama	Kalol

8.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Kanetiya	Kalol
9.	S.O. No.4250(E) Dated.14.10.2021 S.O. No.2608(E) Dated..04.07.2024	Jeli	Kalol
10.	S.O. No.4250(E) Dated.14.10.2021 S.O. No.2608(E) Dated..04.07.2024	Derol	Kalol
11.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Nesada	Kalol
12.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Khadki	Kalol
13.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Bedhiya	Kalol
14.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Sureli	Kalol
15.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Ghusar	Kalol
16.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Paruna	Kalol
17.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Adadra	Kalol
18.	S.O. No.4252(E) Dated.14.10 .2021 S.O. No.2608(E) Dated..04.07.2024	Fansi	Kalol
19.	S.O. No.4252(E) Dated.14.10 .2021	Karoli	Kalol
20.	S.O. No.1993(E) Dated.24.05.2021 S.O. No.2609(E) Dated..04.07.2024	Sherpura	Ghoghamba
21.	S.O. No.1993(E) Dated.24.05.2021	Kothayadi	Ghoghamba
22.	S.O. No.1993(E) Dated.24.05.2021 S.O. No.2609(E) Dated.04.07.2024	Guneshiya	Ghoghamba
23.	S.O. No.1993(E) Dated.24.05.2021	Jhabvaniya	Ghoghamba
24.	S.O. No.1993(E) Dated.24.05.2021 S.O. No.2609(E) Dated..04.07.2024	Simaliya	Ghoghamba
25.	S.O. No.1993(E) Dated.24.05.2021	Padardi	Ghoghamba
26.	S.O. No.1993(E) Dated.24.05.2021 S.O. No.2609(E) Dated.04.07.2024	Sajora	Ghoghamba
27.	S.O. No.1993(E) Dated.24.05.2021	Aalbeta	Ghoghamba
28.	S.O.No.3294(E) Dated.13.08.2021 S.O.No.2609(E) Dated.04.07.2024	Rinchhwani	Ghoghamba
29.	S.O.No.3294(E) Dated.13.08.2021	Khilodi	Ghoghamba

[F. No. R- 11025(15)/11/2019-OR-I-Part(1)/E-45901]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2171.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

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

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

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

अनुसूची

जिला: वडोदरा		राज्य : गुजरात	
क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुका
(1)	(2)	(3)	(4)
1.	का.आ.1996(अ)दिनांक.01.04.2021	दुमाड	वडोदरा
2.	का.आ.1996(अ)दिनांक.01.04.2021	असोज	वडोदरा
3.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	इन्द्राड	सावली
4.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	वेमार	सावली
5.	का.आ.1268(अ)दिनांक.22.03.2021	गरधीया	सावली
6.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	वडदला	सावली
7.	का.आ.1268(अ)दिनांक.22.03.2021	हरिपुरा	सावली
8.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	गांगडिया	सावली
9.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	आंदलवाडा	सावली
10.	का.आ.1268(अ)दिनांक.22.03.2021	लोटना	सावली

11.	का.आ.1268(अ)दिनांक.22.03.2021	घंटीयाल	सावली
12.	का.आ.1268(अ)दिनांक.22.03.2021	राणीपुरा	सावली
13.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	माल आंकलीया	सावली
14.	का.आ.1268(अ)दिनांक.22.03.2021 का.आ.412(अ)दिनांक.31.01.2024	कंबोला	सावली
15.	का.आ.1269(अ)दिनांक.01.04.2021 का.आ.412(अ)दिनांक.31.01.2024	पिलोल	सावली

[फा. सं. आर. -11025(15)/11/2019-ओआर-I-भाग(1)/ई-45901]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 16th December, 2025

S.O. 2171.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

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

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

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

SCHEDULE

District: Vadodara			State: Gujarat
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O. No 1996(E) Dated.01.04.2021	Dumad	Vadodara
2.	S.O. No 1996(E) Dated.01.04.2021	Asoj	Vadodara
3.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Indrad	Savli
4.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Vemar	Savli
5.	S.O. No 1268(E) Dated.01.04.2021	Gardhiya	Savli
6.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Vadadala	Savli
7.	S.O. No 1268(E) Dated.01.04.2021	Haripura	Savli
8.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Gangadiya	Savli

9.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Aandalvada	Savli
10.	S.O. No 1268(E) Dated.01.04.2021	Lotna	Savli
11.	S.O. No 1268(E) Dated.01.04.2021	Ghantiyal	Savli
12.	S.O. No 1268(E) Dated.01.04.2021	Ranipura	Savli
13.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Mal Ankaliya	Savli
14.	S.O. No 1268(E) Dated.01.04.2021 S.O. No 412(E) Dated.31.04.2024	Kambola	Savli
15.	S.O. No 1269(E) Dated.22.03.2021 S.O. No 412(E) Dated.31.04.2024	Pilol	Savli

[F. No. R- 11025(15)/11/2019-OR-I-Part(1)/E-45901]

SHASHI SHEKHAR SINGH, Under Secy.

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2172.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की एवम का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

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

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

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

अनुसूची

जिला: दाहोद		राज्य : गुजरात	
क्रमांक	का. आ. सं. एवं दिनांक	गाँव का नाम	तालुका
(1)	(2)	(3)	(4)
1.	का.आ.1032(अ)दिनांक. 03.03.2021	रानीपुरा	देवगढ़ बरिया
2.	का.आ.1032(अ)दिनांक. 03.03.2021	रातड़िया	देवगढ़ बरिया
3.	का.आ.1032(अ)दिनांक. 03.03.2021	चेनपुर	देवगढ़ बरिया
4.	का.आ.1032(अ)दिनांक. 03.03.2021	उचवान	देवगढ़ बरिया
5.	का.आ.1032(अ)दिनांक. 03.03.2021	कोयडा	देवगढ़ बरिया
6.	का.आ.1032(अ)दिनांक. 03.03.2021	डांगरीया	देवगढ़ बरिया

7.	का.आ.1032(अ)दिनांक. 03.03.2021	उधावला	देवगढ़ बरिया
8.	का.आ.1032(अ)दिनांक. 03.03.2021 का.आ.2606(अ)दिनांक. 04.07.2024	रुवाबारी	देवगढ़ बरिया
9.	का.आ.1033(अ)दिनांक. 03.03.2021 का.आ.2610(अ)दिनांक. 04.07.2024	रई	लिमखेड़ा
10.	का.आ.1033(अ)दिनांक. 03.03.2021 का.आ.2610(अ)दिनांक. 04.07.2024	चीलाकोटा	लिमखेड़ा
11.	का.आ.1034(अ)दिनांक. 03.03.2021	घोडाझर	धानपुर
12.	का.आ.1034(अ)दिनांक. 03.03.2021	उमरिया	धानपुर
13.	का.आ.1034(अ)दिनांक. 03.03.2021	बोर	धानपुर
14.	का.आ.1034(अ)दिनांक. 03.03.2021	महुनला	धानपुर
15.	का.आ.1034(अ)दिनांक. 03.03.2021	मांडव	धानपुर
16.	का.आ.1035(अ)दिनांक. 03.03.2021	वजेलाव	गरबाड़ा
17.	का.आ.1035(अ)दिनांक. 03.03.2021	अभलोड	गरबाड़ा
18.	का.आ.1035(अ)दिनांक. 03.03.2021 का.आ.2611(अ)दिनांक. 03.07.2024	देवधा	गरबाड़ा
19.	का.आ.1036(अ)दिनांक. 03.03.2021 का.आ.2612(अ)दिनांक. 03.07.2024	बावका	दाहोद
20.	का.आ.1036(अ)दिनांक. 03.03.2021	विजागढ़	दाहोद
21.	का.आ.1036(अ)दिनांक. 03.03.2021	ब्रह्मखेड़ा	दाहोद
22.	का.आ.1036(अ)दिनांक. 03.03.2021	लिलार	दाहोद
23.	का.आ.1036(अ)दिनांक. 03.03.2021	कतवारा	दाहोद
24.	का.आ.1036(अ)दिनांक. 03.03.2021 का.आ.2612(अ)दिनांक. 03.07.2024	मोती लछेली	दाहोद
25.	का.आ.1036(अ)दिनांक. 03.03.2021	भूटोडी	दाहोद
26.	का.आ.1036(अ)दिनांक. 03.03.2021	सिमलियाखुर्द	दाहोद
27.	का.आ.1036(अ)दिनांक. 03.03.2021	खापरीया	दाहोद
28.	का.आ.1036(अ)दिनांक. 03.03.2021 का.आ.2612(अ)दिनांक. 03.07.2024	खंगेला	दाहोद

[फा. सं. आर.-11025(15)/11/2019-ओआर-I-भाग(1)/ई-45901]

शशि शेखर सिंह, अवर सचिव

New Delhi, the 16th December, 2025

S.O. 2172.—Whereas, by the notification of the Government of India in the Ministry of Petroleum and Natural Gas. S. O. Numbers and Dates as mentioned in the Schedule below issued under Sub-section (i) of section 6 of Petroleum and Minerals Pipeline (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the lands specified in the schedule appended to those notifications.

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

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

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

SCHEDULE

District: Dahod		State: Gujarat	
S.No.	S.O. No. & Date	Name of Village	Name of Tehsil
(1)	(2)	(3)	(4)
1.	S.O.No.1032(E) Dated.03.03.2021	Ranipura	Devgadh Baria
2.	S.O.No.1032(E) Dated.03.03.2021	Ratadiya	Devgadh Baria
3.	S.O.No.1032(E) Dated.03.03.2021	Chenpur	Devgadh Baria
4.	S.O.No.1032(E) Dated.03.03.2021	Uchavan	Devgadh Baria
5.	S.O.No.1032(E) Dated.03.03.2021	Koyada	Devgadh Baria
6.	S.O.No.1032(E) Dated.03.03.2021	Dangariya	Devgadh Baria
7.	S.O.No.1032(E) Dated.03.03.2021	Udhaval	Devgadh Baria
8.	S.O.No.1032(E) Dated. 03.03.2021 S.O.No.2606(E) Dated.04.07.2024	Ruvabari	Devgadh Baria
9.	S.O.No.1033(E) Dated. 03.03.2021 S.O.No.2610(E) Dated. 04.07.2024	Rai	Limkheda
10.	S.O.No.1033(E) Dated. 03.03.2021 S.O.No.2610(E) Dated. 04.07.2024	Chilakota	Limkheda
11.	S.O.No.1034(E) Dated. 03.03.2021	Ghodajar	Dhanpur
12.	S.O.No.1034(E) Dated. 03.03.2021	Umariya	Dhanpur
13.	S.O.No.1034(E) Dated. 03.03.2021	Bor	Dhanpur
14.	S.O.No.1034(E) Dated. 03.03.2021	Mahunala	Dhanpur
15.	S.O.No.1034(E) Dated. 03.03.2021	Mandav	Dhanpur
16.	S.O.No.1035(E) Dated. 03.03.2021	Vajelav	Garbada
17.	S.O.No.1035(E) Dated. 03.03.2021	Abhlod	Garbada
18.	S.O.No.1035(E) Dated. 03.03.2021 S.O.No.2611(E) Dated. 03.07.2024	Devdha	Garbada
19.	S.O.No.1036(E) Dated. 03.03.2021 S.O.No.2612(E) Dated. 03.07.2024	Bavka	Dahod
20.	S.O.No.1036(E) Dated. 03.03.2021	Vijagadh	Dahod

21.	S.O.No.1036(E) Dated. 03.03.2021	Brahmkheda	Dahod
22.	S.O.No.1036(E) Dated. 03.03.2021	Lilar	Dahod
23.	S.O.No.1036(E) Dated. 03.03.2021	Katwara	Dahod
24.	S.O.No.1036(E) Dated. 03.03.2021 S.O.No.2612(E) Dated. 03.07.2024	Moti Lachheli	Dahod
25.	S.O.No.1036(E) Dated. 03.03.2021	Bhutodi	Dahod
26.	S.O.No.1036(E) Dated. 03.03.2021	Simaliyakhurd	Dahod
27.	S.O.No.1036(E) Dated. 03.03.2021	Khapariya	Dahod
28.	S.O.No.1036(E) Dated. 03.03.2021 S.O.No.2612(E) Dated. 03.07.2024	Khangela	Dahod

[F. No. R- 11025(15)/11/2019-OR-I-Part(1)/E-45901]

SHASHI SHEKHAR SINGH, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2173.—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-20/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2025 को प्राप्त हुआ था।

[सं. एल-22012/43/2017-आईआर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th December, 2025

S.O. 2173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/20/2017**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 15/12/2025.

[No. L-22012/43/2017 – 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. 20 OF 2017

PARTIES: Bhusan Agharia

Vs.

Management of Bejdih Colliery, ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 22.10.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/43/2017-IR(CM-II)** dated 11.12.2017 has been pleased to refer the following dispute between the employer, that is the Management of Bejdih Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of M/s. Eastern Coalfields Ltd. In relation to its Bejdih Colliery under Sodepur Area in imposing a punishment of dismissal on Shri Bhusan Agharia. UG Loader w.e.f. 03/05.08.1998, vide order No BMP/C46/B-12/469 dated 03/05.08.1998 is just and legal? If not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/43/2017-IR(CM-II)** dated 11.12.2017 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 19.12.2017 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. Union filed written statement for the dismissed workman on 08.11.2021. Fact of the case as disclosed in their written statement in brief is that, Bhusan Agharia was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL), posted at Bejdih Colliery under Sodepur Area as an Underground Loader, bearing U.M. No. 138198. Due to illness he could not attend his duty from 04.04.1996. After recovery he reported for his duty and requested the management to allow him to join duty but the management did not allow him to join and issued a Charge Sheet bearing No. 115 dated 21.08.1996 alleging misconduct on account of his unauthorized absence, violating provision of Section 17(i)(n) of Model Standing Orders. After a long gap management issued a second Charge Sheet dated 16.03.1998 without mentioning the date of absence from duty. Management did not take action on the basis of earlier Charge Sheet dated 21.08.1996 and conducted enquiry on the basis of the second Charge Sheet dated 16.03.1998. According to the workman his total period of absence from duty is four month and sixteen days from 04.04.1996 to 21.08.1996 but management without servicing the Charge Sheet and Notice of enquiry held ex-parte proceeding. No second Show Cause Notice was issued to him which is a gross violation of the decision of the Hon'ble Supreme Court of India as well as the guidelines issued by the Director (P&IR), Coal India Limited. Further contention of the union is that Bhusan Agharia was having difficulty to work as an Underground Loader which is a hard and hazardous job. He requested the management for deploying him at some other place to perform time rated job but management did not consider his request. The workman succumbed to illness and was compelled to remain absent from duty. The management of ECL without providing any opportunity to the workman to respond to the findings of the Enquiry Officer dismissed him from service. Union has challenged the punishment of dismissal as illegal, arbitrary and disproportionate to the nature of misconduct. After his dismissal the workman submitted two applications dated 04.07.2012 and 28.06.2013 for his reinstatement as per terms of Memorandum of Settlement dated 22.05.2007 but the management did not consider the same.

3. Management of ECL in their written statement filed on 26.04.2023 submitted that the workman absented from duty from 04.04.1996 to 10.03.1998, for a period of one year nine months and twelve days without any information or sanctioned leave as such he was chargesheeted on 16.03.1998 under clause 17(i)(n) of the Model Standing Order for his unauthorized absence from duty. The Enquiry Officer was appointed to conduct enquiry into the charge. Enquiry Officer issued Notice of enquiry to the workman on 06.04.1998, 10.06.1998 and 04.07.1998 but the workman did not participate and the enquiry was held ex-parte. The charge was established against the workman and the Disciplinary Authority dismissed the workman from service w.e.f. 05.08.1998. The order was communicated to the workman. Management claimed that the punishment of dismissal is proportionate to the misconduct and the workman is not entitled to any relief.

4. The short point for consideration is whether dismissal of Bhusan Agharia from his service is just and legal. If not, what relief he is entitled to.

5. The union examined Bhusan Agharia as Workman Witness No. 1 and filed his affidavit-in-chief. In his affidavit-in-chief the witness stated that after issuing Charge Sheet dated 21.08.1996 he submitted his reply and requested the management to allow him to join duty but in spite of repeated request management neither allowed him to join duty nor held any enquiry on the basis of the Charge Sheet. The management of ECL thereafter issued another Charge Sheet dated 16.03.1998 with a charge that he did not perform his duty in the year 1997. The workman witness averred that after issuance of Charge Sheet on 21.08.1996 he was not allowed to join his duty therefore it was not

possible for him to perform duty in the year 1997 which is the charge disclosed in the subsequent Charge Sheet. He stated that the total period of absence was four

months and sixteen days only and the management did not serve any Notice of enquiry to him and proceeded to hold ex-parte enquiry. Furthermore, no second Show Cause Notice was issued to him before dismissal. During his examination-in-chief the workman produced the following documents :

- (i) A Copy of the Charge Sheet dated 21.08.1996 is produced as Exhibit W-1.
- (ii) Copy of the reply to the Charge Sheet submitted on 23.08.1996 by the workman, as Exhibit W-2.
- (iii) Copy of the Mercy Petitions submitted on 04.07.2012 and 28.06.2013, as Exhibit W-3 and W-4 respectively.

6. In course of cross-examination the workman witness stated that he remained absent due to his illness but expressed his inability to produce any document in support of his illness or medical treatment during the period of his absence. He denied the suggestion that he intentionally remained absent from duty and further denied that he intentionally remained away from the enquiry proceeding.

7. Mr. Apurva Saurabh Singh, Assistant Manager (Personnel), Bejdih Colliery has been examined as Management Witness No. 1. He filed an affidavit-in-chief wherein he stated that Bhusan Agharia had remained absent from duty from 04.04.1996 to 21.08.1996 for a period of four months without any information and sanctioned leave. He further stated that a domestic enquiry was held on the Charge and Enquiry Officer issued Notices to the workman on 06.04.1998, 10.06.1998 and 04.07.1998 but the workman did not attend the enquiry, as a result enquiry was held ex-parte. Management witness stated that the workman was dismissed from service w.e.f. 05.08.1998 and his dismissal is fully justified.

In course of evidence the management witness produced the following documents:

- (i) Copy of the Charge Sheet dated 21.08.1996 is produced as Exhibit M-1.
- (ii) Copy of the Enquiry Report, as Exhibit M-2.
- (iii) Copy of the letter dated 21/29.07.1998 issued by the Chief general Manager, Sodepur Area addressed to the Agent, BMP Group, regarding dismissal of Bhusan Agharia from service, as Exhibit M-3.
- (iv) Copy of the letter dated 03/05.08.1998 issued by the Agent, BMP Group, addressed to Bhusan Agharia informing him about his dismissal from service with immediate effect, as Exhibit M-4.
- (v) Copy of the Mercy Petition submitted on 04.07.2012 by Bhusan Agharia for his reinstatement, as Exhibit M-5.

8. In cross-examination the management witness admitted that no second Show Cause Notice was issued to the workman before his dismissal. He further stated that management cannot produce any document to show that any communication was made to the workman in respect of his mercy petition. The witness also denied the suggestion that the company violated the principles of natural justice at the time of holding enquiry and that the dismissal was illegal.

9. Mr. Rakesh Kumar, union representative, advancing his argument on behalf of the dismissed workman submitted that initially a Charge Sheet dated 21.08.1996 was issued against the workman for unauthorized absence from duty for a period of four months and sixteen days only. The workman was suffering from illness during the period of absence and underwent medical treatment but on his reporting for duty he was not allowed to join. The management did not initiate any enquiry proceeding on the basis of the Charge Sheet. A second Charge Sheet was issued on 16.03.1998 alleging unauthorized absence of one year nine months and twelve days but the same was not served upon the workman. No Notice of enquiry was served. The management in an arbitrary manner and in complete violation of principles of natural justice held enquiry in absence of the workman and dismissed him from service without complying the mandate of the Hon'ble Supreme Court of India by not issuing a second Show Cause Notice. It is argued that the order of dismissal was not communicated to the workman. After a long time when the workman came to know about his dismissal, he submitted mercy petitions for his reinstatement as per the Memorandum of Settlement dated 22.05.2007 but till date management has not considered the same though he fulfilled all requirement for his reinstatement. The union representative argued that the order of dismissal is disproportionate and illegal and the same is required to be set aside and the workman should be reinstated in his service with full back wages.

10. Mr. P. K. Das, learned advocate for the management in reply argued that the workman remained absent for a very long time but he neither participated in the enquiry proceeding nor did he file any document before this Tribunal in support of his claim that he underwent medical treatment at the time of his absence. Learned advocate argued that the dismissed workman had raised the Industrial Dispute after nineteen (19) years and the same is liable to be dismissed.

11. I have carefully considered the case and the counter case of the parties as disclosed in their written statements evidence adduced and rival argument advanced. It is undisputed that the workman was dismissed from service on 05.08.1998 and the Industrial Dispute has been referred to this Tribunal in the year 2017 i.e., after lapse of nineteen years. From the evidence led by the union, it appears that the mercy petitions were submitted by Bhusan Agharia for his reinstatement on 04.07.2012 (Exhibit W-3) and thereafter on 28.06.2013 (Exhibit W-4). Management of ECL did not consider the applications according to the terms of settlement in the Memorandum of Settlement dated 22.05.2007. In the case of **Raghubir Singh Vs. General Manager, Haryana Roadways, Hissar [2014 (10) SCC 301]**, the Hon'ble Supreme Court of India emphasized the phrase "at any time" occurring in Section 10 of the Industrial Disputes Act, 1947 would imply that law of limitation did not apply on the facts, and the court held that the State Government had rightly exercised its power and refer the dispute to the labour court within reasonable time, considering the circumstances in which the appellant therein was placed. It emerges from the settled law that there is no period of limitation for raising an Industrial Dispute under Section 10 of Industrial Disputes Act, 1947.

12. It is pertinent to consider whether Bhusan Agharia has been dismissed in a lawful manner. On a perusal of the order of dismissal dated 21/29.07.1998 passed by the Chief general Manager, Sodepur Area (Exhibit M-3), it appears that Bhusan Agharia, Underground Loader of Bejdih Colliery was dismissed from his service with immediate effect. The Disciplinary Authority while passing such vital order did not refer to the Charge Sheet and its date of issuance. The General Manager in the order of dismissal directed the Agent of BMP Group to communicate the same to Bhusan Agharia. The Agent of BMP Group in his letter dated 03/05.09.1998 (Exhibit M-4) communicated the order of dismissal to Bhusan Agharia and in that letter, he tried to bridge the gap by incorporating the particulars of the Charge Sheet, disclosing therein that it was with reference to the Charge Sheet bearing No. Bej/C-6/14/98/271 dated 16.03.1998 issued to the workman. On perusal of the materials produced by the management it appears that the management witness in his affidavit-in-chief did not refer to the Charge Sheet dated 16.03.1998, on the basis of which the workman has been dismissed. The copy of the Charge Sheet which is the foundation of the enquiry proceeding has not been produced. Mr. Apurva Saurabh Singh (MW-1) in Paragraph No. 2 of his affidavit-in-chief stated that the ex-workman was absenting from duty since 04.04.1996 to 21.08.1996 i.e., 4 months and Charge Sheet dated 21.08.1996 was issued to him for his unauthorized absence. In course of his examination-in-chief the management witness remained silent about the second Charge Sheet. During cross-examination management witness admitted that no second Show Cause Notice was issued to the workman. I find from the evidence on record that there is no clear statement by the management witness about service of Charge Sheet and Notice of enquiry upon the workman at any point of time. It becomes abundantly clear that under such circumstance, arising out of non-service of Notice of enquiry or Charge Sheet, the management held an ex-parte domestic enquiry without giving any opportunity to the workman to represent his case or to explain his reason for unauthorized absence.

13. The Hon'ble Supreme Court of India in the case of **Union of India and Others Vs. Mohd. Ramzan Khan [AIR (1991) SC 471]**, laid down the principle of law in following words :

"When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice."

The principle laid down by the Hon'ble Supreme Court of India was enforced by the Coal India Limited by way of issuing a Circular bearing No. CIL C-5A(vi)/50774/28 dated 12.05.1994, wherein it has been clearly laid down that the charged employee had to be supplied with Enquiry Proceeding and Enquiry Report and a second Show Cause Notice had to be issued to him before taking any final decision of removing him from service. It is a well settled position of law that when the Disciplinary Authority and the Enquiry Officer are two different persons then the Disciplinary Authority must give an opportunity to the charged employee to submit his representation in respect of the findings of the Enquiry Officer and only thereafter arrived at a finding about the punishment that is to be imposed. In the instant case the management of ECL manifestly committed a chain of errors by issuing two separate Charge Sheets dated 21.08.1996 and 16.03.1998, not holding any enquiry in respect of the first Charge Sheet and thereafter acted in an arbitrary manner by holding ex-parte enquiry without service of Notice of enquiry. The Disciplinary Authority in his letter bearing No. Pd/C-6/98/36/1719 dated 21/29.07.1998 (Exhibit M-3) did not refer to the Charge Sheet on the basis of which Bhusan Agharia was being dismissed. It is palpably clear that no opportunity was given to the workman to defend his case at any point of time, not even at the stage where he is entitled to a second Show Cause Notice, which is mandatory. In my considered view dismissal of Bhusan Agharia from his service is a clear violation of the principles of natural justice and the dismissal of the workman is not legally tenable. In view of the fact and circumstances of the case I hold that the order of dismissal passed by the Chief General Manager, Sodepur Area dated 21/29.07.1998 is not sustainable under law and the same is set aside. The workman having been illegally dismissed is entitled to be reinstated in his service. During evidence the workman failed to produce any document to prove that he was suffering from illness during the period of his long absence. No evidence has been adduced by the workman that during the period of his absence from duty under the E.C.L. he was not gainfully employed at any other place. Therefore, I hold that the workman is not entitled to any back wages for the period he was not in the employment of the company.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest in favour of the workman. The order of dismissal of Bhusan Agharia bearing No. Pd/C-6/98/36/1719 dated 21/29.07.1998 passed by the Chief General Manager, Sodepur Area, Eastern Coalfields Limited is set aside. Management of Eastern Coalfields Limited is directed to reinstate Bhusan Agharia in the service of the company within one month from the date of communication of this Award maintaining continuity of his service. The workman is not entitled to any back wages during the period he was not in the employment of the company. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2174.—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(संदर्भ संख्या-28/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2025 को प्राप्त हुआ था।

[सं. एल-22012/40/2004-आईआर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th December, 2025

S.O. 2174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.No./28/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 15/12/2025.

[No. L-22012/40/2004 – 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. 28 OF 2007

PARTIES: Joy Prakash Das

Vs.

Management of Shyamsundarpur Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Milan Kumar Bandyopadhyay, Advocate.

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 23.10.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/400/2004-IR(CM-II)** dated 13.04.2007 has been pleased to refer the following dispute between the employer, that is the Management of Shyamsundarpur Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Shyamsundarpur Colliery under Bankola Area of M/s. Eastern Coalfields Limited, PO: Ukhra, Distt. Burdwan in dismissing Shri Joy Prakash Das, Fitter Helper from service is legal and justified? If not, to what relief the workman is entitled? ”

1. On receiving Order **No. L-22012/400/2004-IR(CM-II)** dated 13.04.2007 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 03.05.2007 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Brief fact of the case as disclosed in the written statement of Joy Prakash Das filed on 18.06.2007 is that, Bara Lachhman Das was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and posted at Tilaboni Colliery as Underground Loader. He was declared medically unfit for job in the Mines in the year 1987 and according to the provisions of National Coal Wage Agreement (hereinafter referred to as NCWA) Joy Prakash Das was provided employment as a dependent of Bara Lachhman Das and he was posted at Kumardihi ‘B’ Colliery under Bankola Area of ECL as a piece rated Trammer.

3. Subsequently, a complaint was lodged by one Bholanath Singh before the Chief Vigilance Officer of ECL alleging that Joy Prakash Das is not the son of Bara Lachhman Das and by impersonation he cheated the company for the purpose of securing employment for himself under ECL. On the basis of the complaint Personnel Manager, Bankola Area, ECL issued a letter dated 17.11.1987 addressed to the Officer-in-Charge, Charmondi Police Station, Bihar, requesting him to verify the identity of Joy Prakash Das, who is claiming to be the son of Bara Lachhman Das. After holding an enquiry, the Officer-in-Charge of Charmondi Police Station informed the Personnel Manager that the workman Joy Prakash Das is the son of Bara Lachhman Das. In the meantime, the Agent Kumardihi Colliery issued a Charge Sheet bearing No. Agent/KD/PD/87/54/1275 dated 01.12.1987 against Joy Prakash Das alleging that he has produced false relationship certificate with Bara Lachhman Das, ex-employee, who is not his real father and by submitting false certificate he has procured an employment for himself which is a serious misconduct as per Section 17(i)(o) of the Model Standing Orders which states as follows :

“Giving false information regarding one’s name, age, father’s name, qualification or previous service at the time of the employment.”

The workman replied to the charge levelled against him by denying the same as baseless, concocted and motivated. The Disciplinary Authority initiated a domestic enquiry against Joy Prakash Das in respect of such charge and after holding enquiry the charge could not be substantiated against him.

4. On the basis of a First Information Report bearing R/C No. 80/88 - Calcutta dated 30.12.1988, a case was registered with the Central Bureau of Investigation (CBI), Special Police Establishment (SPE), Anti-Corruption Branch (ACB), Calcutta, under Section 120B/420/467/468/471/477A of the Indian Penal Code and Section 5(1)(d) read with 5(2) of the Prevention of Corruption Act, 1947, against Joy Prakash Das, Bara Lakshman Das, Lal Deo Singh and others of Bankola Area, ECL. After holding investigation CBI submitted a Final Report before the Court of Sub-Divisional Judicial Magistrate at Durgapur in Government Registered Case No. 219/89. Joy Prakash Das was discharged from the case but the Agent, Kumardihi ‘B’ Colliery issued a second Charge Sheet bearing No. Agent/KB/PD/92/54/210 dated 29.01.1992 to the effect that Joy Prakash Das who is the son of Lal Deo Singh, Clerk, Grade-I at Bankola Area of ECL has falsely claimed himself to be the son of Bara Lachhman Das and cheated the management by giving false information regarding his name, age, father’s name at the time of obtaining the employment and thereby he is charged with the misconduct of theft, fraud or dishonesty in connection with the employer’s business or property and have aided and abetted the above misconduct and was directed to show cause within seventy-two hours of receipt of the Charge Sheet as to why disciplinary action would not be initiated. Joy Prakash Das filed a Writ Petition under Article 226 of the Constitution of India before the Hon’ble High Court at Calcutta, bearing Civil Order No. 1438(W) of 1992 where he challenged the validity of the second Charge Sheet dated 29.01.1992. The writ petition was finally dismissed on 23.12.2002 and the domestic enquiry was started against the charged workman. Mr. B. N. Mishra, Personnel Manager, Moira Colliery was appointed as the Enquiry Officer. It is alleged that without holding a proper enquiry, without providing opportunity to the charged workman to be assisted by a co-worker and without adducing any evidence, the Enquiry Officer concluded the enquiry holding him guilty of the charge. It is alleged that the Enquiry Officer was biased as he is a subordinate officer of the Disciplinary Authority.

5. Further contention of the workman is that the General Manager, Bankola Area without supplying copy of the Enquiry Proceeding and report and without issuing any second Show Cause Notice imposed a major punishment of dismissal against him, which is a violation of the mandatory provision. The workman after his dismissal, preferred a Writ Petition before the Hon’ble High Court at Calcutta bearing Writ Petition No. 1677 of 2003 contending that he has been dismissed in an illegal manner. The Hon’ble High Court disposed of the writ petition with an observation that the petitioner could seek efficacious alternative remedy under the provisions of the Industrial Disputes Act, 1947. Hence, this Industrial Dispute has been raised before this Tribunal, challenging the enquiry proceeding and order of dismissal. The workman in his written statement has prayed for setting aside the order of dismissal and directing the management to reinstate him in his service with full back wages.

6. The management of ECL contested the Industrial Dispute by filing written statement on 10.08.2007. The specific case of the management is that Joy Prakash Das, claiming himself to be the son of Bara Lachhman Das obtained an employment on pre-matured termination of service of Bara Lachhman Das on medical ground and joined Kumardihi 'B' Colliery of ECL. Management received information that he is not Joy Prakash Das, son of Bara Lachhman Das and on the contrary, he is Joy Prakash Singh, son of Lal Deo Singh, who also is also an employee of ECL posted at Shyamsundarpur Colliery. Management contended that the charged employee was a student of Andal Hindi Vidyalaya where his father's name was recorded as Lal Deo Singh. The CBI registered a case bearing R/C No. 80/88 over this matter under various penal provisions. The CBI after investigation submitted investigation report in final form before the Court of Sub-Divisional Judicial Magistrate at Durgapur with an observation that evidence collected against the workman is sufficient for initiating a departmental proceeding A second Charge Sheet dated 29.01.1992 was issued and a proceeding was started against the workman where he was found guilty and thereafter the was dismissed from service by the Disciplinary Authority. It is asserted by the management that the dismissal of the workman from service is lawful and justified and the Industrial Dispute is liable to be dismissed.

7. The crux of this Industrial Dispute is whether the dismissal of Joy Prakash Das, Fitter Helper from service of ECL is legal and justified, if not what relief the workman is entitled to.

8. In support of his plea of innocence, the charged workman examined himself as Workman Witness No. 1. He has filed an affidavit-in-chief in the name of Joy Prakash Das as son of late Bara Lachhman Das. In his affidavit-in-chief he submitted his Voter Identity Card, PAN Card, old Ration Card, Relationship Certificate issued by the Pradhan, Ichapur Gram Panchayat. In his averment he stated that Bara Lachhman Das, his father was declared medically unfit for service in ECL and the company offered him employment against voluntary retirement of his father due to medical unfitness. Before providing employment management obtained Police Verification Report from his native village at Charmondi Police Station and on being satisfied by the report management offered him employment. It further transpires from his affidavit-in-chief that on the basis of a complaint lodged by one Bholanath Singh that Joy Prakash Das is not the son of Bara Lachhman Das, a Charge Sheet was issued and a domestic enquiry was held where he was found not guilty to the charge. The workman has reiterated his case disclosed in the written statement and produced the following documents on his re-examination on recall on 19.05.2023.

- (i) Copy of the Voter Identity card of Joy Prakash Das is produced as Exhibit W-1.
- (ii) Copy of the PAN Card of Joy Prakash Das, as Exhibit W-2.
- (iii) Copy of the Ration Card, as Exhibit W-3.
- (iv) Copy of the Identity Card issued by ECL, as Exhibit W-4.
- (v) Copy of the Appointment Letter of Joy Prakash Das, as Exhibit W-5.
- (vi) Copy of the complaint dated 18.09.1987 lodged by Bholanath Singh, as Exhibit W-6.
- (vii) Copy of letter dated 17.11.1987 issued by Personnel Manager, Bankola Area, to the Officer-in-Charge, Charmondi Police Station for verification of identity of Joy Prakash Das, as Exhibit W-7.
- (viii) Copy of the first Charge Sheet dated 01.12.1987, as Exhibit W-8.
- (ix) Copy of the reply to the Charge Sheet dated 01.12.1987, as Exhibit W-9.
- (x) Copy of the Enquiry Proceeding dated 04.12.1987, as Exhibit W-10.
- (xi) Copy of the second Charge Sheet dated 29.01.1992, as Exhibit W-11.
- (xii) Copy of the letter dated 12/13.02.1992 whereby he was allowed to resume his duty pending enquiry on the basis of a Court's Order, as Exhibit W-12.
- (xiii) Copy of the Application dated 08.02.2003 of Shyam Bihari Singh, a co-worker of Joy Prakash Das, submitted before the Enquiry Officer, seeking adjournment of the enquiry proceeding, as Exhibit W-13.
- (xiv) Copy of the letter dated 10.02.2003 issued by the Enquiry Officer addressed to Joy Prakash Das alias Joy Prakash Singh for adducing evidence and argument on 14.02.2003 is produced as Exhibit W-14.
- (xv) Copy of the Enquiry Proceeding, as Exhibit W-15.
- (xvi) Copy of the order dated 29.06.1992, passed by the Learned Sub-Divisional Judicial Magistrate, Durgapur, along with the Final Report of CBI, as Exhibit W-16.

9. During cross-examination the witness stated that he joined his service on 11.07.1987 but did not deposit any certificate regarding his age. Witness denied the suggestion that he was a student of Andal Hindi Vidyalaya and further denied that Lal Deo Singh is his father. Workman witness denied the suggestion that he is actually Joy Prakash Singh and his father's name is Lal Deo Singh, a Clerk at Bankola Area.

10. Md. Abdul Rauf, Assistant Manager (Personnel), Shyamsundarpur Colliery is examined as Management Witness No. 1. He filed his affidavit-in-chief in support of the management's case consistent with the written statement. The management witness claimed that dismissal of the workman is justified and he is not entitled to any relief. The management witness produced the following documents in support of his case :

- (i) Copy of the Enquiry Report in respect of Charge Sheet dated 29.01.1992 is produced as Exhibit M-1.
- (ii) Copy of the letter dated 10.02.2003 issued by the Enquiry Officer addressed to Joy Prakash Das alias Joy Prakash Singh for adducing evidence and argument on 14.02.2003 is produced as Exhibit M-2.
- (iii) Copy of the Dismissal letter dated 25/29.03.2003 issued by the General Manager, Bankola Area, as Exhibit M-3.

11. In his cross-examination the management witness deposed that he has not produced any copy of complaint on the basis of which the identity of Joy Prakash Das was disputed. The witness failed to disclose the name of the person who lodged the complaint. It is gathered from his testimony that in the year 1987 a Charge Sheet was issued against Joy Prakash Das for impersonation by him and a domestic enquiry was held where the charge levelled against the workman was held not proved. In the year 1992 another Charge Sheet was issued against Joy Prakash Das followed by a domestic enquiry. The witness was unable to state if Joy Prakash Das submitted any application dated 08.02.2003 before the Enquiry Officer, disclosing his inability to appear in the enquiry proceeding due to his illness. The witness deposed that management did not issue any second Show Cause Notice before his dismissal. It further transpires that the copy of Enquiry Proceeding and Enquiry Report were not served upon the charged employee. However, witness denied that the workman was illegally and wrongly terminated from service and that he is not guilty of impersonation.

12. Mr. Milan Kumar Bandyopadhyay, learned advocate, advancing his argument on behalf of Joy Prakash Das submitted that after appointment of Joy Prakash Das on the ground of medical unfitness of his father Bara Lachhman Das, a complaint was lodged before the Chief Vigilance Officer by one Bholanath Singh alleging that Joy Prakash Singh is the son of Lal Deo Singh. In the instant case the Enquiry Officer neither examined Bholanath Singh nor did the management representative produce the complaint on the basis of which the enquiry proceeding was started. Learned advocate argued that after receiving the alleged complaint from a fictitious person the Chief Vigilance Officer initiated an enquiry to find out the identity of the person but the report relating to the verification by police at Charmondi Police Station was also not produced before the Enquiry Officer. Referring to the Charge Sheet dated 01.12.1987 (Exhibit W-8), learned advocate contended that the Enquiry Officer held an enquiry in respect of the charge that Joy Prakash Das for obtaining employment under ECL falsely claimed to be the son of Bara Lachhman Das and the Enquiry Officer found him not guilty of the charge. A CBI case was registered but on investigation into the matter, did not find any incriminating materials against the accused workman resulting in submission of a Final Report before the Court of Sub-Divisional Judicial Magistrate at Durgapur and the Final Report was accepted without any further investigation. According to Mr. Bandyopadhyay a second Charge Sheet dated 29.01.1992 (Exhibit W-11) could not have been issued against the workman on the same allegation as it amounts to double jeopardy. Since the challenge against the second Charge Sheet was dismissed by the Hon'ble High Court at Calcutta dismissed Civil Order No. 1438(W) of 1992 challenging the second Charge Sheet, the domestic enquiry was conducted on the basis of second Charge Sheet and the charged employee without being given the opportunity of being represented by a co-worker and deprived of the opportunity of hearing was found guilty of charge in an illegal manner. Learned advocate further argued that a *de novo* enquiry was conducted by the second Enquiry Officer but the proceeding (Exhibit W-15) would clearly indicate that there is no material to prove the charge against the charged employee. Referring to the evidence of management witness, learned advocate heavily banked upon the fact that no second Show Cause Notice nor any enquiry proceeding or findings of the Enquiry Officer was served upon the workman before he was dismissed from service. Taking me through Enquiry Report, produced by the management witness as Exhibit M-1, Mr. Bandyopadhyay submitted that the report is not based upon the evidence but has simply referred to the findings of CBI in their investigation report without examining the witnesses. Therefore, such Enquiry Report is not tenable and the findings of the Enquiry Officer is grossly illegal, arbitrary and unfounded. It is urged that the order of dismissal is liable to be set aside and the workman should be reinstated in service along with consequential benefits like back wages from the date of his dismissal till his reinstatement.

13. Mr. P. K. Goswami, learned advocate for the management argued that Joy Prakash Das taking recourse to impersonation and by falsely representing himself to be the son of Bara Lachhman Das has obtained employment at ECL at Kumardihi 'B' Colliery. Soon thereafter one Bholanath Singh complained that the name of the said person is not Joy Prakash Das but he is Joy Prakash Singh, the son of Lal Deo Singh. Initially, a Charge Sheet was issued against him on 01.12.1987 but he was exonerated from the charge. Thereafter, CBI investigated into the complaint in connection with R/C No. 80/88, giving rise to Government Registered Case No. 219/89 before the Court of Learned Sub-Divisional Judicial Magistrate, Durgapur. On completion of investigation CBI submitted a Final Report but observed that :

“ During investigation a certificate was seized which was issued under the signature of Sri J. P. Singh, Mukhia of Nuniatari Gram Panchyat. It was certified that Sri J. P. Das is the son of B. L. Das. During examination of Sri J. P. Singh denied his knowledge about the contents of the certificate but GEQD could not confirm this aspect.

For want of sufficient and clinching evidences it will be very difficult to prove the criminal misconduct of the accused persons in the court of law. But evidences collected against Sri L. D. Singh (A-1) and Sri J. P. Das (A-2) during investigation were found sufficient for initiating departmental action as both the accused persons failed to maintain absolute integrity and devotion to duty and for this lapses the matter relating to them has been referred to the department (ECL authority) for taking departmental action against them.

In view of the above, I submit Final Report as True u/s 173 Cr.P.C. against all the accused persons.

It is therefore, prayed that the Final Report may kindly be accepted and necessary order may kindly be passed.”

Learned advocate argued that CBI could not submit Charge Sheet against the accused person for want of clinching evidence to prove the misconduct but expressed the view that evidence collected against Lal Deo Singh and Joy Prakash Das, Accused No. 1 and 2 during investigation was sufficient to initiate Departmental Proceeding against them. Learned advocate submitted that on the basis of CBI's report the management issued a second Charge Sheet dated 29.01.1992 (Exhibit W-11) and after giving full opportunity to the charged employee Joy Prakash Das alias Joy Prakash Singh, the Enquiry Officer found him guilty of the charge. The Disciplinary Authority after considering all the materials, issued a letter of dismissal bearing No. BA/PD/Dismissal/707 dated 25/29.03.2003 (Exhibit M-3). It is argued that the charge was established against the accused person that he is Joy Prakash Singh and not Joy Prakash Das and the action of management of ECL is justified in dismissing the employee.

14. I have considered the fact and circumstances of the case disclosed in the pleadings of the respective parties, evidence adduced, in the enquiry, Enquiry Proceeding, Findings of the Enquiry Officer Final Report of the CBI as well as the order of the Learned Sub-Divisional Judicial Magistrate, Durgapur passed in G.R. Case No. 219/89, accepting the Final Report of CBI and the rival arguments advanced by the parties. The principal charge against Joy Prakash Das is that he submitted false information regarding his name, relationship, age and other material particulars at the time seeking employment as the dependent son of Bara Lachhman Das, who was terminated from service on the ground of medical unfitness. It appears from the record that Bara Lachhman Das was terminated from his service on 10.07.1987 and the charged employee was granted employment on 11.07.1987, on the very next date. On the basis of a complaint lodged before the Vigilance department of ECL an enquiry was conducted to verify the identity of Joy Prakash Das and a Charge Sheet was issued to Joy Prakash Das on 01.12.1987 (Exhibit W-8) to the effect that he produced false relationship certificate with Bara Lachhman Das, Underground Loader who is not his real father and got employment due to such serious misconduct a disciplinary action was proposed against him as per Section 17(i)(o) of the Model Standing Orders. In the first enquiry proceeding, the workman was exonerated from the charge. The CBI registered a case bearing R/C No. 80/88 under Section 120B/420/467/468/471/477A of the Indian Penal Code and Section 5(1)(d) read with 5(2) of the Prevention of Corruption Act, 1947. After holding an investigation the prime investigating agency submitted a Final Report on 25.06.1992 while observing that for want of sufficient and clinching evidence it will be very difficult to prove the criminal misconduct of the accused persons in the court of law and in the same breath in a conflicting manner the Investigating Officer observed that evidence collected against Lal Deo Singh and Joy Prakash Das during investigation were found sufficient to initiate a departmental action against the accused persons for the lapses. The legal position in criminal jurisprudence is whenever an investigating agency finds sufficient material against an accused person a duty is cast upon the agency to submit a Charge Sheet. The responsibility to consider whether there is clinching evidence against the accused person to prove the charge is vested not upon the investigating agency but with the adjudicating body i.e., the court of law. I find that CBI flawed in their investigation by not submitting a Charge Sheet even though it has opined that there is sufficient evidence to initiate departmental action against the persons. It is strange that no DNA Test or Paternity Test was held nor did the Enquiry Officer verify the relation from the school and relatives. Exhibit W-16 i.e., order dated 29.06.1992, passed by the Learned Sub-Divisional Judicial Magistrate, Durgapur discloses that when the Court directed the Investigating Officer to issue Notice upon the *de facto* complainant to appear before the Court on 28.09.1992 to ventilate their objection against the Final Report, learned Assistant Public Prosecutor attached to the Court submitted that no Notice need to be sent to the *de facto* complainant as the case was started by the CBI itself. It is unacceptable that on the basis of observation of the CBI to start a Departmental Proceeding a *de novo* Departmental Enquiry was initiated against the workman on the basis of the a fresh Charge Sheet issued on 29.1.1992 (Exhibit W-11) and not the first Charge Sheet dated 01.12.1987, disclosing the same charge. The Disciplinary Authority if not satisfied with the findings of the Enquiry Officer can direct further enquiry over the charge by a different Enquiry Officer and produced additional evidence to substantiate the charge but it is legally impermissible to hold a *de novo* enquiry against the same person. In the case of **K. R. Deb Vs. Collector of Central Excise, Shillong [AIR 1971 SC 1447]**, the Hon'ble Supreme Court of India in a Special Leave Petition while considering whether multiple enquiries held against the appellant were in accordance with Rule 15 of the Classification and Control Rules observed :

“ it may be possible if in a particular case there has been no proper inquiry because some serious defect has crept into the inquiry or some important witnesses were not available at the time of the inquiry or were not examined

for some other reason, the Disciplinary Authority may ask the Inquiry Officer to record further evidence. But there is no provision in R.15 for completely setting aside previous inquiries on the ground that the report of the Inquiring Officer or Officers does not appeal to the Disciplinary Authority. The Disciplinary Authority has enough powers to reconsider the evidence itself and come to its own conclusion under R.9. [379 H]

The rules do not contemplate an action such as taken by the Collector in appointing a third Inquiry Officer. It seems that the Collector instead of taking responsibility himself was determined to get some officer to report against the appellant. The procedure adopted was not only against the rules but also harassing to the appellant. [380 B] In the result it must be held that no proper inquiry has been conducted in the case and, therefore, there has been a breach of Art. 311(2) of the Constitution. [380 E] ”

Though the employer and employee of ECL are not governed by the Classification and Control Rules as in the aforesaid case, the principles of natural justice would apply and in my considered view a *de novo* second enquiry on the self-same matter appears to be a breach of legal principle amounting to a double jeopardy.

15. The only scope and jurisdiction of their forum is to find out is the enquiry proceeding is legal and tenable. It is not for this Tribunal to find out if Joy Prakash Das is the son of Lal Deo Singh or Bara Lachhman Das. Independent of the above findings, if we look at the Enquiry Proceeding (Exhibit W-15) conducted by the second Enquiry Officer in respect of Charge Sheet dated 29.01.1992, it would appear that the charged employee participated in the enquiry and prayed for adjournment in absence of co-worker assisting him and also for recording his further statement. The Enquiry Officer did not grant adjournment to the charged employee for three days which appears to be a breach of the principles of natural justice and it appears that the Enquiry Officer concluded the enquiry proceeding hurriedly and arrived at this finding without following the principle of *Audi alteram partem*, that is giving opportunity of hearing to the charged employee according to the principles of natural justice. I further find that the Enquiry Officer himself compared the signature of Joy Prakash Das appearing in the Form ‘B’ Register and in the Service Record with the signature of Joy Prakash Singh appearing in the school admission form and observed that such signatures were of the same person. The Enquiry Officer considered the report of CBI and marked it as Ex-1. In the instant case without examining the witness, cited by the CBI in their investigation report and without ascertaining the true identity of Joy Prakash Das the findings of the Enquiry Officer that the charge levelled against Joy Prakash Das has been fully established is unsustainable. In order to substantiate such charge, the identity of such person has to be fully established to the effect that Joy Prakash Das and Joy Prakash Singh are one and the same person and prior to grant of employment no one existed as Joy Prakash Das, son of Bara Lachhman Das. Due to want of clinching evidence against the charged workman the report submitted by the second Enquiry Officer dated 19.02.2003 is not found sustainable and no order of dismissal could have been based upon such report.

16. Admittedly, management has issued no second Show Cause Notice to the charged employee and copies of Enquiry Proceeding and Enquiry Report were not supplied to him for his response. According to the decision of the Hon'ble Supreme Court of India in the case of **Union of India and Others Vs. Mohd. Ramzan Khan [AIR (1991) SC 471]**, laid down the principle of law in following words :

“ When the Inquiry Officer is not the Disciplinary Authority, the delinquent employee has a right to receive a copy of the inquiry officer's report before the Disciplinary Authority arrives at its conclusion with regard to the charges levelled against him. A denial of the inquiry officer's report before the Disciplinary Authority takes its decision on the charges, is denial of opportunity to the employee to prove his innocence and is a breach of principles of natural justice.”

The principle laid down by the Hon'ble Supreme Court of India was enforced by

the Coal India Limited by way of issuing a Circular bearing No. CIL C-5A(vi)/50774/28 dated 12.05.1994, wherein it has been clearly laid down that the charged employee had to be supplied with Enquiry Proceeding and Enquiry Report and a 2nd Show Cause Notice had to be issued to him before taking any final decision of removing him from service. Therefore, I hold that the order of dismissal passed against the workman by the General Manager, Bankola Area, ECL, communicated through his letter dated 25/29.03.2003 is bad in law, arbitrary and the same is set aside. The workman be reinstated in his service within two months from the date of communication of the Award. On a scrutiny of the evidence on record, I find that the workman has not adduced any evidence that he was not in gainfully employed at any other place during the period he was out of employment of the company. Therefore, I am not inclined to grant any back wages to the workman for the period he rendered no service to the employer company.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest. The order of dismissal passed against the workman by the General Manager, Bankola Area, Eastern Coalfields Limited dated 25/29.03.2003 is set aside. The dismissed workman be reinstated in service of the company within 2 (two) months from the date of communication of the Award maintaining continuity of his service. The workman shall not be entitled to any back wages for the period he rendered no service to the company. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 50/2018-19) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आईआर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th December, 2025

S.O. 2175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 50/2018-19**) of **the Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **W.C.L.**, and received by the Central Government on 15/12/2025.

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/50/2018-19

Date: 10.11.2025.

Party No.1:

The Sab Area Manager,
Pouni Sab Area, Ballarpur Area,
Western Coalfields Ltd., Post Gouri,
Tah. Rajura, Dist. Chandrapur- 442701.

V/s.

Party No.2:

The Secretary,
B.K.K.M.S (BMS) Union, Ballarpur Area,
Qrt. No. 115, Gouri Colony, Post. Sasti,
Tah. Rajura, Dist. Chandrapur-442701

AWARD

(Dated: 10th November, 2025)

In exercise of the powers conferred by Claus (d) of Sub-section (1) and Sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), the applicant filed an industrial dispute between the employers, in relation to the management of Western Coalfield Limited and the applicant Shri. Anil Kumar Awasti for adjudication vide No. L-22012/115/2018 (IR(CM-II)) dt. 22.11.2018 with the following issues framed:-

“Whether the demand by the secretary of Bhartiya Koyala Khadan Mazdoor Sangh (BMS) Post. Babupeth, Distt. Chandrapur over the issue of anomaly in pay fixation or pay disparity i.r.o. Shri Anil Kumar Awasti, Exc. Operator, Pouni Open Cast Mines, Ballarpur Area, WCL Ltd., Distt. Chandrapur is just, fair & legal? If yes, to what relief the concerned workman is entitled to?”

2. Case is called out. Shri. Gangadhar Palli, Senior Manager H. R. is present personally on behalf of respondent today in court but none is present on behalf of petitioner. From perusal of record, it is apparent that petitioner is not responding and attending the court since 08.06.2022 but accidentally on 12.11.2024 representative of the petitioner was present. But after that no one is coming to the court on behalf of petitioner since several dates. Although statement of claim has been filed by the petitioner but no written statement has been filed by the respondent till today. Petitioner has not filed any evidence to prove his claim. He is not coming to the court since long back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved so it is closed.

Hence, it is ordered.

ORDER

“The demand by the secretary of Bhartiya Koyala Khadan Mazdoor Sangh (BMS) Post. Babupeth, Distt. Chandrapur over the issue of anomaly in pay fixation or pay disparity i.r.o. Shri Anil Kumar Awasti, Exc. Operator, Pouni Open Cast Mines, Ballarpur Area, WCL Ltd., Distt. Chandrapur is unjustified, unfair & illegal. The concerned workman is not entitled to any relief”

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2176.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 52/2018-19) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2025 को प्राप्त हुआ था।

[सं. एल-22013/01/2025-आईआर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th December, 2025

S.O. 2176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 52/2018-19**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **W.C.L.**, and received by the Central Government on 15/12/2025

[No. L-22013/01/2025 – IR (CM-II)]

SALONI, Dy. Director/Link officer

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

Case No. CGIT/NGP/52/2018-19

Date: 12.11.2025.

Party No.1: The Sub Area Manager,
Sasti Sub Area, Ballarpur Area,
Western Coalfields Ltd., Post. Sasti,
Tah. Rajura, Distt. Chandrapur - 442401.

V/s.

Party No.2: The Secretary,
B.K.K.M.S (BMS) Union, Ballarpur Area,
Qrt. No. 115, WCL Gouri Colony, Post. Sasti,
Tah. Rajura, Distt. Chandrapur – 442401.

AWARD

(Dated: 12th November, 2025)

In exercise of the powers conferred by Claus (d) of Sub-section (1) and Sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), the applicant filed an industrial dispute between the employers, in relation to the management of Western Coalfields Ltd. and the applicant Shri. Vivek Allewar for adjudication vide No. L-22012/117/2018 (IR(CM-II)) dt. 22.11.2018 with the following issues framed: -

“Whether the demand by the secretary of the Bhartiya Koyala Khadan Mazdoor Sangh (BMS) Post. Babupeth, Distt. Chandrapur over the issue of financial loss incurred due to not promoted on due date of promotion i.r.o. Shri Vivek Allewar, Asstt. Foreman, T & S Garde ‘B’, Sasti Open Cast Mines, WCL. Tah. Rajura, Distt. Chandrapur is just, fair & legal? If yes, to what relief the concerned workman is entitled to?”

2. Case is called out. Shri A. D. Gable, holding brief for Shri Pushkar Ghare, learned counsel for the respondent is present before the court but none is present on behalf of the petitioner. From perusal of record, it is apparent that petitioner is not responding and attending the court since 02.04.2025, 26.05.2025 and 09.10.2025. Although, the petitioner has filed his statement of claim but no written statement has been filed by the respondent till today despite several opportunities given to him. The petitioner has not filed any evidence to prove his claim. The petitioner is not coming to the court since long back. It appears that he is not interested to contest the case furthermore. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

“The demand by the secretary of the Bhartiya Koyala Khadan Mazdoor Sangh (BMS) Post. Babupeth, Distt. Chandrapur over the issue of financial loss incurred due to not promoted on due date of promotion i.r.o. Shri Vivek Allewar, Asstt. Foreman, T & S Garde ‘B’, Sasti Open Cast Mines, WCL. Tah. Rajura, Distt. Chandrapur is unjustified, unfair & illegal. The concerned workman is not entitled to any relief”.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(एलसी/आर-22/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2025 को प्राप्त हुआ था।

[सं. एल-22012/34/2023-आईआर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th December, 2025

S.O. 2177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/22/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 15/12/2025.

[No. L-22012/34/2023 – 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. 22 OF 2023

PARTIES: Jitendra Muchi and Sakunma Muchi
(dependents of Late Binod Muchi)

Vs.

Management of Khas Kajora Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal
STATE: West Bengal.
Dated: 03.10.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/34/2023-IR(CM-II)** dated 26.04.2023 has been pleased to refer the following dispute between the employer, that is the Management of Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Khas Kajora Colliery, Kajora Area, M/s. E.C.Ltd. in not providing compassionate appointment to Sri Jitendra Muchi, Son-in-law in place of his deceased father-in-law Late Binod Muchi, Ex-Dumper Khalasi and not paying monetary compensation to Smt. Sakunma Muchi wife of Late Binod Muchi are legal and justified. If not, what relief Sri Jitendra Muchi and Smt. Sakunma Muchi are entitled to? ”

1. On receiving Order **No. L-22012/34/2023-IR(CM-II)** dated 26.04.2023 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 02.05.2023 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. After receiving Notice Koyala Mazdoor Congress filed written statement on 12.06.2023 in support of the dependents of the deceased workman. The fact of the case as delineated in the written statement is that Binod Muchi was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was posted as a Dumper Khalasi at Khas Kajora Colliery under Kajora Area of ECL. He died on 01.07.2010 while in service of ECL, leaving behind his wife Sakunma Muchi, four daughters, namely Baby Muchi, Sarita Kumari, Kabita Kumari and Arti Kumari, two sons namely Raj Kumar Muchi and Kabi Kumar Muchi. At the time of death, the sons were minor and Baby Muchi, the eldest daughter was married to Jitendra Muchi who was dependent upon Binod Muchi. Sakunma Muchi, the widow applied for providing employment to her in place of her husband as per provisions of National Coal Wage Agreement (hereinafter referred to as NCWA). Due to her physical condition, she was found unfit for employment and was not provided any employment. The sons were minor and the only eligible dependent who was nominated for employment was Jitendra Muchi, the son-in-law who was residing with Binod Muchi. Sakunma Muchi, filed a separate application for providing employment to Jitendra Muchi, the dependent son-in-law of Binod Muchi and also claimed Monthly Monetary Cash Compensation (hereinafter referred to as MMCC) for herself. After screening at the Colliery and Area level the son-in-law was asked to appear before Initial Medical Examination Board (hereinafter referred to as IME Board) for his test. After examination by IME Board, Jitendra Muchi was found medically fit for employment and the proposal was sent to ECL Headquarters with recommendation of the General Manager of Kajora Area. ECL Headquarters made some queries regarding Jitendra Muchi which were replied by the dependent son-in-law but till date ECL Headquarters has not approved the proposal for employment of the son-in-law. The grievance of the dependents of the deceased employee is that the management has not acted in accordance with the provisions of NCWA and deprived the family of the deceased employee from getting benefits of employment and monetary compensation. Further case of the union is that the marriage between Jitendra Muchi and Baby Muchi, daughter of the deceased employee was solemnized in the year 2009 and the son-in-law was residing with Binod Muchi as he was suffering from illness and there was no other male member to look after him. It is contended that Jitendra Muchi has no source of income to maintain himself and the family of Binod Muchi. The union has prayed that the son-in-law should be provided with employment according to NCWA and the widow should be paid monetary compensation from the date of death of the employee i.e., 01.07.2010 till the employment is provided to the son-in-law.

3. Management contested the case by filing written statement on 19.07.2023. Management admitted the fact that Binod Muchi was a permanent employee of ECL and posted at Khas Kajora Colliery bearing U.M. No. 249880 who expired on 01.07.2010. The counter case of the management is that Sakunma Muchi, wife of Binod Muchi had applied for employment after the death of her husband. Subsequently, she was referred to IME on 24.02.2011 where she was declared unfit for job. Thereafter, Jitendra Muchi, claiming to be the son-in-law of Binod Muchi applied for employment against the death of Binod Muchi but the claim cannot be processed due to want of document from the claimant. Management asserted that claim of an indirect dependent i.e., son-in-law can be considered only when there no other direct dependent family member of the deceased employee is available. In the present case there are direct family members of the deceased employee, therefore, there is no provision for providing employment to the son-in-law as per guidelines of the company. It is urged that the dispute for employment was raised before the Assistant Labour Commissioner (C) after laps of twelve years in the year 2022 from the date of death of Binod Muchi and then

referred to this Tribunal in the year 2023 i.e., after more than thirteen years from the date of death of the employee. Hence, the dispute is stale. Management in the premises stated above urged that the dependent son-in-law is not entitled to any employment and the Industrial Dispute is liable to be dismissed.

4. Union examined Jitendra Muchi as Workman Witness No. 1. He has filed his affidavit-in-chief claiming that Binod Muchi, his father-in-law died on 01.07.2010 at Central Hospital, Kalla, ECL, leaving behind his wife, daughters, sons and son-in-law. At the time of death of Binod Muchi, he left behind no direct dependent for claiming employment. All the dependents were minor, as such his mother-in-law initially submitted application for employment for herself but she was found medically unfit for employment. Thereafter, Sakunma Muchi submitted application for employment of her son-in-law. No objection was submitted by the other dependents of Binod Muchi in respect of claim for employment of Jitendra Muchi and the management held his medical examination through IME Board. The proposal for his employment was forwarded to ECL Headquarters but the same is pending without any consideration at ECL Headquarters at Sanctoria and no decision has been taken by the management nor any letter has been issued regretting his claim for employment. In course of evidence-in-chief the workman witness has produced the following documents :

- (i) Copy of the Death Certificate of Binod Muchi issued by the Central Hospital, Kalla has been produced as Exhibit W-1.
- (ii) Copy of the Death Registration Certificate of Binod Muchi, as Exhibit W-2.
- (iii) Copy of the Service Book of Binod Muchi, as Exhibit W-3.
- (iv) Copy of the letter dated 12.02.2013 for IME of Jitendra Muchi, as Exhibit W-4.
- (v) Copy of the Notice dated 08.09.2015 for Screening of Jitendra Muchi for employment, as Exhibit W-5.
- (vi) Copy of another Notice dated 05.10.2015 for Screening of Jitendra Muchi for employment, as Exhibit W-6.
- (vii) Copy of the Marriage Deed of Jitendra Muchi and Baby Muchi, as Exhibit W-7.
- (viii) Copy of the application dated 10.07.2019 of Jitendra Muchi to the Director (Personnel), ECL, Sanctoria, requesting early action for providing employment, as Exhibit W-8.
- (ix) Copy of the Voter Identity Card of Jitendra Muchi, as Exhibit W-9.
- (x) Copy of the Wedding Invitation Card of Jitendra Muchi and Baby Muchi, as Exhibit W-10.

5. From the cross-examination of the workman witness it transpires that the witness was twenty-three years old at the time of applying for employment. The witness further stated that he does not have any Ration Card issued from the local area of his father-in-law. The witness also stated that he had cast his vote at Khas Kajora Colliery for the first time in the year 2014 and that his name has been registered in the voters' list of both at Jamui and Khas Kajora Colliery. The witness denied the suggestion that he is not a dependent of Binod Muchi and at the time of marriage his marriage, address of Baby Muchi was at Jamui and she used to reside at Jamui, Bihar at the relevant time.

6. Sakunma Muchi, the widow was examined as Workman Witness No. 2. In her evidence-in-chief she deposed that she prayed for employment of her son-in-law as her sons are minor at the relevant time and the management also called him for appearing before the Screening Committee and IME Board. Jitendra Muchi was found fit for employment and his proposal for employment was sent to the ECL Headquarters.

7. In cross-examination the witness deposed that Chauman Muchi (Ravidas) is the father of Jitendra Muchi and he used to reside with his father but after the marriage he started residing with them i.e., with the family of Binod Muchi. The witness produced Voter Identity Card of Jitendra Muchi as Exhibit W-9 and deposed that in the Voter Identity Card his address has been recorded as KhasKajora Colliery. Witness denied the suggestion that after her daughter's marriage Jitendra Muchi was not residing with them or he bore no responsibility to look after them. The witness further stated that Raj Kumar Muchi and Kabi Kumar Muchi are two sons aged eight years and five years respectively at the time of her husband's death. She also stated that she did not file any application for monetary compensation after the death of her husband.

8. Mr. Proloy Dasgupta, Manager (Personnel), Khas Kajora Colliery has been examined as Management Witness No. 1. From his affidavit-in-chief it is gathered that Jitendra Muchi claimed employment as son-in-law of Binod Muchi and he applied for his employment on 26.12.2011 against the death of Binod Muchi. The prayer for employment of Jitendra Muchi was not processed for want of document from the claimant. The witness further stated in the affidavit-in-chief that according to the rules of the company the claim for employment by an indirect dependent could be considered only when no direct dependent of the deceased employee is available. In this case there are several direct dependents of the deceased employee, as such there is no scope for providing employment to the son-in-law as per guidelines of the company. The witness further stated that the dispute for employment has been raised before the Assistant Labour Commissioner (C) in the year 2022 i.e., after twelve years from the date of death of the employee and thereafter referred to this Tribunal in the year 2023 i.e., thirteen years after death of the ex-employee. In

course of his evidence management witness produced the following documents :

- (i) Copy of the Service Book of Binod Muchi has been produced as Exhibit M-1.
- (ii) Copy of the Death Certificate of Binod Muchi issued by the Central Hospital, Kalla, as Exhibit M-2.
- (iii) Copy of the Death Registration Certificate of Binod Muchi, as Exhibit M-3.
- (iv) Copy of the application of Sakunma Muchi dated 16.08.2010, claiming employment against death of her husband, as Exhibit M-4.
- (v) Copy of the pre-employment medical examination report in Form-III, as Exhibit M-5.
- (vi) Copy of the application of Jitendra Muchi dated 26.12.2011, claiming employment against death of his father-in-law, as Exhibit M-6.

From the evidence of Management Witness No. 1, I find that the management witness has clearly admitted that management of the company did not respond to the application of son-in-law and no communication was made citing reason for non-accepting his prayer.

9. In course of cross-examination the management witness deposed that Jitendra Muchi was referred for his screening and IME, the copy of the application dated 24.08.2012 asking Jitendra Muchi to appear before IME has been Exhibit as M-7. Witness disclosed that no proposal for employment of the son-in-law was sent to the ECL Headquarters and they did not issue any letter of regret. Witness also stated that at the time of screening of Sakunma Muchi, the Screening Committee did not make any finding regarding eligibility of any son or daughter of the deceased employee for getting employment under ECL. He further stated that management did not verify if Jitendra Muchi is the son-in-law of Binod Muchi and as per the record no monetary compensation was provided to the widow of the deceased employee.

10. The Industrial Dispute which arose for consideration is whether management of Khas Kajora Colliery is justified in not providing compassionate appointment to Jitendra Muchi, the son-in-law and non-payment of monetary compensation to Sakunma Muchi, the wife of the deceased employee is legal and justified.

11. Mr. Rakesh Kumar, union representative, arguing the case for the dependents of Binod Muchi submitted that after death of Binod Muchi on 01.07.2010, Sakunma Muchi filed an application dated 16.08.2010 for her employment (Exhibit M-4) but she was found medically unfit on the basis of medical examination held on 24.12.2011 (Exhibit M-5). Jitendra Muchi, dependent son-in-law prayed for employment by submitting application 26.12.2011 (Exhibit M-6). The management on finding Jitendra Muchi eligible for employment as a dependent as per Clause 9.3.2 of NCWA summoned him to appear before the Screening Committee on 24.08.2012 in the Office of the Personnel Department of Khas Kajora Colliery. Having fulfilled the basic requirements, Jitendra Muchi was directed to appear before the IME Board on 22.02.2013 on the basis of a letter dated 12.02.2013 (Exhibit W-4). Jitendra Muchi was once again asked to appear before the Screening Committee with relevant documents like, Service Record Excerpt, Death Certificate, Death Registration Certificate, PS-3 and PS-4 Forms, SC/ST Certificate, Voter Identity Card, Educational Certificate, etc. along with family members on 17.09.2015 (Exhibit W-5). Notice bearing No. KA/PM/C-6/2015/702 dated 05.10.2015 (Exhibit W-6) was issued for the purpose of screening of Jitendra Muchi as dependent / nominee of Late Binod Muchi for employment and was again advised to appear before the Screening Committee with relevant documents on 16.10.2015. It is argued that Jitendra Muchi produced his Marriage Registration Deed (Exhibit W-7) and Wedding Invitation Card (Exhibit W-10) but the management did not inform him about the final decision regarding employment. The union representative strenuously argued that this is a fit case where the son-in-law was medically found fit and should be provided employment as dependent according to the provisions of NCWA and the wife of the deceased employee should be paid monetary compensation until employment is provided to the dependent son-in-law.

12. In reply, Mr. P. K. Das, learned advocate for the management of ECL argued that since there are other direct dependents of the deceased employee at the time of his death the son-in-law is not eligible for employment. It is further argued that the son-in-law is residing with his paternal family at Jamui and he was not dependent on his father-in-law at the time of death as such he is not entitled to employment. Learned advocate argued that Sakunma Muchi did not claim any monetary compensation, therefore, she is not entitled to any monetary compensation only on the basis of the Industrial Dispute raised.

13. I have considered the arguments advanced by the union representative and learned advocate for the management in the light of fact and circumstances of the case emerging from their respective pleadings as well as evidence adduced by the parties. The facts that Binod Muchi was an employee of ECL at Khas Kajora Colliery and he died in harness on 01.07.2010 are admitted by the management. It is also established by evidence on record that Jitendra Muchi is the son-in-law of Binod Muchi and he married Baby Muchi on 29.04.2009. After death of Binod Muchi, the wife of the deceased employee claimed employment as a dependent but from Exhibit M-5 it is gathered that she was found unfit for job on the basis of medical examination dated 24.12.2011. According to the provision of Clause 9.3.1 of National Coal Wage Agreement employment could be provided to one dependent of the workman who

is disabled permanently and also who dies while in the service. It is further laid down in Clause No. 9.3.3 of NCWA that :

“the dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on the earnings of the deceased may be considered to be the dependant of the deceased.”

In the present case it appears that at the time of death of Binod Muchi, beside Sakunma Muchi, wife, who was found unfit for employment there were three unmarried daughters namely Sarita Kumari, Kabita Kumari and Arti Kumari who were 17 (seventeen) years, 12 (twelve) years and 10 (ten) years of age respectively and two sons namely, Raj Kumar Muchi and Kabir Muchi who were 8 (eight) years and 5 (five) years of age respectively at the relevant time.

14. It is well settled position of law that terms for compassionate employment applicable to ECL and its employees are governed by NCWA, which is a negotiated agreement reflecting a collective decision of employer and employees and has the force of settlement as per Section 2(p) of the Industrial Disputes Act, 1947 and is binding upon the parties. The terms of NCWA therefore have to be strictly construed while deciding the claims for employment and monetary compensation. A dependent son-in-law residing with the family of the deceased would be considered eligible for employment only if no ‘direct dependent’ is available in the family of the deceased. In the present case Binod Muchi has left behind no less than 5 (five) direct dependents, out of them names of at least two unmarried daughters could have been considered for employment after they attained majority. In such view of the matter, I hold that Jitendra Muchi, the son-in-law is not entitled to compassionate employment against the death of Binod Muchi, his father-in-law in existence of direct dependents. The management of Khas Kajora Colliery shall consider any eligible unmarried daughter nominated by Sakunma Muchi for employment on her attaining majority. In the meantime, management shall pay MMCC to Sakunma Muchi as per provision under Clause 9.5.0 (iii) of NCWA from the date of death of Binod Muchi till any of the dependent son or unmarried daughter is provided with employment or she reaches 60 (sixty) years of age whichever is earlier.

Hence,

ORDERED

that the Industrial Dispute is allowed in part in favour of dependents of Binod Muchi. Jitendra Muchi, the son-in-law is not entitled to any compassionate employment in existence of any other direct dependents. Management of Eastern Coalfields Limited is directed to consider the name of any nominated direct dependent of Late Binod Muchi for providing employment on attaining majority. Sakunma Muchi, the widow shall be paid Monthly Monetary Cash Compensation at the prevailing rate as per provision under Clause 9.5.0 (iii) of National Coal Wage Agreement from the date of death of Binod Muchi till employment is provide to any of the dependent or till she attains 60 (sixty) years, whichever is earlier. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2025

का.आ. 2178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल कंपंचाट(एलसी/आर-14/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2025 को प्राप्त हुआ था।

[सं. एल-22012/12/2023-आईआर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th December, 2025

S.O. 2178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/14/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 15/12/2025

[No. L-22012/12/2023 – 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. 14 OF 2023

PARTIES: Chando Majhi and Budhani Mejhain
(dependents of Late Mangru Majhi)

Vs.

Management of Jambad OCP, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Milan Kumar Bandyopadhyay, Advocate.

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.10.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/12/2023-IR(CM-II)** dated 07.02.2023 has been pleased to refer the following dispute between the employer, that is the Management of Jambad OCP under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Jambad OCP, Kajora Area, M/s E.C.Ltd. in not providing compassionate appointment to Sri Chando Majhi in place of his deceased father Late Mangru Majhi, Ex-E.P.Helper (U.M.NO.578049) and not providing Monthly Monetary Compensation (MMS) to Smt. Budhani Mejhain wife of Late Mangru Majhi is fair, legal and justified? If not, what relief the dependent of the deceased workman concerned is entitled to and what directions are necessary in this respect? ”

1. On receiving Order **No. L-22012/12/2023-IR(CM-II)** dated 07.02.2023 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 14.02.2023 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. Dependents of Late Mangru Majhi filed written statement on 04.08.2023. Fact of the case in brief as per the written statement is that Mangru Majhi was posted as E.P. Helper at Jambad OCP under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL) and died in harness on 01.05.2001, leaving behind Budhani Mejhain as widow and Chando Majhi as minor son. On 18.06.2001 Budhani Mejhain submitted an application before the management claiming employment for herself as per provisions of National Coal Wage Agreement (hereinafter referred to as NCWA). The management of ECL did not process her claim for employment and asked her to express her option to receive Monthly Monetary Cash Compensation (hereinafter referred to as MMCC) in lieu of employment. In course of time management did not pay monetary compensation to Budhani Mejhain nor did they communicate anything to her for four long years. After such delay on the part of the management the widow of the deceased submitted an application on 14.11.2005 praying for employment for her son Chando Majhi. The management did not respond to the prayer for employment of the dependent for which a complaint was made in the grievance portal. The dependents of the deceased were then called for screening over a period of time in the year 2013, 2015, 2016, 2017 and 2019. Management called for some documents for processing employment of Chando Majhi which was compiled by the dependents within time. Budhani Mejhain also attended screening on 05.09.2019 for payment of MMCC. In a later course of time the prayer for employment of Chando Majhi was processed and sent to ECL Headquarters bearing file No. ED/4665 but the claim was rejected on 10.12.2020 on the pretext that it was not possible to reopen the claim file after twenty years of death of ex-employee. The dependent son of the deceased contended that correspondence was made claiming benefit till 2019 therefore the ground for rejection for prayer for

employment was bad in law and amounted to breach of rules of the company. It is urged that the management has recached a wrong decision by refusing employment to the dependent in contravention to the provisions of NCWA. Chando Majhi has prayed for his employment as a dependent.

3. Management of ECL contested the case by filing written statement on the same date i.e., 04.08.2023. According to the management Budhani Mejhain applied for providing her employment on 24.09.2001 without any supporting document. After four years she submitted an application before the Agent of Jambad OCP for providing employment to her son without any document. Chando Majhi did not submit any application for his own employment. On 18.10.2014, after a lapse of nine years Budhani Mejhain requested the management for employment of her son for the second time and submitted documents. At that time Chando Majhi also submitted a separate application for employment thirteen years after the death of his father. The reason for delay in submitting the application as stated by Budhani Mejhain is that her son was a minor at that time. Management contended that the claim for employment of Chando Majhi was rejected by Kajora Area authority as per letter No. KA/PM/C-6/35/2017/545 dated 31.01.2017 on the ground that it was a belated case and as per company's circular the case cannot be considered. Management of ECL in their written statement also placed reliance upon the decision of the Hon'ble Supreme Court of India in the case of **(i) M/s. Eastern Coalfields Ltd Vs. Anil Badyakar and Others [Civil Appeal No. 3597 of 2009]**, wherein it was held that compassionate appointment is not vested right which can be exercised at any time in future. The compassionate employment cannot be claimed and offered after a lapse of time and after the crisis is over. Further reference has been made to the decision of the Hon'ble Division Bench of the Hon'ble High Court at Calcutta in the case of **(ii) State of West Bengal & Others Vs. Purnam Pradhan [M.A.T. No. 1036 of 2011]**, wherein it was observed that compassionate appointment should not be offered after lapse of reasonable period, to say five years. Reliance is also placed upon the decision of the Hon'ble High Court at Calcutta in the case of **(iii) Nunibala Mondal @ Nuni Mondal and Others Vs. Eastern Coalfields Limited and Others [W.P. 1660 (W) of 2016]**, wherein it was observed that it is judicially recognized that a delay of more than five or six years is fatal to a matter pertaining to compassionate appointment.

4. According to the management Budhani Mejhain submitted an application dated 22.08.2019 for payment of MMCC. The screening was done at Unit Level and proposal was sent to Kajora Area Office along with required documents on 12.09.2019. However, the proposal for MMCC to Budhani Mejhain was not considered by the Competent Authority on the ground of delay and communication was made to her vide letter No. KAJ/Pers./C-6/35/2020/1283 dated 23.12.2020 informing that she could not make her choice for a long period and misguided the management by submitting contradictory application regarding employment and compensation. As per record the prayer for employment of Chando Majhi was regretted in 2017 since his claim was a belated one and the prayer for monetary compensation to Budhani Mejhain could not be considered as the application was made nineteen years after the cause of action. Management accordingly prayed for dismissal of the Industrial Dispute.

5. The short point for consideration in this case is whether the action of management of Jambad OCP under Kajora Area of ECL is justified in not providing compassionate appointment to Chando Majhi and MMCC to Budhani Mejhain, dependents of the deceased employee, Mangru Majhi. If not, what relief the dependents of the deceased are entitled to.

6. Union examined Chando Majhi as Workman Witness No. 1. He filed an affidavit-in-chief in support of the claim made on behalf of the dependents. It is stated that Mangru Majhi, the father of Chando Majhi was an employee of ECL at Jambad OCP. He was posted as an E.P. Helper and expired on 01.05.2001. Budhani Mejhain, the wife of the deceased employee at first applied for her employment on 18.06.2001 in place of her husband. The management asked her to opt for MMCC instead of employment and his mother agreed to take MMCC. The management did not sanction any monetary compensation in favour of the widow of the deceased employee. After waiting for four long years, Budhani Mejhain submitted an application on 14.11.2005, claiming employment for her son Chando Majhi. Management called the widow for her screening for the purpose of monetary compensation on 05.09.2019. The management thereafter denied monetary compensation to the dependent wife and no employment was provided to the dependent son. In course of evidence the workman witness produced the following documents :

- (i) Copy of the Death Registration Certificate of Mangru Majhi is produced as Exhibit W-1.
- (ii) Copy of the Application dated 18.06.2001 of Budhani Mejhain, claiming employment against death of her husband, as Exhibit W-2.
- (iii) Copy of the letter dated 23/26.09.2019 issued by the Assistant Manager (P), Jambad OCP addressed to Budhani Mejhain, requesting submission of some documents, as Exhibit W-3.
- (iv) Copy of the letter dated 21.01.2021 issued by the Assistant Manager (P), Jambad OCP, informing Budhani Mejhain that her claim for MMCC has been rejected by the Competent Authority is produced as Exhibit W-4.
- (v) Copy of the application of Budhani Mejhain submitted on 22.08.2005, claiming employment for her son against the death of her husband, as Exhibit W-5.
- (vi) Copy of the letter dated 08.02.2015 issued by the Agent, Jambad OCP addressed to Chando Majhi for holding his

screening test on 18.02.2015, as Exhibit W-6.

- (vii) Copy of the letter dated 12/13.08.2015 issued by the Agent, Jambad OCP addressed to Chando Majhi regarding his screening test on 17.08.2015, as Exhibit W-7.
- (viii) Copy of the letter dated 09.06.2016 issued by the Agent, Jambad OCP addressed to Chando Majhi regarding his screening test on 14.06.2016, as Exhibit W-8.
- (ix) Copy of the letter dated 15/16.01.2017 issued by the Agent, Jambad OCP addressed to Chando Majhi regarding his screening test on 19.01.2017, as Exhibit W-9.
- (x) Copy of the letter dated 11.02.2017 issued by the Agent, Jambad OCP addressed to Chando Majhi, informing him that his claim for employment has been rejected by the Competent Authority on account of delay is produced as Exhibit W-10.
- (xi) Copy of the Service Record Excerpt dated 24.04.1987 of Mangru Majhi, as Exhibit W-11.

7. In course of cross-examination the witness deposed that his date of birth is 01.04.1986 and denied the suggestion that management of the company has rightly refused his prayer for employment as a dependent of his deceased father. The witness could not state if his mother submitted any application before the company for maintaining his name in the Live Roster of the company for employment. At the time of hearing of the witness, he was engaged as a day labour in masonry work. It also transpires from the evidence that his mother is alive.

8. Management of ECL examined Mr. Ashish Mohan, Deputy Manager (Personnel), Jambad OCP as Management Witness No. 1. The witness filed an affidavit-in-chief, wherein it is admitted that Mangru Majhi, an ex-employee of Jambad OCP expired on 01.05.2001. Budhani Mejhain, the wife of the deceased applied for her employment on 24.09.2001 without submitting any document. After four years from the date of death of her husband an application dated 22.08.2005 was submitted before the Agent, Jambad Colliery, claiming employment for her son. No separate application was submitted by Chando Majhi, son of the deceased employee for his employment. Management further stated that on 18.10.2014 after lapse of nine years, Budhani Mejhain requested the management for employment of her son Chando Majhi and submitted documents. According to the management witness, Budhani Mejhain disclosed that she submitted application for employment of her son after a delay as the son was a minor at the time of death of her husband, and the application was submitted after Chando Majhi became a major. Management witness further stated in the affidavit-in-chief that Budhani Mejhain submitted an application on 22.08.2019 claiming for her MMCC and after screening was held at Unit Level a proposal was sent to Kajora Area Office along with all required documents on 12.09.2019 but the proposal was not considered by the Competent Authority on the ground of delay and the same was communicated through letter bearing No. KAJ/Pers./C-6/35/2020/1283 dated 23.12.2020. The claim for employment of Chando Majhi, the dependent son was regretted in the year 2017 due to submission of belated claim. The Competent Authority also declined the prayer for monetary compensation to Budhani Mejhain due to long delay of nineteen years. Management has produced a copy of letter dated 23.12.2020 issued by the Assistant Personnel Manager, Kajora Area addressed to the Agent, Jambad OCP, rejecting the prayer for MMCC and a copy of letter dated 21.01.2021 issued by the Assistant Manager (Personnel), Jambad OCP addressed to Budhani Mejhain, communicating the same. Management has produced the following documents in support of their converse case :

- (i) Copy of the Application dated 18.06.2001 of Budhani Mejhain, claiming employment against death of her husband is produced as Exhibit M-1.
- (ii) Copy of the application of Budhani Mejhain submitted on 22.08.2005, claiming employment for her son against the death of her husband, as Exhibit M-2.
- (iii) Copy of the application of Budhani Mejhain dated 18.10.2014, submitting necessary documents regarding employment of her son, as Exhibit M-3.
- (iv) Copy of the application of Chando Majhi dated 18.10.2014, submitting necessary documents regarding his employment, as Exhibit M-4.
- (v) Copy of the letter of Budhani Mejhain dated 05.07.2016 addressed to the Agent, Jambad OCP, stating the cause of delay, as Exhibit M-5.
- (vi) Copy of the letter dated 11.02.2017 issued by the Agent, Jambad OCP addressed to Chando Majhi, informing him that his claim for employment has been rejected by the Competent Authority on account of delay is produced as Exhibit M-6.
- (vii) Copy of the application of Budhani Mejhain dated 22.08.2019 for her monetary compensation on account of death of her husband, as Exhibit M-7.
- (viii) Copy of the letter dated 23.12.2020 issued by the Assistant Personnel Manager, Kajora Area addressed to the Agent, Jambad OCP, informing that the Competent Authority has rejected the MMCC of Budhani Mejhain, as Exhibit M-8.

- (ix) Copy of the letter dated 21.01.2021 issued by the Assistant Manager (P), Jambad OCP addressed to Budhani Mejhain, informing that her claim for MMCC has been rejected, as Exhibit M-9.

9. In course of cross-examination the management witness (M.W.- 1) deposed that the application submitted by Budhani Mejhain on 18.06.2001 was not processed due to want of some necessary documents. Management did not inform Budhani Mejhain that some documents were necessary for processing her prayer. It transpires from his cross-examination that the management issued a letter dated 23/26.09.2019 (Exhibit W-3), requesting Budhani Mejhain to submit documents for processing her proposal for MMCC against the death of her husband. It further appears from his evidence that two years after issuing the Notice for screening, the prayer for payment of MMCC was regretted. After appearing before the Screening Committee and producing necessary documents the application of Chando Majhi for employment is rejected on the ground of delay in making the claim.

10. Mr. Milan Kumar Bandyopadhyay, learned advocate for the union argued that on the death of Mangru Majhi on 01.05.2001, the dependent wife submitted an application for employment on 18.06.2001 i.e., within two months from the date of death but the management did not process her prayer for employment nor did they ask her to produce any document. Referring to Exhibit W-3, learned advocate argued that only on 26.06.2019 i.e., after lapse of eighteen years, management requested the widow of the deceased employee to appear before the Screening Committee for her MMCC and after spending some more time issued a letter dated 21.01.2021 (Exhibit W-4) expressing inability of the Competent Authority to consider the claim for MMCC on the pretext that nineteen long years have passed after the date of death of ex-employee. Learned advocate strenuously argued that the management being fully aware about the date of death of the employee in harness, the rights of the dependent and well settled fact that the claimant is the widow of the employee as per the Service Record Excerpt (Exhibit W-11) did not take effective step to meet the claim of the dependent as per provisions of Clause 9.5.0 of NCWA. It is argued that the management of ECL has committed inordinate delay in processing the claim of the dependents for eighteen years and now to cover up their own fault regretted the claim for monetary compensation. It is contended that such act on the part of management is arbitrary and the management of ECL should be directed to pay the monetary compensation to the widow of the deceased from the date of death till her son is provided with employment. Learned advocate further argued that Chando Majhi, the son, was a minor at the relevant time and his name appears in the Service Record Excerpt of the deceased employee (Exhibit W-11). As per the Service Record Excerpt, Chando Majhi was two years old on 01.04.1987 and his age can be calculated as fifteen (15) years at the time of death of his father. The widow had promptly submitted her application for employment on 18.06.2001 (Exhibit W-2), waited for considerable period and when management did not respond and extend any cooperation to process the employment, the widow submitted an application on 22.08.2005 claiming for employment of her son (Exhibit W-5). It is argued that the management of ECL was silent over this issue until 2015 and it was on 08.02.2015 the Agent, Jambad OCP issued a letter to Chando Majhi for appearing before the Screening Committee on 18.02.2015 for his employment (Exhibit W-6). The management thereafter issued letter dated 13.08.2015 for screening of Chando Majhi on 17.08.2015 (Exhibit W-7) and a letter dated 09.06.2016 for holding screening on 14.06.2016 (Exhibit W-8). For the last time management issued a letter on 16.01.2017 addressed to Chando Majhi for holding screening on 17.01.2017 for his employment (Exhibit W-9). Learned advocate for the union argued that the management took twelve long years for holding screening of the dependent son for his employment only to communicate him by letter dated 11.02.2017 that his prayer for employment was rejected as his case could not be considered for belated submission of application as per the company's circular. Learned advocate for the union argued that the management has acted in an arbitrary and illegal manner as there is no time limit in NCWA for raising claim for employment. Furthermore, the management cannot derive advantage of their own wrong by delaying the entire process for several years and thereafter by harping upon their own fault of delay, reject the prayer for employment of the dependent.

11. Mr. Milan Kumar Bandyopadhyay, learned advocate for the union referred to a Memorandum of Settlement under Section 12(3) of the Industrial Disputes Act, 1947, arrived at between the management of ECL and their workmen, represented by AITUC, BMS, CITU, HMS, INTUC, and UTUC before the Regional Labour Commissioner (C), Asansol on 22.05.2007, wherein in Point No. 2 the management had agreed to clear all the employment cases prior to 01.07.1996 without any time bar. For cases received after 01.07.1996, the existing time limit of one year would be continued and management consented that they would approach the ECL Board in the next Board Meeting for waiver of time limit for consideration of employment proposal to the dependent as no time bar existed in the NCWA. Learned advocate summing up his argument urged that in the instant case the dependent son is entitled to employment and he cannot be disqualified for management's own fault and the widow of the deceased employee is also entitled to MMCC according to the provisions of NCWA which strictly binds both the employer and employee.

12. Mr. P. K. Das, learned advocate for the management of ECL argued that time is an essential ingredient for acts performed by the parties. The dependent of the workman cannot be allowed to submit their application claiming benefits at any point of time. It is argued that complete application for employment of the son was submitted on 18.10.2014 by the mother and the son (Exhibit M-3 and M-4). It is further contended that Budhani Mejhain in the letter dated 05.07.2016 (Exhibit M-5) has stated that at first, she applied for employment in place of her deceased husband but on the advice of the Competent Authority she claimed for monetary compensation instead of

employment as her son was minor at that time. Learned advocate for the management stated that the cause of delay in submitting the application has also been mentioned in the application of Budhani Mejhain dated 05.07.2016. It is submitted that as there is delay of nineteen years, the claim for MMCC to the widow and employment to the son could not be considered in their favour.

13. I have perused the written statements of the union and management, evidence adduced and argument advanced by both parties. It is clear from the materials on the record that Budhani Mejhain, wife submitted an application dated 18.06.2001 for employment under ECL within a short period of time from the date of death of Mangru Majhi on 01.05.2001. The management did not consider her application. It is gathered from Exhibit M-5, a letter submitted by Budhani Mejhain dated 05.07.2016 before the Agent, Jambad OCP that it was on the instruction and advice of the Competent Authority of the ECL management she opted for monetary compensation instead of employment and explaining the delay she has clearly stated that the delay was not caused on her part, it was completely due to the time taken by ECL for observing the formalities. It appears from the materials on record that the management has delayed considerably in considering the application for employment of the dependent wife and at no point of time the management communicated to her that her prayer for employment was regretted. After waiting for a reasonable period, the dependent wife prayed for employment of her son on 22.08.2005 (Exhibit W-5). In the said application she stated that her son attained twenty years of age and he was in a position to perform any kind of job. The management did not consider the prayer for payment of MMCC as well as the claim for employment for more than ten years without any communication. For the first time on 08.02.2015 and thereafter on 13.08.2015, 09.06.2016 and 16.01.2017 (Exhibit W-6 to W-9), management of Jambad OCP after intervals of a year at a time asked Chando Majhi to appear for his screening for his employment. It is strange to find that a screening test was arranged more than ten years after the application for employment was submitted, without any suitable explanation for this delay on the part of management. Budhani Mejhain was asked to appear before the Screening Committee for her monetary compensation only on 05.09.2019. Thereafter, she was informed by letter dated 21.01.2021 that her prayer could not be considered for delay of long nineteen years. It is palpably clear that the entire delay has been caused by the lackadaisical approach of the management of ECL to deal with the circumstances and leaving the matter unresolved for several years. The dependents of the deceased cannot be held responsible for the delay.

14. It is a settled principle of law that NCWA is a negotiated agreement that has been arrived at after collective deliberation between the employer and employees. It is a settlement under Section 2(p) of the Industrial Disputes Act, 1947 and has binding effect on the parties thereto under Section 18 (3) of the Industrial Disputes Act, 1947. The terms of compassionate employment in NCWA therefore have to be strictly construed and both the employee and the employees are bound by the terms of condition governing the terms of providing employment of the dependent of the deceased employee and the monetary compensation to be provided to the female dependent of the deceased employee. In the case of **Sukumoni Hembram alias Sukumoni Mejhain Vs. Union of India and Others [MAT 27 of 2024]** the Hon'ble Division Bench of the Hon'ble High Court at Calcutta held :

“None of the clauses 9.3.0 to 9.5.0 of NCWA provide any time limit for applying or prescribe any financial solvency of the family as a disqualification. It does not allow the employer to choose between the dependents as to who it would grant the employment or the MMCC.”

It also transpires from Point No. 2 of the Memorandum of Settlement dated 22.05.2007 arrived at between the management of ECL and its workmen that there is no time bar in the NCWA for considering the proposal for employment of the dependent. The management of ECL therefore without any deliberation with the concerned employees' union cannot unilaterally declare that unless an application for employment is submitted within a specific time it would be considered as a time-barred application. In the present case the management of Jambad OCP fixed up four dates for screening of Chando Majhi for the purpose of considering the claim for employment made long before on 22.08.2005 (Exhibit W-5). The management could not explain the inordinate delay on their part in considering the prayer of the dependent of the deceased employee as per provisions of NCWA. On 21.01.2021 the Assistant Manager (Personnel), Jambad OCP informed Budhani Mejhain for the first time that her claim for MMCC was rejected on the ground of delay (Exhibit M-9). Budhani Mejhain submitted her application on 05.07.2016 for monetary compensation (Exhibit M-5) she disclosed that she was opting for monetary compensation on the instruction and advice of Competent Authority of ECL. By letter dated 23/26.09.2019 (Exhibit W-3) management asked her for some documents. Therefore, rejecting the prayer for monetary compensation of the widow after delay on the part of management was grossly erroneous and illegal.

15. In the present case the wife of the deceased submitted an application for her employment within two months from the date of death of her husband. Management neither processed her prayer for employment nor communicate anything to the widow in that matter to ameliorate the situation arising out of death of her husband. When Chando Majhi, who already figured in the SRE of the deceased employee and his age was recorded as two years as on 01.04.1987 (Exhibit W-11) attained majority, the wife of the deceased employee again submitted an application on 22.08.2005 for granting employment to her son. The dependents of the deceased employee could have been estopped from submitting a second claim for employment if the management acted on the basis of the first application submitted by the widow on 18.06.2001. The argument advanced by the management that the applications

for employment and MMCC could not be allowed due to delay therefore has no legs to stand and is not sustainable in view of the contributory negligence of management to sort out such pressing issues in a listless manner.

16. The management of ECL has placed reliance upon the decision of the Hon'ble Supreme Court of India in the case of **M/s. Eastern Coalfields Ltd Vs. Anil Badyakar and Others [Civil Appeal No. 3597 of 2009]**. Facts of the case in brief was that father-in-law of Anil Badyakar was an employee under ECL under Coal India Limited and died in harness in the year 1981. After a family settlement an application for employment was submitted in the year 1983 for compassionate appointment in favour of the son-in-law of the deceased employee. No objection was submitted by the legal heirs of the deceased. A Police Verification was made and after compliance of all formalities a letter of appointment was issued in favour of the petitioner in May 1993. Four months after joining his service the Director (Personnel) by order dated 23.09.1993 cancelled the provisional letter of appointment on the ground that it was a belated application, having been filed after a lapse of twelve years from the date of death of the employee. The son-in-law of the deceased filed a Writ Petition before the Hon'ble Single Judge which was allowed and he was reinstated. An appeal was preferred before the Hon'ble Division Bench which was rejected. On the basis of Special Leave Petition (Civil) an appeal was preferred before the Hon'ble Supreme Court of India which was allowed and the Hon'ble Apex Court of India held that the decision of the employer was proper and the same should not have been interfered by the High Court. The fact and circumstances involved in the case of **Anil Badyakar (Supra.)** is distinguishable from the facts of the present case. In the instant case there is no delay over family settlement but delay cropped up due to utter inaction on the part of the management of ECL to appreciate the case of dependents of deceased employee. Therefore, the decision of **Anil Badyakar (Supra.)** case is not applicable under the fact and circumstances of this case.

17. It needs to be borne in mind that compassionate appointment is an exception to the general rule of merit-based recruitment under Article 14 of the Constitution of India. Compassionate appointment is governed by the terms of appointment of the employees. It is not a matter of right unless it arises out of the terms of employment of the deceased employee which is laid down in the NCWA. Clause 9.3.0 to 9.5.0 of NCWA provide the terms and conditions for grant of employment to a dependent and monetary compensation to female dependent. None of such provisions prescribe that to avail the benefit of employment as a dependent, the financial condition of the deceased employee's family has to be considered nor does such provisions lay down any time limit. Ordinary prudence suggests that such application should be filed and be dealt within reasonable period otherwise it loses its objective, efficiency and purpose. Since the dependents of a deceased employee are considered to have weak bargaining capacity than the management, the terms of settlement in NCWA needs to be interpreted in a manner which is beneficial to the dependents. The management therefore cannot be a party contributing to delay and thereafter be allowed to regret granting the relief on the same ground.

18. Clause 9.3.0 of NCWA makes provision for employment to the dependent of an employee in case of permanent disability or death while in service of the company. Clause 9.3.2 deals with the employment or payment of monetary compensation to a female dependent which is governed under Clause 9.5.0. On a close reading of Clause 9.5.0 (iii) it appears that in case of death either in a mine accident or for other reasons or medical unfitness, if no employment has been offered and the male dependent of the concerned worker is twelve years and above in age, he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of 18 years. During the period the male dependent is on live roster, the female dependent will be paid monetary compensation as per rates at paras (i) & (ii) above. This will be effective from 01.01.2000. The application for employment of Chando Majhi, the dependent son was filed on 22.08.2005 (Exhibit W-5/M-2), where Budhani Mejhain stated that her son's age at the relevant time was twenty years. Clause 9.5.0 of NCWA clearly states that if no employment is offered and male dependent is 12 (twelve) years or above, his name has to be maintained in the Live Roster. This is a duty cast upon the employer irrespective of any formal application is made by the dependent of the employee. The application for monetary compensation was submitted at a later period of time on 05.07.2016 (Exhibit M-5) at the instance of the management. Therefore, the dependent wife is entitled to monetary compensation from the date of death of her husband till employment is provided to the dependent son. The record reveals that Chando Majhi was two years of age on 01.04.1987, therefore he was a minor until 01.04.2003. It emerges from such fact and circumstances that Chando Majhi, the dependent son having claimed employment as a dependent is entitled to get employment under ECL on observance of all formalities. Budhani Mejhain, the widow of the deceased employee is entitled to Monthly Monetary Cash Compensation from 01.05.2001 to 31.03.2003 at the rate provided in the NCWA. The Industrial Dispute is allowed in favour of the dependents.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest in favour of the dependent son and wife of the Late Mangru Majhi, ex-employee of Jambad OCP under Kajora Area of Eastern Coalfields Limited. The management of Eastern Coalfields Limited is directed to provide employment to Chando Majhi, the dependent son of the deceased employee on observance of all formalities within two (2) months from the date of communication of the Award. Management of Eastern Coalfields Limited is also directed to pay Monthly Monetary Cash Compensation to Budhani Mejhain, the widow of the deceased employee from 01.05.2001 till employment is provided to her son as per provision of Clause

9.5.0 at the admissible rate provided in the National Coal Wage Agreement. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2179.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 222/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/323/2001-आईआर(सी.एम-I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 222/2001**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/323/2001 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 222/2001

Parties:

Employers in relation to the management of Sijua Area

Of M/s. BCCL, Sijua, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 02/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/323/2001-IR(C-I) dated 27/09/2001 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Sijua, Dhanbad and their workman through Organizing Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

2. On receiving order no. L-20012/323/2001-IR(C-I) dated 27/09/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 222 of 2001 was registered on 01.11.2001 and

thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 17.09.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. Though on 04.07.2025 and 12.09.2025, Sri D.K. Verma, Advocate for the management appeared but union/workman did not appear before this Tribunal.

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

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन 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 142/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-22012/456/1998-आईआर(सी.एम-I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 142/1999**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/456/1998 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 142/1999

Parties:

Employers in relation to the management of Bhatdeeh Colliery of

M/s. BCCL, Dhanbad

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workmen :- Sri Manas Chatterjee, Representative

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No.L-20012/456/1998-IR(C-I) dated 04/06/1999 has been pleased to refer the following dispute between the employer i.e. management of Bhatdeeh Colliery of M/s. BCCL, Dhanbad and their workman through Area Secretary, Bihar Colliery Kamgar Union, Bhatdeeh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Bhatdeeh Colliery in denying employment to Sh. Shambhu Kumar Bhuia claiming to be the dependent son of Late Sh. ChandrikaBhuia, general Mazdoor is justified? If not, to what relief the said Sh. Shambhu Kr. Bhuia is entitled?”

2. The case of the claimant as per the written statement filed on 08.01.2002 is that Late Chandrika Bhuia had been working as permanent workman at Bhatdeeh Colliery since long with unblemished record of service. He died on 06.01.1993 during the tenure of his service. The dependent son of Late Chandrika Bhuia namely Sri Shambhu Kumar Bhuia represented before the management for his employment as per provision of NCWA but the management neither provided him employment nor disposed of his representation by passing any speaking order. Sri Shambhu Kumar Bhuia is the only son of Late Chandrika Bhuia and he was /is wholly dependent on Late Chandrika Bhuia. The NCWA is a settlement and as per the provision of the same the dependent son of Late Chandrika Bhuia is entitled for employment. Sri Shambhu Kumar Bhuia had submitted before the management authentic documents in support of his relation with Late Chandrika Bhuia and also completed all formalities for the dependent employment but the management due to anti-labour policy, did not take any step for providing him employment and seeing no other alternative the union raised an industrial dispute before the ALC(C), Dhanbad but the same ended in failure due to the adamant attitude of the management. The Govt. of India referred the dispute for adjudication before this Tribunal. The action of the management in denying employment to Sri Shambhu Kumar Bhuia, dependent son of Late Chandrika Bhuia was not justified and against the principle of natural justice, so prayed to pass award in his favour.

3. On the other hand the case of the management as per written statement filed on 28.08.2002 is that the present reference is not maintainable. Late Chandrika Bhuia was working as a General Mazdoor of Bhatdeeh Colliery and he died on 06.01.1993 as per Certificate issued by the doctor of Bhatdeeh Colliery. Late Chandrika Bhuia was issued service excerpt while he was alive but he did not return the same to the management. Late Chandrika Bhuia during his service period did not make any declaration about his family details, whether he had wife or son. One Sri Shambhu Kumar Bhuia claimed for the employment saying that he is the son of Late Chandrika Bhuia but he failed to produce all the relevant documents regarding his claim and accordingly the claim of Sri Shambhu Kumar Bhuia for dependent employment is false. The Area Secretary, BCKU raised an Industrial Dispute for dependent employment vide letter dated 16.12.1996 before the Assistant Labour Commissioner (C), Dhanbad and on receipt of the letter from the Assistant Labour Commissioner (C), Dhanbad, the Dy. Personnel Manager (IR), Western Jharia Area vide his letter dated 15.07.1998 explained the facts of the case and prayed for closing the matter. As the said Shambhu Kumar Bhuia failed to produce all relevant documents pertaining to his claim as asked by the management, the management was fully justified in denying the employment to Sri Shambhu Kumar Bhuia and at last it was prayed to reject the claim of applicant Shambhu Kumar Bhuia.

A rejoinder dated 11.12.2002 has also been filed in reply to the written statement of the management by the workman in which he has denied all the statements made by the management in W/S claiming that it is absolutely false to allege that Late Chandrika Bhuia did not return the service excerpt and he did not make any declaration about his family details and also that admittedly Shambhu Kumar Bhuia is the son of Late ChandrikaBhuia.

4. Likewise a separate rejoinder on behalf of the management has also been filed on 29.08.2002 to the W/S filed on behalf of the workman in which the entire claim of the workman has been denied by the management claiming that the claimant Shambhu Kumar Bhuia has failed to produce the relevant documents to prove that he is the son of Late Chandrika Bhuia.

5. In support of his case the claimant has examined WW-1 Shambhu Kumar Bhuia, Claimant himself.

6. By way of documentary evidence the following documents have been adduced from the side of the claimant:-

Exhibit W-1 – Verification Roll

Exhibit W-2 – Identification Certificate

Exhibit W-3 – Hand written application dated 25.03.1993 of the claimant Shambhu Bhuia for employment

Exhibit W-4 – Letter of Assistant Commissioner Gr.II dated 01.06.2004 to the Dy. CPM, Bhatdeeh Colliery, Dhanbad

Exhibit W-5 – Death Certificate of Chandrika Bhuia

Exhibit W-6 – Family Certificate

Exhibit W-7 – Letter of the claimant Shambhu Kumar Bhuia dated 01.10.1993 to the Project Officer.

Exhibit W-8 – Letter of the claimant Shambhu Kumar Bhuia to the Regional Labour Commissioner(C) Dhanbad.

7. In support of its case the management has examined MW-1 Amarnath Pandey.

8. The management has adduced the following documentary evidence:-

Exhibit M-1 – Application Form Proforma-I

Exhibit M-2 – Letter of BCKU, Area Secretary to the Assistant Labour Commissioner (C), Dhanbad dated 16.12.1996.

Exhibit M-3 – Letter of Project Officer dated 20/21.06.1997 to the Dy. Personnel Manager (IR).

Exhibit M-4 – Letter dated 06/08.09.1997 of the Project Officer to the Dy. Personnel Manager (IR).

Exhibit M-5 – Letter dated 15.07.1998 of the Dy. Personnel Manager (IR) to the Assistant Labour Commissioner.

Exhibit M-6 – Letter dated 09/10.06.1997 of Dy. Personnel Manager (IR) to the Project Officer.

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

10. The Representative on behalf of the claimant has submitted that Late Chandrika Bhuia was an employee of Bhatdeeh Colliery of W.J. Area of BCCL and he died on 06.01.1993 leaving behind his only son Shambhu Kumar Bhuia. His wife had already died on 18.06.1978. Thereafter Sri Shambhu Kumar Bhuia applied for employment in place of his father Late Chandrika Bhuia under the provisions of NCWA but unfortunately the management did not consider the same stating that the name of Sri Shambhu Kumar Bhuia did not exist in the service excerpts of his father and also that he has not submitted the complete required papers for employment in place of his father. He has further submitted that Late Chandrika Bhuia was not educated and due to lack of knowledge he could not get the name of his son Shambhu Kumar Bhuia inserted in his service excerpt. The claimant Shambhu Kumar Bhuia is entitled for employment in place of his father for which he has submitted family details as well as identification certificate and verification roll and prayed to pass award in his favour.

11. On the other hand the Ld. Counsel of the management has submitted that Late Chandrika Bhuia never submitted his family details before the management and as such the management is not aware of the facts that Shambhu Kumar Bhuia is the son of Late Chandrika Bhuia. The claimant Shambhu Kumar Bhuia has also failed to produce the relevant documents pertaining to his claim to prove his bonfide claim for employment and therefore his claim was legally rejected by the management and prayed to reject the reference.

12. **Issue**

Whether the action of the management of BCCL, Bhatdeeh Colliery in denying employment to Sh.Shambhu Kumar Bhuia claiming to be the dependent son of Late Sh. Chandrika Bhuia, General Mazdoor is justified? If not, to what relief the said Sh. Shambhu Kumar Bhuia is entitled?

13. To establish his claim, **WW-1 Shambhu Kumar Bhuia**, the claimant himself, has deposed that his father Late Chandrika Bhuia was working as General Mazdoor in Bhatdeeh Colliery and he died on 06.01.1993 during tenure of his service and thereafter he was left alone in his family as his mother had already died prior to the death of his father. He has further stated that after the death of his father he had submitted his application for the employment before the management and also submitted all his documents before the BCCL but he was not provided the employment. After the death of his father he was paid gratuity of his father. He is the only son of his father Late Chandrika Bhuia. In his cross-examination he has stated that he does not know whether his father had got recorded his name in his service record. He was dependent on his father and certificate of the same was also submitted by him in the Office of BCCL.

14. Now as regards the documentary evidence adduced on behalf of the claimant, on perusal of **Exhibit W-1** it transpires that this is a verification roll in which the full details of Shambhu Kumar Bhuia has been given and his certified photo has also been affixed therein by Mukhiya Panchayat. In this verification roll the father's name of the claimant Shambhu Kumar Bhuia has been mentioned as Late Chandrika Bhuia. **Exhibit W-2** is the Identification

Certificate which also bears full details of the claimant Shambhu Kumar Bhuia and in this document also the father's name of the claimant Shambhu Kumar Bhuia has been mentioned as Late Chandrika Bhuia and on the back side of the same, attested photograph of the claimant has been affixed that also bears the stamp and signature of Panchayat Mukhiya Narayan Singh as well as signature and stamp of BDO. **Exhibit W-3** is the application dated 25.03.1993 submitted by the claimant Shambhu Kumar Bhuia before the Project Officer, Bhatdeeh Colliery and on its perusal it transpires that he has submitted this application for dependent employment as well as payment of entire dues as per NCWA. **Exhibit W-4** is the letter of Assistant Commissioner Gr. II dated 1/16.06.2004 written to the Dy. CPM, Bhatdeeh Colliery and on its perusal it transpires that the full details as per service record of Chandrika Bhuia, his family declaration letter issued under the signature of BDO, date of appointment etc. has been called for. **Exhibit W-5** is the Death Certificate of Chandrika Bhuia dated 06/13.01.1993 and on its perusal it transpires that Chandrika Bhuia, General Mazdoor, Bhatdeeh Colliery expired on 06.01.1993 at 1:00 a.m. **Exhibit W-6** is the Family Certificate and on its perusal it transpires that Chandrika Bhuia died on 06.01.1993, his father Bhatu Bhuia died on 06.03.1975, his mother Kagwa Bhuini died on 11.12.1977, Sonia Bhuini the wife of Late Chandrika Bhuia died on 18.06.1978 and Shambhu Kumar Bhuia, son of Late Chandrika Bhuia is the only leaving member in the family of Late Chandrika Bhuia and the certificate has also been stamped and signed by the Block Development Officer, Lakhisarai as well as Ex-Mukhiya, Narayan Singh. **Exhibit W-7** is the letter of the claimant Shambhu Kumar Bhuia dated 01.10.1993 written to Project Officer, Bhatdeeh Colliery and on its perusal it transpires that the claimant has replied to the letter of BCCL dated 23/26.08.1993 regarding not submitting the service excerpts or any family list by the Late Chandrika Bhuia in the office of BCCL. The claimant has stated that his father was suffering from T.B and due to the same he did not consult with any one and so he had no knowledge about the same and the claimant has further claimed that he is the only son of Late Chandrika Bhuia regarding which he has submitted the documents issued by the Mukhiya as well as BDO. **Exhibit W-8** is the letter of the claimant Shambhu Kumar Bhuia written to the Regional Labour Commissioner (Central), Dhanbad and on its perusal it transpires that he had submitted his claim for payment of gratuity after the death of his father and the management has deposited Rs. 22822 as per NCWA-IV that was paid to him but he is entitled to payment of Rs. 32561.55 as gratuity on the basis of NCWA-V and has prayed to pass order in this regard and give direction to the agent Bhatdeeh Colliery.

15. Now as regards the oral testimony of **MW-1 Amarnath Pandey**, Dy. Manager Personnel, Bhatdeeh Colliery Murlidih, Dhanbad, he has deposed that Chandrika Bhuia was employee of Bhatdeeh Colliery and he died on 06.01.1993 while in service. Thereafter Shambhu Kumar Bhuia claiming himself to be his son, submitted an application for employment in place of his father before the office but he had not submitted the entire documents and his name was also not recorded as dependent of Chandrika Bhuia in his office and therefore, his application was not considered by the office. In his cross-examination he has stated that in the year 1987, the service excerpts of Chandrika Bhuia was made available to him with direction to fill up the same and submit before the office but the office does not have the receipt of handing over the service excerpts to Chandrika Bhuia. He does not have any knowledge whether the office had issued any reminder in this regard to Chandrika Bhuia or not. In the office record it has not been mentioned as to which documents were not submitted by the claimant Shambhu Kumar Bhuia.

16. As regards the documentary evidence of management, **Exhibit M-1** is the Application Form Proforma-I of the deceased Chandrika Bhuia that has full details of Chandrika Bhuia as well as the claimant Shambhu Kumar Bhuia and in the relationship column Shambhu Kumar Bhuia has been shown as the son of Late Chandrika Bhuia. It further transpires that the photograph of claimant Shambhu Kumar Bhuia that has been affixed on this application form, is attested by the Mukhiya Panchayat, Narayan Singh under his seal and signature and it also bears the seal and signature of BDO. **Exhibit M-2** is the letter of BCKU, Area Secretary dated 16.12.1996 to the Assistant Labour Commissioner (C), Dhanbad and on its perusal it transpires that it has been written for initiation of conciliation proceedings regarding non employment to the dependent of Late Chandrika Bhuia. **Exhibit M-3** is the letter of Project Officer, Bhatdeeh Colliery dated 20/21.6.1997 to the Dy. Personnel Manager (IR) and on its perusal it transpires that by this letter he has been informed that Chandrika Bhuia had died on 06.01.1993 as per the Certificate issued by Dy. M.S. of Bhatdeeh Colliery and Sri Shambhu Kumar Bhuia claimed for employment and other legal dues as son of late Chandrika Bhuia and while processing the case of employment as dependent of late Chandrika Bhuia, some irregularities have been found in the service file of Late Chandrika Bhuia. The service excerpt was issued to the workman while he was alive but he did not return the same and during his service period he did not declare his family details or nominee in Form 'F'. It has further been mentioned that as per Form-'B' his name appeared on Sl. No. 268, his father name has been given as Bhatu Bhuia, his age has been written as 38 years as on 19.12.1987, his date of appointment is 17.10.1971 and his home address is Khairi, P.O. Lakhisarai, Dist-Munger. Sri Shambhu Kumar Bhuia is the son of Late Chandrika Bhuia as per identification and verification certificate issued by the BDO of Lakhisarai (Mungyr) Block. He had sought for clarification from Area office whether the said dependent may be considered for employment or legal dues or not vide Note-sheet No. 94/1159 dated 23.06.1994 but no clarification has been received and to avoid legal complications, they have deposited the gratuity of late Chandrika Bhuia to the ALC (C) cum controlling authority on 06.09.1996. **Ext.M 4** is the letter of Project Officer dated 06/08.09.1997 written to the Dy. Personnel Manager (IR) in which he has been requested to examine the case file of the dependent employment of Late Chandrika Bhuia. It has also been mentioned therein that during his lifetime, Chandrika Bhuia did not make any declaration that he had a wife or son and there is lurking

doubt in the genuinity of Shambhu Kumar Bhuia who is claiming to be a son of Late Chandrika Bhuia and this is creating problem in processing the employment papers. **Exhibit M-5** is the letter dated 15.07.1998 of Dy. Personnel Manager (IR) to the Assistant Labour Commissioner (C), Dhanbad regarding I.D. over non-employment to the dependent of Late Chandrika Bhuia in which it has been commented that Late Chandrika Bhuia, Ex-employee of Bhatdih Colliery did not make any declaration that he had a wife or son and Sri Shambhu Kumar Bhuia has claimed for employment saying that he is the son of Late Chandrika Bhuia but he has failed to produce all relevant documents pertaining to his claim and it has been requested to close the case there being no merit in the case. **Exhibit M-6** is the letter of Dy. Personnel Manager (IR) dated 09/10.06.1997 written to the Project Officer, Bhatdih Colliery in which it has been stated that the comments in the I.D. Case file no. 1/2/97-E-IV dated 22.1.1997 over non-employment of dependent of Late Chandrika Bhuia has not been received as yet and he has been requested for the same.

17. On perusal of the oral as well as documentary evidence adduced from both sides it is evident that Late Chandrika Bhuia, General Mazdoor of Bhatdih Colliery expired on 06.01.1993. It has also been admitted from the side of the management and thereafter it further transpires that the management is claiming that in the office of the BCCL there is no service excerpts of the Late Chandrika Bhuia nor there is any declaration of Chandrika Bhuia regarding his family members and so there is no official record with BCCL to prove that the claimant is the son of Late Chandrika Bhuia and so his application was not considered whereas after the death of Late Chandrika Bhuia, the claimant Shambhu Kumar Bhuia has submitted his claim application for dependent employment in place of his father and so the main issue in this case now is if there is no office record under BCCL regarding the names of family members such as his son or wife, can the claim of Shambhu Kumar Bhuia who is claiming himself as son of Late Chandrika Bhuia be legally considered by the management for dependent employment or not? The answer of this Tribunal is that in this situation also the son can still be entitled to dependent employment provided he is a genuine dependent family member and fulfils all other eligibility criteria under specific scheme of the NCWA. The non-mentioning of the only son's name in the service record of the Late workman for whatsoever reason, cannot be an automatic bar to his son's claim for dependent employment. In this regard it is also relevant to mention that the core objective of dependent employment is to provide immediate financial assistance to the family in distress due to the death of the workman. Here in the instant case, the claimant has very clearly stated in his cross-examination as WW1 that he was dependent on his father and as per his statement in his examination-in-chief, his mother had already died and thus he was only member left in his family after the death of his father.

18. Now as regards the relationship of the claimant Shambhu Kumar Bhuia to the late Chandrika Bhuia in the prevailing facts and circumstances of this case, on perusal of **Exhibit W-6** which is family certificate it is crystal clear that Late Chandrika Bhuia died on 06.01.1993 and his father had already died on 06.03.1975, his mother had already died on 11.12.1977 and his wife Sonia Bhuini had already died on 18.06.1978 and the claimant Shambhu Kumar Bhuia who has been described as the son of Late Chandrika Bhuia, aged above 25 years has been shown to be the son and the only alive family member of Late Chandrika Bhuia and this document bears the stamp and signature of the BDO, Lakhisarai as well as the signature of Ex-Mukhiya Panchayat namely Narayan Singh and for this reason, the genuineness of this document cannot be questioned/doubted in any way and if the management raises any doubt on the genuineness of this document, the onus to prove the same otherwise, lies on the management but he has not produced any document contrary to the same. Not only this, the other documents such as **Exhibit W-1**, **Exhibit W-2** as well as the document submitted by the management i.e. **Exhibit M-1** which bears the seal and signature of BDO as well as Panchayat Mukhia also goes to prove the relationship of the claimant as son of Late Chandrika Bhuia. Most importantly, **Exhibit W-8** as well as the oral testimony of **WW-1** Shambhu Kumar Bhuia makes it abundantly clear that the gratuity of the deceased workman Chandrika Bhuia has been paid to the claimant Shambhu Kumar Bhuia which leaves no doubt that he is the son and only alive family member of the deceased Chandrika Bhuia and so considering the above facts and circumstances as well as the evidence available on the case record this Tribunal finds and holds that the action of the management of BCCL, Bhatdeeh Colliery in denying employment to Sri Shambhu Kumar Bhuia, claiming to be the dependent son of Late Chandrika Bhuia, General Mazdoor, is not at all justified and he is entitled to the dependent employment in place of his father Late Chandrika Bhuia and the management is accordingly directed to provide him employment within a period of three months from the date of the publication of this Award. The reference is answered accordingly.

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 34/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/60/2015-आईआर(सी.एम-I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 34/2015**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of CCL. and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/60/2015 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 34/2015

Parties:

Employers in relation to the management of SwangWashery of

M/s. CCL, Swang, Bokaro.

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

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

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No. L-20012/60/2015 (IR(CM-I)) dated 13/07/2015 has been pleased to refer the following dispute between the employer i.e. management of Swang Washery of M/s. CCL, Swang, Bokaro and their workman through Working President, Rashtriya Colliery Mazdoor Sangh, Kathara Area, Bokaro for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the Management of SwangWashery of CCL in not regularizing the services of Shri Beni MadhavYadav and 41 others as Plant Cleaning Mazdoors, who have been performing the permanent and perennial job for the last several years is fair and justified? To what relief the concerned workmen are entitled to?”

Swang Washery Cleaning Mazdoor

Sl. No	Name	Father's Name	Address
01	Beni MadhavYadav	Late Honi Gope	Vill. Khudgadda P.O-Swang

			P.S-Gomia Dist-Bokaro (Jharkhand) 829128
02	Shayam Sunder Yadav	Sri ChhatuYadav	Vill. Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
03	Anil Kumar	SriRamchandra Rawani	Vill-Gomia MahtoTola p.o+p.s-Gomia Dist-Bokaro (Jharkhand) 829111
04	Sanjay Yadav	Sri Parmeshwar Gope	Vill. Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
05	SudamaPrajapati	Late GendoPrajapati	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
06	SantoshYadav	Late Janki Gope	Vill. Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
07	Shayam Sunder Paswan	Late ChhediPaswan	Vill. Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128

08	Anil Yadav	Late GoverdhanGope	Vill. Gairbadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
09	LaldevYadav	Sri MutarGope	Vill. Gairbadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
10	KedarYadav	Late Mohan Yadav	Vill. Gairbadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
11	Awdhesh Kumar	Sri RameshwarPrajapati	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
12	Abodh Prasad	Late Narayan Patwa	Vill-HazariPatwaBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
13	Birendra Prasad	Late SukhariPatwa	Vill-HazariPatwaBasti P.O- Swang Dist-Bokaro (Jharkhand) 829128
14	AwadhKishor Prasad	Sri KoshalKishor Prasad	Vill-HazariPatwaBasti P.O- Swang Dist-Bokaro

			(Jharkhand) 829128
15	GopalPrajapati	Late GendoKumhar	Vill-HazariBasti P.O- Swang Dist-Bokaro (Jharkhand) 829128
16	Ravi Kumar	Sri HariharNath Prajapati	Vill-HazariBasti P.O- Swang Dist-Bokaro (Jharkhand) 829128
17	Dinesh Prajapati	Sri Mohan LalPrajapati	Vill-HazariBasti P.O- Swang Dist-Bokaro (Jharkhand) 829128
18	Prabhakar Kumar	Late Basant Prasad	Vill-HazariPatwaBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
19	Prakash Kumar	Late Yamuna Prasad	Vill - Hosir P.O- Hosir Dist-Bokaro (Jharkhand) Pin- 829111
20	MahendraYadav	Late JainathGope	Vill. Gairbadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
21	Bhashkar Kumar	Sri Gokul Chand Ram	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128

22	BindeshwarPrajapati	Sri TulsiPrajapati	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
23	Tinku Ram	Late Tapeswar Ram	Vill-Ganjhudih P.O-Sawang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
24	BabulalYadav	Late BiltuGope	Vill.-Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
25	NandKishorPrajapati	Late KashiPrajapati	Vill. -Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
26	Ramesh Prajapati	Late KanhaiPrajapati	Vill. -Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
27	RajkumarPrajapati	Late ChhotanPrajapati	Vill. -Khudgadda P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
28	PadumYadav	Late BiltuGope	Vill. -Gairwadih P.O-Swang P.S-Gomia

			Dist-Bokaro (Jharkhand) 829128
29	NageshwarYadav	Sri Chhataradhari Yadav	Vill. -Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
30	ManojGope	Sri ChaitaGope	Vill. -Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
31	JitendraYadav	Sri NilambarYadav	Vill. -Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
32	DhaneshwarKarmali	Late FaguKarmali	Vill.- Old Mines P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
33	MadanKarmali	Late BalgovindKarmali	Vill.- Occho MachwatandSiyari P.o+P.s – Gomia Dist – Bokaro (Jharkhand) 829128
34	RajendraVishwakarma	Late Babuchand Vishwakarma	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128

35	JodhanKarmali	Late JagoKarmali	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
36	ChandrikaGope	Sri GhujaGope	Vill. -Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
37	ManojGiri	Late BeniGiri	Vill. -BandhBasti P.O-Kathara P.S-Gomia Dist-Bokaro (Jharkhand) 829128
38	SitaramYadav	Sri GhujaGope	Vill. -Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
39	Mukesh Kumar Yadav	Sri JankiGope	Vill. -Gairwadih P.O-Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
40	DhaneshwarVishwakarma	Sri Devidas Vishwakarma	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128
41	NirmalPrajapati	Late LoknathPrajapati	Vill-HazariBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand) 829128

42	Navin Prasad	Sri Harinandan Prasad	Vill- HazariPatwaBasti P.O- Swang P.S-Gomia Dist-Bokaro (Jharkhand)
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2. The case of the workmen as per the written statement filed on their behalf on 25.08.2015 is that Sri BeniMadhavYadav and 41 others have been working at SwangWashery since the year 2002 continuously and regularly. The concerned workmen have been working within the precinct and premises of the washery in permanent and prohibited category of job since long with unblemished record of service. They have been working regularly under the direct control and supervision of the management. All the implement for execution of the job are being supplied by the management. The workmen have been rendering services and producing goods for the benefit of the management. So they are employees of the management and the management have been paying them wages in the name of different intermediaries to camouflage the real issue. The management is neither paying the concerned workmen wages and other benefits as per NCWA nor regularized their services. They represented before the management several times for their regularization and wages as per NCWA but till today without any effect. The management have been exploiting the poor workmen by taking advantage of general un-employed condition. The management have been playing all kind of tactics to conceal the real fact and to camouflage the real issue. The repeated demand of regularization have annoyed the management to the extent of threatening the workmen to stop them from work. After exhausting all the avenue for settlement the union on behalf of the workmen raised an Industrial Dispute before the ALC(C), Hazaribagh along with names, father's name, address and photograph duly attested by the union and the management appeared in the conciliation proceedings and taken the plea that no employer-employee relationship exists between the workmen and the management. The workmen are the members of Provident fund and possessing documents in support of their work until the management refused to settle the issue amicably, resulting in failure of conciliation. The appropriate Govt. after appreciating the merit of the case referred the dispute for adjudication to this Tribunal. The action of the management in not regularizing the services of the workmen as plant cleaning mazdoor is neither legal nor justified rather illegal and arbitrary and against the principles of natural justice and so prayed to answer the reference in favour of the workmen by directing the management to regularize the services of the workmen with retrospective effect with all arrears of wages and attendant benefits.

3. On the other hand the case of the management as per the written statement cum rejoinder filed on 22.12.2015 is that the reference is not maintainable either in law or in facts. The term of reference is without application of mind. It is well settled principle of law that only the Tribunal has jurisdiction under section 11 of the Industrial Dispute Act, 1947 to decide, whether the person concerned have been performing the permanent and perennial job for the last several years or not. It has further been submitted that the persons concerned in the present reference have never been engaged by the management of SawangWashery under plant cleaning job. No employer-employee relationship exists between the management and the person concerned. The demand of regularization can not be termed as an Industrial Dispute within the meaning of Section 2(k) of the I.D. Act 1947 as much as the term industrial dispute under the said provision of the Act means the dispute which is connected with the employment or non-employment or the terms of employment with the conditions of labour. The persons concerned do not fall under the category of workman. M/s. BCCL under which the SwangWashery under Kathara Area falls being a government company within the meaning of Section 617 of the company's Act and that being the position the management has to give equal opportunity to all the job seekers of the company. The sponsoring union enrolled the name of job seekers and raised the present industrial dispute to get employment in the company in the guise of regularization through back door. For employment in the company, the management has to notify the vacancy and call for the eligible candidates for selection from amongst the eligible job seekers otherwise it would amount to the violation of Articles 14 and 16 of the Constitution of India. The Hon'ble Supreme Court of India in case of Uma Devi has deprecated regularization terming the same as back door entry into the public employment further holding that the ad-hoc, casual, temporary and contractual workers have got no legal right over the post, as such, question of their regularization does not arise. During the conciliation proceeding, the union made out their case on the basis of identity cards of the concerned person which was alleged to be issued by the contractor Sri Anil Kumar, who has no authority to issue identity card on behalf of the management. The alleged identity card is forged and fabricated documents and no reliance can be placed on the same. The contractor Sri Anil Kumar was never awarded any kind of work which is permanent and perennial in nature. The work order were issued for short term for re-handling spillage materials by the work orders dated 03.01.2009, 07.03.2009, 08.12.2009, 03.12.2009, 17.11.2009, 25.12.2008, 22.07.2010 and 17.08.2010 and for which he was paid consolidated amounts. In rejoinder it has been stated that the statements made in Para-1 of the W/S of the union is not correct. It is relevant to mention that BeniMadhav and 41 others were never engaged and appointed by the management of SwangWashery since 2002. The statement made in Para-2 of the W/S is not

relevant. The management awarded some work to the contractor Sri Anil Kumar. The statement made in Para-3 of the W/S is not correct. The management never awarded permanent and perennial nature of job to any contractor. The statement made in Para-4 and 5 of the W/S is not correct. The contractor is responsible for execution of work which was awarded to him and the workmen engaged by him used to work under his direct control and supervision. The statement made in Para-6 of the W/S is not relevant. The statement made in Para-7, 8, 9 and 10 of the W/S is not correct. The allegation leveled against the management by the union is false and baseless. The Government Company has never involved in camouflaging the real issue. No employer-employee relationship exists between the management and the concerned persons and no question of their regularization arise. The statement made in Para-11, 12, 13, 14, 15 and 16 are neither correct nor relevant. The government can not decide the merit of the case. The term of reference is prejudicial to the management and the persons concerned are not entitled to any relief and prayed to answer the reference accordingly.

4. Rejoinder has also been filed on behalf of the workmen to the W/S of the management in which the workmen have denied the entire claims of the management made in his W/S submitting that there is employer-employee relationship between the management and the workmen and the workmen have been doing continuously the permanent and prohibited category of job but the management has not maintained statutory documents for the same. They have been issued identity cards by the competent person of the management and prayed to hold that the demand of the workmen are legal and justified.

5. In support of their case the following witnesses have been examined from the side of the workmen:-

WW-1, Shyam SundarYadav and WW-2, Anil Kumar.

6. The following documents have been adduced from the side of the workmen:-

Exhibit W-1 – Letter dated 12.10.2013 of the Project Officer

Exhibit W-2 – Letter dated 4/6.10.2013 written by the Project Officer

Exhibit W-3 – Engagement of six workmen in plant cleaning by the management dated 08.10.2015

Exhibit W-4 – Regarding Identity Card

Exhibit W-5 Series– Attendance Register

Exhibit W-6 Series– Vocational Training Certificate, Office Order dated 08.03.2015, Annual P.F. Account Statement, Identity Cards

Exhibit W-7 – Photo copy of engagement slip

Exhibit W-7/1 – Original Copy of engagement slip

Exhibit W-8 – Deployment of cleaning workers.

7. On the other hand the management has examined MW-1, Raman Kumar.

8. The management has adduced the following documentary evidence:-

Exhibit M-1 Series –Copies of work order issued to the different contractors.

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

The Ld. Counsel on behalf of the workmen has submitted that the workmen have been doing the job of plant cleaning mazdoor since the year 2002 under the direct control and supervision of the management and this type of job is permanent and prohibited category of jobs and so after the central government notification for prohibition of contract labour, they are entitled for regularization. The workmen have been given vocational training by the management as per Vocational Training Rules and they have also been issued identity cards etc by the competent authority. They have completed more than 240 days of attendance in every calendar year and there is employer-employee relationship between the workmen and the management and though the management is taking the work from the workmen at par with that of the regular employees of the management but they are not being paid the wages as well as other facilities like them and therefore they have demanded for their regularization and prayed to pass award in favour of the concerned workmen.

10. On the other hand the Ld. Counsel on behalf of the management has submitted that the concerned workmen have been working under the contractor Baleshwar Yadav and thus they are the contractor employees so not entitled for regularization. They have not been given appointment letter and no any pay slip or ID Cards from the side of the management and they have been doing the job under the contractor that were awarded to him under the work order that he has also submitted before the Court and lastly submitted that the contractors employees are not automatically entitled to the regularization after notification of prohibition of prohibited category of job.

11. **Issue**

Whether the action of the Management of SwangWashery of CCL in not regularizing the services of S/ShriBeniMadhavYadav and 41 others as Plant Cleaning Mazdoors, who have been performing the permanent and perennial job for the last several years is fair and justified? If not, to what relief the concerned workman are entitled to?

12. In this regard **WW-1 ShyamSundarYadav** who is one of the workmen has deposed that they have been working as Plant Cleaning Mazdoor since 2002 regularly and continuously under the direct control and supervision of the management. The plant cleaning job is of permanent and prohibited category of jobs and for doing of the same the management used to supply them all the implements for execution of the jobs and rendering their services and they have been producing goods for the benefits of the management. For all practical purpose they are the employees of the management but the management is paying them the wages below the rates of NCWA in the name of different intermediaries to camouflage the real issue. They have been performing permanent nature of job at par with other similarly situated workmen. They have also represented before the management several times for payment of wages but the management instead of redressing their legal demands, have been threatening to terminate their services. They have also submitted 6 items of documents. They have filed attendance register which bears the signature of management officials, Mines Vocational Training Certificate issued by the management as well as identity cards with the signature of management officials which shows that they have been continuously working in permanent and prohibited category of the jobs and the management camouflaging their entire true facts to deny their claims for regularization and their demands for regularization as Plant Cleaning Mazdoor with retrospective effect with all arrears of wages are legal and justified and the action of the management denying the same is illegal and unjustified. In the cross-examination he has stated that he is not working under any contractor. He has filed Identity Card issued to them by the management. He has denied that he has not filed I.D. Card issued by the management. He has also denied that they were working under Contractor Baleshwar Thakur. He has further denied that their work was not permanent nor perennial in nature though he has admitted that no appointment letter was issued to them nor any pay slip was issued.

13. Likewise **WW-2 Anil Kumar** has also deposed the same facts as above stated by the WW-1 in his examination- in- chief. In the cross-examination he has stated that he cannot produce any documents that he was engaged by the management company. The I.D. Card issued to him bears the name of Baleshwar Thakur Contractor.

14. Now as regards the documentary evidence of the workmen, **Exhibit W-1** is letter dated 12.10.2013 written by the Project Officer, SwangWashery to the Working President of R.C.M.S., Kathara Area mentioning that a photo copy of the list of the contractor workers deployed by the contractors in SwangWashery is being made available and thereafter it further transpires that there are the names of 44 workers in the list. **Exhibit W-2** is the letter dated 4/6.10.2013 written by the Project Officer, SwangWashery to Sri MukeshYadav & 41 other contractor workers of Sri Baleshwar Thakur and on its perusal it transpires that this is regarding non-payment of wages & self immolation and it has been assured by this letter that they will be made payment by 2 PM next day and the fund has been communicated and they have been requested to call back self immolation and maintain amicable relationship with the management. **Exhibit W-3** is the photo copy of a document of the engagement of 6 workmen in Plant Cleaning by the management dated 08.10.2015 under the signature of surveyor, Swang(w). **Exhibit W-4** is the photo copy of a document regarding Identity Card of Shyam SundarYadav, ShyamSundarPaswan and Anil Yadav and the Certificate has been given by Assistant Manager, SwangWashery CCL that Identity Card of the above mentioned contractor workers are in process. **Exhibit W-5** series is the photo copy of attendance register that has been marked as Exhibit with objection and on its perusal it transpires that this is photo copy of the attendance register from November 2007 to April 2010 and it is also evident from this attendance register that the attendance of the workmen in all the months are more than 240 days in a year. **Exhibit W-6** Series are the photo copies of Vocational Training Certificate, Office Order, Annual PF Statement as well as Identity Cards of the concerned workmen and these have also been marked with objection. On its perusal it transpires that the workmen have undergone training required under chapter III of the Mines Vocational Training Rules, 1966 for the employment in a mine on surface and in open cast workings. It further appears that these training certificates for employment have also been signed and stamped by the Training Officer as well as counter signed and stamped by the Sr. Manager (E&M) Swang Washery. The office order dated 08.03.2015 shows that five workers have been nominated to attend the basic Training w.e.f. 09.03.2015 to 19.03.2015 at Vocational Training Centre Jarangdih and this letter has been issued by the Project Officer, Swang Washery. The photo copy of the PF deduction shows that their contributions have been deposited under Employees Provident Fund Scheme, 1952. On perusal of the Identity Cards of the workmen it transpires that it has been issued from the Central Coal Field Ltd., SwangWashery, Kathara Area, Dist- Bokaro (Jharkhand) in the name of the concerned workmen as well as their father's name, designation as mazdoor and the present address with the signature of the Issuing Authority as well as the card holder though it also bears the name of Contractor as Baleshwar Thakur. On perusal of **Exhibit W-7** and **W-7/1** it transpires that both these exhibits are nothing but the repetition of Exhibit W-3. **Exhibit W-8** is the photo copy of the document of deployment of cleaning workers list dated 02.08.2015 of the SwangWashery in which the name of the Supervisor as Jai NarainMahto/Bijay Singh, Madan Singh/Jagdish Prasad have been mentioned and it is evident from this document that these concerned workers

have been working under the supervision of the management of SwangWashery.

15. Now as regards the oral testimony of **MW-1 Raman Kumar**, he is the Project Officer of the SwangWashery of M/s. CCL and he has deposed that the management of SwangWashery never appointed BeniMadhav and 41 others as Plant Cleaning Mazdoor. No employer employee relationship exists between the management and the person concerned. He has further deposed that the union produced certain identity cards alleged to be issued by the contractor but the contractors have no authority to issue identity cards on behalf of the management and the alleged identity cards are forged and fabricated documents. The alleged photo copy of attendance register produced by the union is also fabricated documents. The contractor Sri Anil Kumar and others were never awarded any kind of work which is permanent and perennial in nature by the management of SwangWashery but in cross-examination he has admitted that the plant cleaning work is permanent and prohibitory category of work and he cannot say whether the concerned workmen have been working continuously under them or not. He has also denied that all have been given vocational training though he has admitted that the certificates filed have been issued by his institute.

16. On perusal of **Exhibit M-1** series it transpires that page no. 1 and 2 of this series are repetition. On perusal of all the pages of this series it transpires that the contractor Anil Kumar has been awarded work order (Civil) on different dates for clean coal, wash coal (P) belt conveyors and front drain of main washing of SGW as well as re-handling spillage materials from different parts of P.C.H, reclamation of spillage materials, replacement of spillage material and from its perusal it does not appear that it is related to the concerned workmen though the management has tried to prove that after getting award by the contractor Anil Kumar, his work was completed by the contractor employees and secondly, the work order bears the name of contractor as Anil Kumar whereas the Identity Card of the concerned workmen bears the name of contractor as Baleshwar Thakur and thus it also does not tally creating doubt on the stand of the management.

17. On perusal of the entire materials on record adduced from both sides, oral as well as documentary evidence, this Tribunal finds that the concerned workmen were contract workers of Baleshwar Thakur (**Exhibit W-5, Exhibit W-6 and Exhibit W-8**) and they were working as Plant Cleaning Mazdoor which is a permanent and prohibited category of work (**admitted by MW-1 in cross examination**) and engaging contract labour for work i.e. permanent and perennial in nature is prohibited under the Contract Labour (Regulation & Abolition) Act, 1970. The Hon'ble Supreme Court have also consistently held in its judgments that the workers performing such tasks cannot be treated as contractual to deny them benefits and at the same time on perusal of **Exhibit W-5** it is established that the concerned workmen have worked for more than 240 days in every calendar year which further strengthens the claim of the workmen as it indicates a continuous need for the work and not temporary and casual requirements. While 240 days rule does not automatically grant permanency to a contract worker but it is a significant factor in establishing that the work itself is not casual rather permanent. The issuance of identity cards and providing vocational training (**Exhibit W-6 series**) as well as maintaining supervision of the work of the concerned workmen by deputing supervisors namely Jai Narain Mahto/Bijay Singh, Madan Singh/Jagdish Prasad (**Exhibit W-8**) establishes that employer employee relationship exists between the concerned workmen and the management and thus introduction of the contractor Baleshwar Thakur between the management and the concerned workmen is nothing but sham because the work is permanent and perennial in nature and the purported contract system is merely a device and the lack of payment as per NCWA to the concerned workmen further reinforces the case of wrongful denial of the wages and exploitation under camouflage arrangements.

18. Thus on the basis of above discussions or facts, circumstances and evidences this Tribunal finds and holds that the action of the management of SwangWashery of CCL in not regularizing the services of Sri BeniMadhav Yadav and 41 others as Plant Cleaning Mazdoor who have been performing the permanent and perennial job for the last several years is neither fair nor justified and the concerned workmen are entitled to regularization and accordingly the management of CCL is directed to regularize the services of the concerned workmen with retrospective effect with all consequential benefits within a period of 3 months from the date of the publication of the Award by the Central Government, Ministry of Labour & Employment, New Delhi. The reference is answered accordingly.

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 09/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/02/2017-आईआर(सी.एम-I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 09/2017**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/02/2017 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 09/2017

Parties:

Employer in relation to the management of Sijua Area

Of M/s. BCCL, Sijua, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- Sri Sunil Kumar Sinha, Representative.

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/02/2017 (IR(CM-I)) dated 02/06/2017 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Sijua, Dhanbad and their workman through Secretary, Rashtriya Mazdoor Union, Sijua, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL in awarding the punishment of termination to Shri Arjun Chauhan w.e.f. 21/1/1998 without conducting of fair enquiry is legal and justified, if not, to what relief the workman is entitled to and from which date?”

2. On receiving order no. L-20012/02/2017 (IR(CM-I)) dated 02/06/2017 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 09 of 2017 was registered on 12.06.2017 and

thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. Thereafter on 20.10.2017 Sri S.K. Sinha, Representative appeared and filed written statement for the workman and Sri D.K. Verma, Advocate appeared and filed his letter of authority for the management but thereafter workman failed to appear before this Tribunal till 17.11.2021. However Sri D.K. Verma appeared before this Tribunal. Thereafter on 24.12.2021 and 18.08.2021, Representative of the workman/union appeared but after that failed to appear. Though on 17.09.2025 Sri S.K. Sinha, Representative of the workman/union appeared and filed a petition stating therein that the concerned workman is not traceable after Covid-19 Pandemic. So case may be closed. Management has no objection.

4. As per petition dated 17.09.2025, his prayer is allowed and accordingly this case is hereby dismissed as withdrawn and it is further ordered that "No Dispute Award" be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 33/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/229/2003-आईआर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 33/2004**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/229/2003 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 33/2004

Parties:

Employer in relation to the management of Patherdih Colliery of

M/s. BCCL, Patherdih, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/229/2003-IR(C-I) dated 26/03/2004 has been pleased to refer the following dispute between the employer i.e. management of Patherdih of M/s. BCCL, Dhanbad and their workman through General Secretary, Bihar Colliery Kamgaar Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the Bihar of the Bihar Colliery Kamgar Union from the management of Patherdih Colliery for regularising Sh. Ganesh Rajak and 14 others (as per list) in T/R category is justified? If so to, what relief are the workmen entitled and from what date?”

2. On receiving order no. L-20012/229/2003-IR(C-I) dated 26/03/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 33 of 2004 was registered on 19.04.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It appears from the case record that this case is received from the Ministry for 15 workmen i.e. (Ganesh Rajak & 14 others) but on 29.03.2006 the Secretary of BCKU sponsoring union filed an application and withdrew the 12 names of workmen from this case. After that this case is running for only three concerned workmen namely Birbal Bauri, Guna Kar Mukherjee and Nisu Mahato. It further appears that after 2006 this case was put up after a long gap on 26.11.2021 and registered notices were issued to both the parties but both the parties failed to appear before this Tribunal. Though on 19.09.2025, Sri N. Nath, O.S. Legal HQ appeared for the management but workman/union again failed to appear. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 10/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/137/2005-आईआर(सी.एम-I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 10/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL. and their workmen** received by the Central Government on **17/12/2025**

[No. L-20012/137/2005 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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

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

Reference Case No. 10/2006**Parties:**

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

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-20012/137/2005-IR(C-I) dated 09/12/2005 has been pleased to refer the following dispute between the employer i.e. management of Kusunda Area of M/s. BCCL, Kusunda, Dhanbad and their workman through Vice President, Bihar Colliery Kamgar Union, Kusunda, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of the Bihar Colliery Kamgar Union from the management of Basuriya Colliery under Kusunda Area of M/s BCCL for regularizing Sri Deo Narayan Yadav personnel No. 02463858 Miner/Loader as Trammer is justified? If so, to what relief is the workman entitled and from what date?”

2. On receiving order no. L-20012/137/2005-IR(C-I) dated 09/12/2005 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 10 of 2006 was registered on 02.01.2006 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 20.12.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. Thereafter on 04.07.2025, Sri N. Nath, O.S Legal H.Q for the management appeared and again regd. Notice was also issued to workman/union but union/workman did not appear before this Tribunal. Though on 12.09.2025, Sri N. Nath, O.S. Legal H.Q appeared before this Tribunal but workman/union remained failed to appear.

4. On perusal of the entire case record it transpires that the workman never appeared before this Tribunal for a period of 19 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-1 के पंचाट (संदर्भ संख्या 115/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/169/2002-आईआर(सी.एम-1)]

सलोनी, उप निदेशक/लिंग अधिकारी

New Delhi, the 17th December, 2025

S.O. 2185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 115/2002**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/169/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 115/2002

Parties:

Employer in relation to the management of Jealgora Colliery
of M/s. BCCL, Jealgora, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-20012/169/2002-IR(C-I) dated 24/10/2002 has been pleased to refer the following dispute between the employer i.e. management of Jealgora Colliery of M/s. BCCL, Dhanbad and their workman through Executive Chairman, Bihar Mines Lal Jhanda Mazdoor Union, Bhowra, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या बिहार माइंस लाल झण्डा मजदूर यूनियन की भा.को.को.लि., जिआलगोरा कोलियरी के प्रबंधतंत्र से मांग कि श्री हरी हरिजन पंप ऑपरेटर कै.-V को वर्ष 1999 से कैट-VI का वेतन दिया जाए न्यायोचित एवं तर्कसंगत है? यदि हाँ तो कर्मकार किस राहत के पात्र हैं?”

2. On receiving order no. L-20012/169/2002-IR(C-I) dated 24/10/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 115 of 2002 was registered on 18.11.2002 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

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

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 72/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/301/2002-आईआर(सी.एम-I)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 72/2004**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**. and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/301/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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

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

Reference Case No. 72/2004**Parties:**

Employer in relation to the management of Bhuli Town

Administration of M/s. BCCL, Bhuli, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 10/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-20012/301/2002-IR(C-I) dated 02/07/2004 has been pleased to refer the following dispute between the employer i.e. management of Bhuli Town Administration of M/s. BCCL, Dhanbad and their workman through Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या राष्ट्रीय कोलियरी मजदूर संघ की भा को को लि, भूली टाउन ऐडमिनिस्ट्रेशन से माँग कि कर्मकार श्रीमती फुलमणी घटवारिन कि जन्म तारीख 1/5/1946 दर्ज की जाए उचित है? यदि हाँ तो क्या प्रबंधतंत्र द्वारा उन्हें दिनांक 30/4/2000 से सेवा निवृत्त किया जाए उचित एवं न्यायसंगत है? यदि नहीं तो संबंधित कर्मकार किस राहत की पात्र हैं?”

2. On receiving order no. L-20012/301/2002-IR(C-I) dated 02/07/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 72 of 2004 was registered on 12.07.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2007 this case was put up after a long gap on 20.12.2021 and registered notices were issued to both the parties but both the parties failed to appear before this Tribunal. Thereafter on 11.07.2025 again regd. Notices were sent to both the parties and on 19.09.2025, Sri N. Nath, O.S. Legal HQ appeared for the management but workman/union again failed to appear. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 142/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/29/2001-आईआर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 17th December, 2025

S.O. 2187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 142/2001**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **CCL** and **their workmen** received by the Central Government on **17/12/2025**.

[No. L-20012/29/2001 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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

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

Reference Case No. 142/2001**Parties:**

Employers in relation to the management of Swang Colliery

Of M/s. CCL, Swang, Bokaro

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 02/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/29/2001-C-I dated 18/24.05.2001 has been pleased to refer the following dispute between the employer i.e. management of Swang Colliery of M/s. CCL, Swang, Bokaro and their workman through Joint Secretary, Regional Committee CCL Janta Mazdoor Sangh, Ranchi for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of M/s CCL, Swang Colliery, in not considering Smt. Munwa Kamin, Cat. I Mazdoor for retirement under VRS (F) is justified? If not, to what relief is the workman concerned entitled?”

2. On receiving order no. L-20012/29/2001-C-I dated 18/24.05.2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 142 of 2001 was registered on 20.06.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It transpires from the case record, when the case record was put up after a long gap on 14.01.2021, registered notices were sent to both the parties but thereafter no step was taken from workman side. However Sri D.K. Verma, Advocate for the management appeared on 13.09.2021 and thereafter he remained present before this Tribunal. Second notice was also issued to workman/union on 11.07.2025 for appearance but the union/workman failed to appear before this Tribunal.

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

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2188.—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 (23/2007) प्रकाशित करती है।

[सं. एल-31012/3/2006-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 23/2007) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1* as shown in the Annexure, in the industrial dispute between the management of M/s Impex Kargo Kare and their workmen.

[No. L-31012/3/2006- 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-23 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-400001.

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-31012/3/2006(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 Nandkumar Kadam w.e.f. 04.04. 2006 is justified? If not, to what relief the workman Shri Nandkumar is entitled?”

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 (1) 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 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, 18 दिसम्बर, 2025

का.आ. 2189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कामराजर पोर्ट लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (18/2023) प्रकाशित करती है।

[सं. एल-33025/03/2023-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 18/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Kamarajar Port Ltd. and their workmen.

[No. L-33025/03/2023- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

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

ID No. 18/2023

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 18-11-2025

The General Secretary,
Tamil Nadu General Workers Union,
Kamarajar Port Moorink,
Thozhilalar Branch,
No.2/1, Kovoor Vaithyanathan Street,
Sindharipettai, Chennai – 600 002.

:

1st Party/Petitioner

AND

1. The Manager (Cargo),
Kamarajar Port Ltd., NCTPS Post,
Chennai – 600 120 : 2nd Party / 1st Respondent
2. The Managing Director,
M.S. Equinox Marinetec Service India Ltd,
Branch Office, Krishnapatinam,
Krishnapatinam Port Trade and Transport Terminal
Building, 2nd Floor, Room No.308,
P.O. Bag No.1, Muthukur Mandal,
SPSR Nellore (AP) – 524 344. : 2nd Party / 2nd Respondent

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-33025/03/2023-IR(B-II), dated 03.03.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand raised by Tamil Nadu General Workers Union vide letter dated 07.07.2021 against Kamarajar Port Limited, Chennai and M/s Equinox Marinetec Services India Limited, Chennai for compassionate appointment and terminal benefits to the legal heir of Late M. Ashok Kumar is legal, proper and justified? If yes, what other reliefs legal heir of Late M. Ashok Kumar is entitled to and what other directions, if any, are necessary in the matter?”

2. On receipt of the above reference dated 03.03.2023 from the appropriate Government, the dispute was registered as ID No. 18/2023 and due notices were issued to both the parties for their appearance fixing the case to 01.06.2023. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 01.08.2023, 14.07.2025 and 01.09.2025. The Petitioner did not turn up whereas the First Respondent under takes to file Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 03.03.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 28.10.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R2 was not present, whereas R1 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

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

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

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तमिलनाडु ग्राम बैंक (मुख्यालय) के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (19/2023) प्रकाशित करती है।

[सं. एल-12011/11/2023-आईआर(बी-I)]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Tamil Nadu Grama Bank (HQ), and their workmen.

[No. L-12011/11/2023- IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 19/2023

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 18-11-2025

Tamil Nadu Grama bank Workers Union,

O/o the Tamil Nadu Grama Bank,

Panamarathupatti-636 204 : 1st Party/Petitioner

AND

The Chairman,

Tamil Nadu Grama Bank (HO),

No.6, Hastampatti, Yercard Road,

Salem – 636 007. : 2nd Party / Respondent

Appearance:

For the 1st Party/Petitioner : None

For the Respondent : M/s. T.S. Gopalan & Co

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/11/2023-IR(B-I), dated 02.03.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand raised by Tamil Nadu Grama Bank Workers Union vide letter dated 12.07.2023 (copy enclosed) against the management of Tamil Nadu Grama Bank, Salem regarding over the issue of special pay (payment of head cashier allowance) to Office Assistants who perform the cashier duty as per the bipartite settlement is legal, proper and justified? If yes, what relief person concerned is entitled to and from which date and what other directions, if any, are necessary in the case?”

2. On receipt of the above reference dated 02.03.2023 from the appropriate Government, the dispute was registered as ID No. 19/2023 and due notices were issued to both the parties for their appearance fixing the case to 01.06.2023. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 01.08.2023, 14.07.2025 and 01.09.2025. The Petitioner did not turn up whereas the Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 02.03.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 28.10.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The Respondent was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

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

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

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसबीआई इंफ्रा मैनेजमेंट सॉल्यूशन प्राइवेट लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई- 1 के पंचाट (18/2023) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-142]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 18/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1* as shown in the Annexure, in the industrial dispute between the management of SBI Infra management Solution Pvt Ltd. and their workmen.

[No. L-12025/01/2025- IR (B-I)-142]

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-18 of 2023

Parties: Employers in relation to the management of

SBI Infra management Solutions Pvt Ltd,

Head Office, Raheja Chambers, Ground Floor,

Free Press Journal Marg,

Nariman Point,

Mumbai-400 021.

And

Devendra R. Hargunani,

BK No. 894, Room No.3, Bhagyalakmi Palace

Ulhasnagar, 2nd Floor, Section 20,

Thane-421003.

Maharashtra

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Goa, dated the 13th day of November, 2025.

AWARD

The present reference has been made by the Central Government by its order No. B.ALC©-i/8(13)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 Central Government is the appropriate Government under section 2(a) of the Industrial Dispute Act, 1947 and the Industrial Dispute raised by the applicant Shri Devendra R. Hargunani is maintainable or not?”

Whether Shri Devendra R. Hargunani is a workman or not as per the definition of workman under section 2(s) of the Industrial Disputes Act, 1947?

Whether the termination of Shri Devendra R. Hargunani is legal, fair and justifiable? If not, what relief he is entitled to?”

In view of the above said facts the claimant/workman has not filed 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 (1) 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, 18 दिसम्बर, 2025

का.आ. 2192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब और सिंध बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (38/2023) प्रकाशित करती है

[सं. एल-39025/01/2025-आईआर(बी-II)-42]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 38/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Punjab and Sind Bank and their workmen.

[No. L-39025/01/2025- IR (B-II)-42]

SALONI, Dy. Director

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI
ID No. 38/2023**

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 03-12-2025

General Secretary,
Punjab and Sind Bank Employees Union,
C/o Punjab and Sind Bank,
International Banking Division,
Dewa Tower, Ground Floor,
No.770-A, Anna Salai,
Chennai – 600 002.

: 1st Party/Petitioner

AND

The Zonal Manager,
Punjab and Sind Bank,
International Banking Division,
Dewa Tower, Ground Floor,
No.770-A, Anna Salai,
Chennai – 600 002.

: 2nd Party / Respondent

Appearance:

For the 1st Party/Petitioner :

None

For the Respondent :

M/s. K.J. Sivakumar, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 7/63/2022/B3/Adj/A1, dated 29.05.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

Whether the demand of the Union towards the insurance claim of Shri D. Venkatesan, Part Time Sweeper against the management of M/s Punjab and Sind Bank is legal and valid? If yes, to what relief the Union is entitle?

2. On receipt of the above reference dated 29.05.2023 from the appropriate Government, the dispute was registered as ID No. 38/2023 and due notices were issued to both the parties for their appearance fixing the case to 16.10.2023. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 18.07.2025, 04.09.2025 and 03.11.2025. The Petitioner did not turn up whereas the Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 29.05.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 25.11.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The Respondent was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (61/2024) प्रकाशित करती है।

[सं. एल-39025/01/2025-आईआर(बी-II)-43]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 61/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Canara Bank and their workmen.

[No. L-39025/01/2025- IR (B-II)-43]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 61/2024

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 26-11-2025

The Association for Regularized Daily Wagers,

No.1, Tamilnadu Housing Board,

Muthampalayam Housing Union,

Phase-IV, Rettaipallivasai Road,

Erode – 638 009

:

1st Party/Petitioner

AND

The Chairman,

Canara Bank, Head Office,

SPF & Gratuity Section,

No.6648 JC Road, Halsurepet,

Nagarathpete,

Bengalure – 560 002.

:

2nd Party / Respondent

Appearance:For the 1st Party/Petitioner :

None

For the Respondent :

M/s. R. Rajesh, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 7/18/2024/ B4/300044125/ADJ/A1, dated 11.09.2024 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

Whether the demands of the Association for Regularized Daily Wagers to consider the service period as daily wage workers be recognized and included in the calculation of terminal benefits is legal and justified? If not, to what relief the Association for Regularized Daily Wagers is entitled to?

2. On receipt of the above reference dated 11.09.2024 from the appropriate Government, the dispute was registered as ID No. 61/2024 and due notices were issued to both the parties for their appearance fixing the case to 16.12.2024. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.02.2025, 02.05.2025, 03.07.2025, 26.08.2025 and 21.10.2025. The Petitioner did not turn up whereas the Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 11.09.2024 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 20.11.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The Respondent was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

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

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

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (56/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-143]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 56/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Standard Charted Bank and their workmen.

[No. L-12025/01/2025- IR (B-I)-143]

SALONI, Dy. Director

ANNEXURE

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

CHENNAI

ID No. 56/2024

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 26-11-2025

The General Secretary,
Tamilnadu Bank Contract and Outsourced
Employees Association,
No.164, Linghi Chetty Street,
Singapore Plaza, Chennai – 600 001

: 1st Party/Petitioner

AND

1. The Manager,
Persolkelly India Pvt. Ltd.,
Sriram Samanthu Chambers,
No.3287, 12th Main Road,
HAL 2nd Stage, Indira Nagar,
Bengaluru – 560 038. : 2nd Party / 1st Respondent
2. The Manager HR,
Standard Chartered Bank,
Inizio, 6th Floor, Cardinal Gracias Road,
Chakala, Mumbai – 400 099 : 2nd Party / 2nd Respondent

Appearance:

- For the 1st Party/Petitioner : None
For the 2nd Party/1st Respondent : None
For the 2nd Party/2nd Respondent : M/s Priyadarshini Natarajan, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 7/50/2024/ B4/300076861/ ADJ/A1, dated 11.09.2024 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of M/s Persolkelly India P Ltd., a Contractor M/s Standard Chartered Bank in terminating the service of Shri N. Gajendran, a contract employee working as a Runner Boy in Standard Chartered Bank is fair, legal and justified? If not, to what relief Shri N. Gajendran represented by Tamilnadu Bank Contract & Outsourced Employees’ Association is entitled to?”

2. On receipt of the above reference dated 11.09.2024 from the appropriate Government, the dispute was registered as ID No. 56/2024 and due notices were issued to both the parties for their appearance fixing the case to 16.12.2024. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 17.02.2025, 02.05.2025, 03.07.2025, 26.08.2025 and 20.10.2025. The Petitioner did not turn up whereas the First Respondent files Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 11.09.2024 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 20.11.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R2 was not present, whereas R1 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

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

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

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फेडरल बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (58/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-1)-144]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 58/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Federal Bank and their workmen.

[No. L-12025/01/2025- IR (B-I)-144]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI
ID No. 58/2024
Present: SUSHIL KUMAR, PRESIDING OFFICER
Date: 26-11-2025

The President,
Tamilnadu Jewel Appraisers Association,
C/o Singapore Plaza,
No.164, Linghi Chetty Street,
Chennai – 600 001.

: 1st Party/Petitioner

AND

The Zonal Manager,
Federal Bank,
No.27/44, Fifth Floor,
Akshaya Shanthi, Anna Salai,
Border Thottam, Padupakkam,
Triplicane, Chennai – 600 002.

: 2nd Party / Respondent

Appearance:

For the 1st Party/Petitioner : None

For the Respondent : M/s. Harikrishnan, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 7/39/2024/B4/300062648/ADJ/A1, dated 11.09.2024 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

Whether the Corporate Jewel Appraisers engaged in Federal Bank are “Workmen” under Industrial Disputes Act? And

Whether the action of the Federal Bank management to disengage the services of Jewel Appraisers and to make a contract with M/s Phobos Gold Technologies Ltd is legal and justified?

If not, to what relief the Tamilnadu Bank Jewel Appraisers Association is entitled to?

2. On receipt of the above reference dated 11.09.2024 from the appropriate Government, the dispute was registered as ID No. 58/2024 and due notices were issued to both the parties for their appearance fixing the case to 16.12.2024. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further

adjournments to 17.02.2025, 02.05.2025, 03.07.2025, 26.08.2025 and 21.10.2025. The Petitioner did not turn up whereas the Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 11.09.2024 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 20.11.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The Respondent was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

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

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

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स सीआईएस ब्यूरो फैसिलिटी सर्विस प्राइवेट लिमिटेडके प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई- 1 के पंचाट (14/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-145]

सलोनी, उप निदेशक

New Delhi, the 18th December, 2025

S.O. 2196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 14/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1* as shown in the Annexure, in the industrial dispute between the management of M/s. CIS Bureaus Facility Service Pvt Ltd. and their workmen.

[No. L-12025/01/2025- IR (B-I)-145]

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-14 of 2024

Parties: Employers in relation to the management of

M/s. CIS Bureaus Facility Services Pvt. Ltd,

101, Kushwah Chambers Makwana Rd, Marol Andheri(East)

Mumbai-400 079.

And

Smt. Kunda Raju Jadhav,

Varsha Nagar, Vikhroli Park Side, Vikhroli(W)

Mumbai Suburban

Maharashtra-400 079

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Goa, dated the 13th day of November, 2025.

AWARD

The present reference has been made by the Central Government by its order No. B.ALC©-i/8(43)2022 dated 06/05/2024 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 any employer employee relationship exists between the Management of Sr. DCM, Western Railway, Central Office, Mumbai Central and these 3 workmen namely Smt. Kunda Raju Jadhav, Shri Bipin Shivram Kamble and Shri Jitendra Mebati? 2. Whether the action of termination from jobs of 3 workmen namely Smt. Kunda Raju Jadhav, Shri Bipin Shivram Kamble and Shri Jitendra Mebati by the Management of CIS Bureau Facilities Services Pvt. Ltd., (Contractor of Sr. DCM Western Railway, Central Office, Mumbai Central) is fair, legal and just? If not, what are the reliefs, they are entitled to?”

In view of the above said facts the claimant/workman has not filed 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 (1) 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

(हिन्दी अनुभाग)

नई दिल्ली, 18 दिसम्बर, 2025

का.आ. 2197.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, श्रम एवं रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है:

1. कर्मचारी भविष्य निधि संगठन, क्षेत्रीय कार्यालय, गुवाहाटी
2. कर्मचारी राज्य बीमा निगम चिकित्सा महाविद्यालय एवं अस्पताल, अंधेरी, मुंबई
3. कर्मचारी राज्य बीमा निगम अस्पताल, जाजमऊ (उत्तर प्रदेश)
4. कर्मचारी भविष्य निधि संगठन, क्षेत्रीय कार्यालय, बहरमपुर, पश्चिम बंगाल

[सं. ई-11016/1/2025-रा.भा.नी:]

अतनु कुमार चौधुरी, उपमहानिदेशक

(Hindi Section)

New Delhi, the 18th December, 2025

S.O. 2197.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended, 1987) the Central Government hereby notifies the following offices under the administrative control of the Ministry of Labour & Employment, more than 80% Staff whereof have acquired working knowledge of Hindi:-

1. Employees' Provident Fund Organization, Regional Office, Guwahati
2. Employees' State Insurance Corporation Medical College and Hospital, Andheri, Mumbai
3. Employees' State Insurance Corporation Hospital, Jajmau (Uttar Pradesh)
4. Employees' Provident Fund Organisation, Regional Office, Behrampur, West Bengal

[No. E-11016/1/2025-RBN]

ATANU KUMAR CHOWDHURY, Dy. Director General

नई दिल्ली, 19 दिसम्बर, 2025

का.आ. 2198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 धनबाद के पंचाट (186/2001) प्रकाशित करती है।

[सं. एल-12011/106/2011-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 19th December, 2025

S.O. 2198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 186/2001) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of Allahabad Bank their workmen.

[No. L-12011/106/2011- IR (B-II)]

SALONI, Dy. Director

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

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

Reference Case No. 186/2001

Parties:

Employers in relation to the management of Allahabad Bank, Patna

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- None.

For the workman :- None.

State : Bihar.

Industry:-Bank

Dated 02/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-12011/106/2001 (IR(B-II)) dated 27/08/2001 has been pleased to refer the following dispute between the employer i.e. management of Allahabad Bank, Patna and their workman through General Secretary, Allahabad Bank Karmachari Sangh, Bihar for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Allahabad Bank, Patna in withdrawing two graduation increments granted to Prashant Chandra Jha, Clerk-cum-Cashier and their move to recover the amount of increments, which were already paid to him for last seven years was justified? If not, what relief the workman is entitled to?”

2. On receiving order no. L-12011/106/2001 (IR(B-II)) dated 27/08/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 186 of 2001 was registered on 21.09.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 17.09.2021, registered notices were sent to both the parties but even thereafter no step was taken from both sides. Thereafter notice of the management is returned with endorsement “Left”.

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

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2025

का.आ. 2199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (39/2015) प्रकाशित करती है।

[सं. एल-12012/89/2014-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 19th December, 2025

S.O. 2199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 39/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Indian Bank and their workmen.

[No. L-12012/89/2014- IR (B-II)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/39/2015****Present: P.K.Srivastava****H.J.S.(Retd.)****Rakesh Kumar Sondhiya,****H. No. 1023, Telegraph Gate No.4,****Sai Baba Mandir Colony, Dani Patel Ka Bada,****Jabalpur (M.P.)****Workman****Versues****The Branch Manager,****Indian Bank, Krishi Upaj Mandi Branch,****Jabalpur, Distt. Jabalpur (M.P.)****Management****(JUDGMENT)****(Passed on this 19th day of November - 2025)**

As per letter dated 08/04/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-12012/89/2014-(IR(B-II))** dt. 08/04/2015. The dispute under reference relates to:

“Whether the action of the Management of Allahabad Bank in terminating the services of workman Shri Rakesh Kumar Sondhiya, Ex-Daily Rated Employee is legal and justified? If not so, to what relief the workman is entitled to?”

Notices were issued to both the parties. They appeared and filed their respective statement of claim and defense.

Case of the Workman is mainly that, he was employed with the Lalmati Branch of the Allahabad Bank as a daily rated worker from 01.03.2001 and worked continuously and regularly till 31.03.2012. Thereafter, he was transferred to Krishi Upaj Mandi Branch and worked there from 01.04.2012 to 08.10.2013 continuously and regularly for more than 240 days in every year. His services were terminated by Management without any notice or compensation which is in violation of Section 25F and 25G of the Act by putting him 14 years continuously with Bank as its daily rated employee, he matured a right to permanent status and regularization. According to the Workman this action of Management is unjust, illegal and arbitrary. He raised a dispute in this respect with Labour Commissioner, which could not be conciliated, hence this reference. He has prayed that holding the termination of his services by Bank is illegal, he be held entitled to be reinstated with back-wages and benefits. Also, to permanent status and be regularized.

Case of the Management is mainly that, the Workman was never appointed by them in any capacity following any recruitment process against any sanctioned vacancy. Hence, he cannot be treated as a workman as defined under the Act. Hence there is no question of termination of his services. The Management has requested that the reference be answered against the Workman because according to himself he was a daily wage earner, who was engaged on an ad-hoc basis. He was not obliged to report on duty on next day.

In his rejoinder, the Workman has mainly reiterated his case. In evidence, the workman has filed photocopy of his petition filed before Assistant Labour Commissioner (Central) raising a dispute against termination of his services, photocopy of Dispatch Register from 05.04.2011 to 04.05.2011, photocopy of daily vouchers registers from 01.10.2012 to 31.08.2013, photocopy Peon Book from 01.02.2013 to 07.03.2013, a letter dated 02.12.2013. He also

filed his affidavit as his examination-in-chief, on which he has been cross-examined. The Workman further filed an application on 18.07.2019 with affidavit seeking production of documents mention in the application from Management which was granted after hearing vide order dated 18.07.2019. The Management did not comply the said order. The workman proved these documents by way of secondary evidence for which he was permitted by this Tribunal. The Workman also filed one C.D. with respect to conversation between him and the Branch Manager on 31.03.2013 and different dates to show that he was working with the Bank. He also further filed judgment of Family Court and decree in Divorce Case as well statement of his wife in the Divorce Case showing that he was working with the Bank.

The Allahabad Bank merged with the Indian Bank hence, the Indian Bank has been substituted in place of Allahabad Bank during the proceeding.

He filed affidavit of Tarun Kumar Chauhan said to be his co-worker as his examination in chief, who was cross-examined by Management. During proceedings, the Allahabad Bank merged with Indian Bank. The Indian Bank has filed affidavit of its witness Gopal Jee Mishra as his examination-in-chief. He has been cross-examined by Workman side. Management has filed circular regarding recruitment of sweepers full-time and part-time.

I have heard arguments of Learned Counsel for the Workman Mr. Amit Choudhary and Mr. Neeraj Kewat Learned Counsel for Management. Parties were given opportunity to file Written Arguments also, but written submissions have not been filed. I have gone through the record as well.

On perusal of record in the light of rival arguments following issues arise for determination:

1. ***Whether, the Workman has successfully proved his engagement for 240 days in every year as claimed by him and in the year preceding the date of his termination?***
2. ***Whether, the termination of services of the Workman by Bank is just, legal and proper?***
3. ***Subject to finding on Issue No.1 and 2, whether the Workman is entitled to any relief?***

Issue No. 1:

Pleadings of the parties have already been detailed on this issue. The Workman has corroborated his case on this issue in his statement on oath and procedure. His this statement is further corroborated by the proved photocopies of documents, particularly Dispatch Registers Exhibit W-3 for the period 08.10.2012 to 31.02.2013 and copy of Peon Book from 01.02.2013 to 22.06.2013 which shows that he worked for more than 240 days during this period. According to him, he was disengaged by Management on 08.10.2013.

There is nothing on record to discredit these documents. On the other hand, the Management witness has also admitted in his cross-examination that that, the Workman was working as a daily casual wager from March, 2001 to 08.10.2013, but has further stated that he did not complete 240 days in any year. He further states that he was posted in the Lal Mati and Krishi Upaj Mandi Branches. He has stated these facts on his personal engagement for the period he was posted in the Bank and for remaining period he has stated on the basis of information received by other colleagues who were posted in the Bank.

In the light of above discussion and description of evidences, the evidence from the side of the Workman is found and held more reliable on this issue accordingly. ***The workman is held to have proved successfully his engagement for 240 days and more in the year preceding the date of his termination.***

Issue No.1 is answered accordingly.

Issue No. 2 :-

Section 25F and 25G is being reproduced as follows:

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

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

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

25G. Procedure for retrenchment.- Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the

workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

It is the case of the Workman that no notice before his retrenchment was given by Bank nor was he given any compensation as required under the Act. This is not disputed by Management. Hence, the action of Management in retrenching the Workman without notice or compensation is held in violation of the Act.

Issue No. 2 is answered accordingly.

Issue No. 3 :-

In the light of findings in Issue No. 1 and 2 it is submitted by Learned Counsel for the Workman that, the Workman has been engaged for 14 years as a daily wager, he was not considered for regularization which is itself unfair labour practice as defined under the Section 2(r)(a) of the Act and is prohibited under Section 27 of the Act. He further submits that his appointment may waist be irregular and not illegal because it not established that he was not qualified for the post of peon/ sweeper for which he was working.

On the other hand, Learned Counsel for Management Bank has submitted that, according to the Banks circular part-time/full-time sweepers/peon in the Branches are appointed by Zonal Heads. In this case, he appointed by Branch Manager who was not with an authority to appoint him. This circular is for regular appointment. It is established that the Workman working as Daily wager/Casual labour for 14 years in the Bank engaged for sweeping for cleaning and peon works as it is established from his statement. The very act of engaging the Badli/Casual Labours for a job of Cleaning/ Peon work which of permanent and perennial nature in the Bank as it is always required, is unfair labour practice as defined under Section 2 (zo) of the Code read with Clause 1 (10) of the Second Schedule as applicable on part of employers which is prohibited under Section 84 of the Code adopted by Management.

The Criminal consequences of Unfair Labour Practice are mentioned in the act itself, but its Civil consequences are not provided in the Act. This Tribunal is well within its powers to undo the Civil consequences of such an act.

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

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

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

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

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

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

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

- **Denial of Basic Rights and Benefits:-** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of

social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.”

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

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

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

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

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

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

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

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

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

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms."

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

AWARD

Holding the action of the Management of Bank in terminating the services of workman Shri Rakesh Kumar Sondhiya, Ex-Daily Rated Employee is illegal and unjustified, he be held entitled to be reinstated without back-wages.

Holding that the management of Bank has adopted unfair labour practice with respect to the applicants by taking work from the applicant for years as a casual employee on contract when the vacancy is of permanent nature and is still available, the management of Bank is directed to initiate a fair and transparent process for recruitment for the position on which, the applicant has been working, within six months from the date of award Applicant shall be granted age relaxation for the period he has worked with Bank as a casual employee. The management of Bank shall expedite all necessary administrative processes to ensure that long time employees are not indefinitely retained on contractual assignments or through outsourcing, contrary to statutory and equitable norms.

No order as to cost.

DATE:- 19/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 दिसम्बर, 2025

का.आ. 2200.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 धनबाद के पंचाट (46/2020) प्रकाशित करती है।

[सं. एल-12011/40/2020-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 19th December, 2025

S.O. 2200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 46/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1,Dhanbad* as shown in the Annexure, in the industrial dispute between the management of **UCO Bank** their workmen.

[No. L-12011/40/2020- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 46/2020

Parties:

Employer in relation to the management of UCO Bank,
Zonal Office, Bhagalpur.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- None.

For the workman :- Sri N.N. Choudhary, Representative.

State : Jharkhand.

Industry:-Bank

Dated 10/12/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-12011/40/2020 (IR(B-II)) dated 13/11/2020 has been pleased to refer the following dispute between the employer i.e. management of UCO Bank, Zonal Office, Bhagalpur and their workman through President, INTUC District Council Bhagalpur, Ghantaghar Chowk, Bhagalpur for adjudication by this Tribunal:

SCHEDULE

“Whether the demand of INTUC Union regarding appointment of Shri Dinkar Kumar Dubey S/o late Subodh Chandra Dubey, Clerk in UCO Bank, Dhoraiya Branch, District Banka on compassionate ground is justified? If so, what directions are necessary in this respect?”

2. On receiving order no. L-12011/40/2020 (IR(B-II)) dated 13/11/2020 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 46 of 2020 was registered on 11.12.2020 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. Thereafter on 09.09.2025, Sri N.N. Choudhary, Representative for the workman appeared and filed a petition stating therein that the workman Subodh Chandra Dubey has received the ex-gratia payment from the bank as such the workman and union do not want to proceed with this dispute further and requested to close this dispute.

4. As per petition dated 09.09.2025, his prayer is allowed and accordingly this case is hereby dismissed as withdrawn and it is further ordered that “No Dispute Award” be drawn up in respect of the above reference case. Let the copies of Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

SACHINDRA KUMAR PANDEY, residing Officer

नई दिल्ली, 19 दिसम्बर, 2025

का.आ. 2201.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (10/2019) प्रकाशित करती है।

[सं. एल-12011/03/2019-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 19th December, 2025

S.O. 2201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/03/2019- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 10/2019

Ref. No. L-12011/03/2019-IR(B-II) dated: 26.02.2019

BETWEEN

The General Secretary, Central Bank Employees Association, UP, Central Office, D-75, Sector-D, LDA Colony,
Kanpur Road, Lucknow-226012

AND

1. The Senior Regional Manager,
Central Bank of India, Regional Office, 73, 1st Floor, Hazratganj
Lucknow-226001
2. The Branch Manager, Central Bank of India, Sikanderpur, Hardoi.

AWARD

By order No. L-12011/03/2019-IR(B-II) dated: 26.02.2019 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the action of Management of Central Bank of India, Lucknow conducting Department enquiry in respect of Sri Pankaj Kumar Kashyap, Head Cashier & awarding the punishment. transferring the workman is well with the parameter of the Bipartite Settlement applicable to the Bank Industries? If not, to what relief the workman concerned is entitled to?"

Accordingly, an industrial dispute No. 10/2019 has been registered on 03.04.2019.

On 02.04.2019 claimant filed claim statement with following prayer:

(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned suspension order dated 13.09.2017, the Charge Sheet dated 10.01.2018 as well as proceeding of Departmental Enquiry and impugned punishment order dated 10.10.2018.

(ii) Issue a writ, order or direction in the nature of mandamus commanding directing the opposite parties to pay the arrears of salary and increment with interest @ 18% per annum.

(iii) Issue a writ, order or direction to allow the chance of promotion with retrospective date to the workman which he deprived illegal suspension.

(iv) Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit, just and proper in the interest of justice.

(v) Allow the writ petition with costs."

On behalf of the respondent statement of defense filed on 25.09.2023 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit

Accordingly heard learned counsel for respondent and gone through the records.

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 (1) 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 rejoinder/affidavit (examination-in-chief) 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.

Lucknow.

17th October, 2025

Justice ANIL KUMAR, Presiding Officer

Let two copies of this award be sent to the Ministry for publication.

नई दिल्ली, 19 दिसम्बर, 2025

का.आ. 2202.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचात (13/2018) प्रकाशित करती है।

[सं. एल-12012/81/2017-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 19th December, 2025

S.O. 2202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 13/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12012/81/2017- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT

LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 13/2018

No. L-12012/81/2017-IR(B-II) dated 16.01.2018

BETWEEN

Sh. Rajan Tiwari S/o Sh. Krishnanand Tiwari,

Vill. & PO: Paraspur, Gonda (UP)

Vs

1. The Chief Manager/Circle Head, Punjab National Bank, Divisional Office, Devkali Road, Janpad Faizabad Faizabad

2. The Zonal Manager,

Punjab National Bank, D/o Human Resources Development, Divisional Office, Devkali Raod, Reidganj, Faizabad

AWARD

By order No. L-12012/81/2017-IR(B-II) dated 16.01.2018, the Central Government, the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the Act) referred this industrial dispute for adjudication with following schedule:

“Whether the action of the Management of Chief Manager/Circle Head, Punjab National Bank, Divisional Office, Faizabad and Zonal Manager, Faizabad in termination of Shri Rajan Tiwari, s/o Shri Krishnanand Tiwari, Gonda from 10/04/2017 alleged to be working from 02/03/2015 is Legal and justified? If not, what relief he is entitled to?”

In response to the same claimant, Rajan Tiwari filed his statement of claim on 23.04.2018, stating therein that he was appointed on the post of Safai Karmi in the Kaiser Gaj Branch, of Punjab National Bank on 02.03.2015 and continued as such up to 10.04.2017.

It is alleged by the workman that the services of the workman was retrenched w.e.f. 10.04.2017 without complying with the mandatory provisions of Section 25 F of the Industrial Disputes Act, 1947 i.e. without notice or notice pay in lieu thereof or any retrenchment compensation since he has worked for more than 240 days in a year.

Accordingly, the workman has prayed that his retrenchment/termination be declared illegal and he be reinstated with consequential benefits including full back wages.

The management of the Punjab National Bank has filed its written statement; wherein it has denied the claim of the workman and taken preliminary objection that claimant is not a ‘workman’ as defined in Section 2 (s) of the Industrial Disputes Act, 1947. No employer -employee relationship exists between the Bank and the claimant, as such, the reference is not maintainable

On 29.10.2018 rejoinder affidavit has been filed, reiterating facts already stated in the statement of claim.

Thereafter, documents and evidence has been exchanged between the parties.

Finding & conclusion:

I have heard learned counsel for parties and gone through the record.

First point to be considered in the present case, as per objection taken by the respondent in their written statement whether Sri Rajan Tiwari falls within the definition of ‘workman’ as given in the section 2 (s) of the Act or not?

From perusal of the records the position which emerged out that in the claimant has been engaged by the opposite party Bank for cleaning purposes in the Kaiserganj, Faizabad branch of the Punjab National Bank.

Keeping into consideration the above said facts and definition of workman given in section 2 ‘s’ of the Act and in view of the following judgement:

a) *All India Reserve Bank Employees Association Versus Reserve Bank of India reported in AIR 1966 SC 305.*

b) *H.R. Adyanthaya & others Versus Sandoz India Ltd. reported in (1994) 5 SCC 373.*

c) *C.G. Gupta Versus Glaxo Smith Klin Pharmaceutical Limited reported in (2007) 7 SCC 171.*

d) *Chauharya Tripathi & others Versus L.I.C. of India & others reported in 2015 (7) SCC 263.*

e) *Om Carrying Corporation Versus Tilock Narang & others reported in 2016(148) FLR 915.*

f) *T. Bobby Francis Versus Lucy Varghese & others reported in 2016(149) FLR 866.*

g) *agdish Prasad Sharma Versus Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurugram & another reported in 2023 (178) FLR 565.*

- h) *M/s. S.K. International & another Versus Ashok Tanaji Tambe & another reported in 2024 (180) FLR 994.*
 - i) *M/s S.K. International & another v. Ashok Tanaji Tambe & another 2024 (180) FLR 994.*
 - j) *M/s. Bharat Airtel Limited Versus A.S. Raghavendra passed in Civil Appeal No.5187 of 2023 (2024 INSC 265).*
 - k) *Godrej and Boyce Manufacturing Company Ltd. Vs. Shivkranit Kamgar Sanghatana & others 2024 LLR 492.*
- wherein it is held that a person working as part time worker is 'workman'.

Accordingly, keeping in view the above said facts, it is crystal clear that workman/Rajan Tiwari falls within the definition of 'workman' as given u/s 2 's' of the Act, so, preliminary objection taken by the respondent has got no force, rejected.

Now, the next point to be considered is whether the services of workman has been terminated in violation of provisions of section 25 F of the act or not? Once he had worked for more than 240 days continuously in last 12 months preceding the date of alleged termination.

In order to decide the same it will be appropriate to have a glance to the provisions of section 25 F of the Act, which reads as under:

"25F. Conditions precedent to retrenchment of workmen.--

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

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

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

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

A perusal of [Section 25-F](#) of the Act reveals that in order to claim the benefit of [Section 25-F](#), the workman needs to prove that she has been in continuous service for not less than one year from the date of his retrenchment. [Section 25B](#) of the Act stipulates that a person who has worked for a period of 240 days in the preceding year is deemed to be in continuous service for a period of one year. The relevant extract from Section 25B is produced below for reference:

"25B. Definition of continuous service.

For the purposes of this Chapter:

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

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

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

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

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

Taking into consideration the above said facts, next point to be considered that whether the worker has worked for more than 240 days in last preceding twelve months from the date of alleged termination. 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 judgment of [R.M. Yellatti v. Asstt. Executive Engineer, \(2006\) 1 SCC 106](#); 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 aforesaid judgments, we find that this Court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. 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."

These principles were reiterated by the Hon'ble Supreme Court in [Krishna Bhagya Jala Nigam Ltd. v. Mohd. Rafi](#), (2009) 11 SCC 522, and the law on this subject was traced as under in paragraphs 8 to 10 which are reproduced as under:-

"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 v.S.T. Hadimani](#) [(2002) 3 SCC 25]. No proof of receipt of salary or wages for 240 days or order or record in that regard was produced. Mere non-production of the muster roll for a particular period was not sufficient for the Labour Court 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 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."

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.

In light of the law laid down by the Hon'ble Supreme Court, now the question to be examined is whether the workman/applicant discharged his burden of proving that he was in continuous employment for at least 240 days in the year preceding his date of retrenchment or not?

In this regard on behalf of workman has filed statement of his bank account from 16.04.2015 to 07.04.2017, which reflects credit of salary into his account on monthly basis. Apart from this the details of payment attached by the

Bank with evidence on affidavit (examination-in-chief) of Sri Govind Prasad, Chief Manager, (HR) PNB, HRD Department, Circle Office: Sitapur dated 24.03.2023, itself reveals details of payment/working days in the past 12 calendar months from the date of alleged termination, as under:

S. No.	Month	No of days worked
1.	April, 2016	20
2.	May, 2016	21
3.	June, 2016	24
4.	July, 2016	22
5.	August, 2016	22
6.	September, 2016	20
7.	October, 2016	20
8.	November, 2016	24
9.	December, 2016	24
10.	January, 2017	23
11.	February, 2017	14
12.	March, 2017	23
	Total	257 days

Accordingly, it is crystal clear from the statement on affidavit dated 24.03.2023 (examination-in-chief) of management witness viz. Sri Sri Govind Prasad, Chief Manager, (HR) PNB, HRD Department, Circle Office: Sitapur that the workman, Rajan Tiwari worked for 257 days in 12 calendar months preceding the alleged date of termination; and was paid accordingly.

Thus, in view of the said facts and evidence it clearly establishes that the applicant/workman has worked and discharged his duties for more than 240 days in the preceding twelve months prior to the date of termination/retrenchment of his services.

Accordingly, question which is to be considered that what relief the workman/applicant is entitled?

Answer to the said question finds place in the judgment of the Hon'ble Madhya Pradesh High Court in its judgment and order dated 4.4.2024 passed in the case of **Chief Medical & Health Officer Versus Umrao Singh 2024 (182) FLR 882** has held as under:-

"4. Considered the submissions made by counsel for parties.

5. The Supreme Court in the case of Bharat Sanchar Nigam Limited Vs. Bhurumal, reported in (2014) 7 SCC 177 has held as under:-

"33. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or mala fide and/or by way of victimisation, unfair labour practice, etc. However, when it comes to the case of termination of a daily-wage worker and where the termination is found illegal because of a procedural defect, namely, in violation of [Section 25-F](#) of the Industrial [Disputes Act](#), this Court is consistent in taking the view that in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious."

6. The Supreme Court in the case of Jayant Vasantrao Hiwarkar Vs. Anoop Ganpatrao Bobde and others reported in (2017)11 SCC 244 has upheld the grant of compensation in lieu of reinstatement as the respondent had merely worked for a period of one year.

7. The Supreme Court in the case of Hari Nandan Prasad and another Vs. Employer I/R to Management of Food Corporation of India and another, reported in (2014) 7 SCC 190 has held as under:-

"19. The following passages from [the said judgment](#) would reflect the earlier decisions of this Court on the question of reinstatement: (BSNL case, SCC pp. 187-88, paras 29-30)

"29. The learned counsel for the appellant referred to two judgments wherein this Court granted compensation instead of reinstatement. In *BSNL v. Man Singh*, this Court has held that when the termination is set aside because of violation of [Section 25-F](#) of the Industrial Disputes Act, it is not necessary that relief of reinstatement be also given as a matter of right. In [Incharge Officer v. Shankar Shetty](#), it was held that those cases where the workman had worked on daily-wage basis, and worked merely for a period of 240 days or 2 to 3 years and where the termination had taken place many years ago, the recent trend was to grant compensation in lieu of reinstatement.

30. In this judgment of *Shankar Shetty*, this trend was reiterated by referring to various judgments, as is clear from the following discussion: (SCC pp. 127-28, paras 2-4)

"2. Should an order of reinstatement automatically follow in a case where the engagement of a daily-wager has been brought to an end in violation of [Section 25-F](#) of the Industrial Disputes Act, 1947 (for short "the ID Act")? The course of the decisions of this Court in recent years has been uniform on the above question.

3. In *Jagbir Singh v. Haryana State Agriculture Mktg. Board*, delivering the judgment of this Court, one of us (R.M. Lodha, J.) noticed some of the recent decisions of this Court, namely, *U.P. State Brassware Corpn. Ltd. v. Uday Narain Pandey*, *Uttaranchal Forest Development Corpn. v. M.C. Joshi*, *State of M.P. v. Lalit Kumar Verma*, *M.P. Admn. v. Tribhuban*, *Sita Ram v. Moti Lal Nehru Farmers Training Institute*, *Jaipur Development Authority v. Ramsahai*, *GDA v. Ashok Kumar and Mahboob Deepak v. Nagar Panchayat, Gajraula* and stated as follows: (*Jagbir Singh* case, SCC pp. 330 & 335, paras 7 & 14)

"7. It is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.

14. It would be, thus, seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of [Section 25-F](#) although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily-wagers has not been found to be proper by this Court and instead compensation has been awarded. This Court has distinguished between a daily-wager who does not hold a post and a permanent employee."

21. We make it clear that reference to *Umadevi*, in the aforesaid discussion is in a situation where the dispute referred pertained to termination alone. Going by the principles carved out above, had it been a case where the issue is limited only to the validity of termination, Appellant 1 would not be entitled to reinstatement....."

8. The Supreme Court in the case of [O.P. Bhandari Vs. Indian Tourism Development Corporation Limited and others](#) reported in (1986) 4 SCC 337 has held as under :-

"6. Time is now ripe to turn to the next question as to whether it is obligatory to direct reinstatement when the concerned regulation is found to be void. In the sphere of employer- employee relations in public sector undertakings, to which [Article 12](#) of the Constitution of India is attracted, it cannot be posited that reinstatement must invariably follow as a consequence of holding that an order of termination of service of an employee is void. No doubt in regard to "blue collar" workmen and "white collar" employees other than those belonging to the managerial or similar high level cadre, reinstatement would be a rule, and compensation in lieu thereof a rare exception. Insofar as the high level managerial cadre is concerned, the matter deserves to be viewed from an altogether different perspective -- a larger perspective which must take into account the demands of National Interest and the resultant compulsion to ensure the success of the public sector in its competitive co-existence with the private sector. The public sector can never fulfil its life aim or successfully vie with the private sector if it is not managed by capable and efficient personnel with unimpeachable integrity and the requisite vision, who enjoy the fullest confidence of the "policy-makers" of such undertakings. Then and then only can the public sector undertaking achieve the goals of (1)

- maximum production for the benefit of the community,*
 (2) *social justice for workers, consumers and the people, and*
 (3) *reasonable return on the public funds invested in the undertaking.*

7. It is in public interest that such undertakings or their Boards of Directors are not compelled and obliged to entrust their managements to personnel in whom, on reasonable grounds, they have no trust or faith and with whom they are in a bona fide manner unable to function harmoniously as a team working arm-in-arm with success in the aforesaid three-dimensional sense as their common goal. These factors have to be taken into account by the court at the time of passing the consequential order, for the court has full discretion in the matter of granting relief, and the court can sculpture the relief to suit the needs of the matter at hand. The court, if satisfied that ends of justice so demand, can certainly direct that the employer shall have the option not to reinstate provided the employer pays reasonable compensation as indicated by the court."

9. The Supreme Court in the case of *Ghaziabad Development Authority Vs. Ashok Kumar*, reported in (2008) 4 SCC 261 has held that statutory authorities are obligated to make recruitments only upon compliance of Articles 14 and 16 of the Constitution of India. Any appointment in violation of the said constitutional scheme as also the statutory recruitment rules, if any, would be void and, under these circumstances, it was held at Workman is entitled for compensation in lieu of reinstatement.

10. The Supreme Court in the case of *Mahboob Deepak Vs. Nagar Panchayat*, reported in (2008) 1 SCC 575, has held that merely because an employee has completed 240 days of work in a year preceding the date of retrenchment, the same would not mean that his services were liable to be regularized. At the most, interest of justice will be subserved if payment of sum of Rs.50,000/- by way of damages is made to the Workman.

11. Similar law has been laid down by the Supreme Court in the case of *Uttar Pradesh State Electricity Board Vs. Laxmi Kant Gupta*, reported in 2009(16) SCC 562, *Senior Superintendent Telegraph Vs. Santosh Kumar Seal*, reported in 2010(6) SCC 773, *Assistant Engineer Rajasthan Development Vs. Gitam Singh*, reported in 2013(5) SCC 136."

Accordingly, in view of the facts of the present case, as well as law referred hereinabove, it is clear that retrenchment/termination of service of workman is in contravention to the provisions of Section 25-F of the Industrial Disputes Act. Thus, he is entitled for compensation and not for reinstatement.

Further in the present case, the workman Rajan Tiwari was engaged as casual employee on 03.03.2015 and his services were terminated/retrenched on 10.04.2017. So, taking into consideration the facts of the case, the workman is not entitled for reinstatement in services; rather it will be appropriate to award a compensation of sum of Rs. 1.50 Lakhs (Rupees One Lakh Fifty Thousand only) to the workman/applicant against the respondents.

AWARD

For the foregoing reasons the workman/applicant is only entitled for compensation of sum of Rs. 1.50 Lakhs (Rupees One Lakh Fifty Thousand only) and the same should have be paid to the applicant within a period of three months by the respondents from the date of publication of the award.

And workman is not entitled for reinstatement in services.

LUCKNOW.

24th October, 2025

Justice ANIL KUMAR, Presiding Officer

Let two copies of this award be sent to the Ministry for publication.

नई दिल्ली, 19 दिसम्बर, 2025

का.आ. 2203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (16/2022) प्रकाशित करती है।

[सं. एल-39025/01/2025-आईआर(बी-II)-44]

सलोनी, उप निदेशक

New Delhi, the 19th December, 2025

S.O. 2203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 16/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen.

[No. L-39025/01/2025- IR (B-II)-44]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW.****I.D. No. 16/2022****Ref. No.K-10/3-5/2021-IR Dated: 11.05.2022.****Shri Arvind Kumar S/o Shri Kanhaiya Prasad,**

Village & Post Hirapatti, Kendriya Vidyalaya Road,

In front of Shivam General Store,

Distt. Azamgarh-276001

.....

Appellant**Versus****1- The Regional Manager, Union Bank of India,**

Regional Office, 328, Civil Lines, Azamgarh - 276001

2- The Branch Manager, Union Bank of India,

Anwarganj Branch, Azamgarh-276001

.....

Respondents**AWARD**

By order No.K-10/3-5/2021-IR Dated: 11.05.2022, the present Industrial Dispute has been referred for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether the action of the management of Union Bank of India, Azamgarh over alleged illegal termination of the services of Shri Arvind Kumar S/O Shri Kanhaiya Prasad, Safaikarmi w.e.f. June, 2014, is legal and justified ? If not, to what relief the concerned workman is entitled to and from which date?"

Accordingly, the present I.D case no. 16/2022, registered before this tribunal.

SUBMISSION ON BEHALF OF WORKMAN

Shri Vijay Vikram Advocate, on behalf of workman, on the basis of pleading in the written statement submits as under:-

1- Union Bank of India is one of Public Sector Banks and the Opposite Parties are field functionaries of the Bank.

2- In each branch there is a post of House keeper cum peon and the person posted temporarily or permanently is to clean and sweep the premises and its furniture, serving drinking water to customers and staff in the Branch, maintaining the daily vouchers, maintaining stationeries items, opening and closing of Branch on day to day basis, and helping the cashier in preparing the cash packets and its bundles.

3- In terms of awards/settlements the opp.parties may employ permanent staff, probationary staff, temporary staff and part time staff for working in the Bank. There is no provisions for engaging casual/daily wage employees in vacancies or in need.

4- The post of Sweeper was vacant on permanent basis w.e.f. 01/01/2010 at Anwarganj Branch under the control of Opp.party No. 1 in Azamgarh Region. The Bank however converted all the sweepers to post of House Keeper cum Peon w.e.f. 01/04/2011 and thus abolished the post of Sweepers as per circulated the policy vide its staff circular No. 5746 dated 30/03/2011.

5- In terms of para 20.7 and 20.8 of Bipartite Settlement 1966, the Bank is required to fill up the vacancy within 90 days of the vacancy through regular recruitment with preference to temporary employees. The Opp.parties did not implement provisions with mala fide intention.

6- The Opp.parties engaged the applicant in the permanent vacancy of sweeper w.e.f. 01/01/2010 and paid wages at the rate of Rs.50/- per day initially in most arbitrary and unfair manner although the services of the applicant were utilized for full day to perform the duties of sweeper as well as of peon..

7- The applicant worked for 240 days and even more in every consecutive twelve months with regular payment of wages for more than four years.

8- The applicant continued to remind the opp.party No. 2 to pay more salary and to regularize the services as he has all required qualification for the post. The Opp.Party No. 2 used to assure but of no use.

9- The Opp.Parties in June, 2014 verbally asked the applicant not to come to Branch to work and engaged another person.

10-The Opp.party No. 1 made recruitment during the year 2013 and the applicant appeared in interviewed but not appointed. In terms of provision of Bipartite settlement of year 1966 the applicant was to be preferred for employment. Thus the Opp.party No. 1 has committed unfair labour practice as defined in fifth schedule of 1.D.Act passed by our Parliament.

11-The Opp.party No. 1 had made recruitment process for the posts in year of 2014 in terms of the settlement in Bank in the year of 2013. The applicant was interviewed on 02/08/2014 but till date the Opp.party has not declared the result although in most of Regional Offices the process have been completed in year of 2014-15 with preference to temporary/casual/daily wage employees.

12-The applicant sought the intervention of Conciliation Authority and finally the case is now before your Hon'able Court for further adjudication as per reference of schedule.

13-The opp.parties have not implemented the para 20.7, 20.08 and other para of Bipartite Settlement of 1966 and thus have committed unfair labour practice as defined in para 13 of fifth schedule of I.D.Act.

14-The Opp.parties by not giving the status of temporary employment with their malafide intention to exploit the applicant and to keep him deprived with the benefits available to regular employee for performing same and similar types of works have committed with a grave unfair labour practice.

15-The Opp.parties have violated the wage act by not paying the wages/salary available to regular employee in which he was engaged to work..

16-The Opp.parties have not honoured para 25 D, 25 B, and 25 F and other sections of the provision of I.D.Act as they have not given required notice before his termination. Thus the action of opp.parties are liable to be declared as unlawful act by the Opp.parties with suitable order for reinstatement in the employment and with arrears as your court may deem fit.

17-The Opp.party No. 1 has committed a grave unfair acts by not giving preference to applicant for regular job in recruitment process completed in year of 2013.

18-The Opp.parties have discriminated by not implementing the settlement of 2013 in Bank with majority Union in all the Regions for giving an opportunity to the applicant for getting regular employment. The Act of discrimination by the Bank is an act of unfair labour practice as defined in para 9 of fifth schedule of 1.D.Act.

19-The applicant has not been paid with Bonus and proper salary/wages although the Bank have been paying required wages and Bonus to temporary employees engaged in many branches of Union Bank of India

Accordingly he submits that the impugned action on the part of respondent thereby terminating/retrenching the services of the workman/Shri Arvind Kumar, is contrary to the provisions as provided u/s 25F of the ID Act, so taking into consideration the above said facts as well as the judgment passed by the Hon'ble Supreme Court dated 31.01.2025, in Civil Appeal No.8157 of 2024, same is liable to be set-aside and the workman, may be reinstated back in service with all constitutional benefit.

SUBMISSION ON BEHALF OF RESPONDENT

Shri Gaurav Gunaja, Advocate on behalf of respondent, on the basis of pleading in the written statement, submits as under:-

Preliminary objections

1. Appropriate to add here that "stale dispute" regarding alleged termination w.e.f. June 2014 has been raised by the applicant, which is deserved to be dismissed prima-facie by the Hon'ble Court on the ground of delay. In addition, it is specific to assert here that reference in question is bad in the eyes of law of the land.

2. Imperative to state here that there is a procedure for appointment in subordinate cadre in the bank

3. Necessary to submit here that no relationship of employer & employee exists between rival parties hence he is not entitled for claimed benefits.

4. Urged that burden of proof lies on applicant to show that he used to work as bank employee for more than 240 days in 12 calendar months prior to his alleged termination as per provisions of The Industrial Disputes Act, 1947 but applicant remained failed to exhaust this onus. Furthermore it is said that he did not come forward with clean hands & a false story has been narrated to give colour to instant matter.

5. The contention made by Respondent are incorrect as they have committed unfair labour practice by engaging as casual labour / in permanent vacancies of HKP for years together which is an act of exploitation of local uneducated young poor persons. The applicant have been worked 240 days or more in 12 months in a calendar year and so is workman.

6. The respondent engaged the applicant as a casual labour in violation of para 28.8 of B.P. settlement Act, 1966. Your Hon'ble Court may direct the respondent to provide the status of temporary employee from the date of engagement as provided in para 20.8 of B.P. Settlement Act, 1966.

7. The applicant submits, he was allowed to appear in the interview for the post of HKP in terms of settlement in bank arrived between the Bank and Union in 2013. The reference of Govt. of India letter dated 22.12.2015 is irrelevant in this case as interview process completed much before the date and temporary / casual employees engaged in other branches of the bank in other Zones have already been appointed in terms of above refer settlement 2013.

He further submits that the workman who is casual employer is an outsider and not employee of the bank, and his support of his contention he submits that:-

13. Several Staff Circulars have been issued by the Bank's Central Office, Mumbai, pursuant to the recommendations of HR Committee of the Indian Banks' Association (IBA), advising all its Branches/Offices that outsiders are not to be engaged for performing any work of the bank as:

- *outsiders endanger the secrecy of the bank's records;*
- *outsiders get access to and manipulate the Bank's records;*
- *outsiders get acquainted with the intricacies of the Bank's internal working;*
- *outsiders/casual labourers get access to cash vouchers/other records of the Bank;*
- *outsiders on the basis of the above file litigation against the Bank, attempting to gain back door entry in public employment; and*
- *such outsiders indulge in fraudulent activities and put the Bank's properties/funds into jeopardy.*

Shri Gaurav Gunaja, Advocate on behalf of respondent, further submits that:-

(i). That no document has been produced to show that the disputant was employed in the service of the Bank. There is no evidence/iota of evidence which has been produced by the disputant except to make wild allegations in his representation. The disputant has not undergone any recruitment process/procedure at the Bank nor any appointment, identity card, termination letter or any correspondence has been shown to prove the relationship of the master and servant between the parties. It is most respectfully submitted that the disputant will not have any right over the post and if he had been engaged intermittently in any branch/office of the Bank, any such engagement will not entitle him to claim any right of legal regularization/permanency in employment. From this, it is clear that the claim is sham and the disputant be put to strict proof.

(ii). The engagement of a person on intermittent basis would not create any right to the post for being further engaged. The engagement is purely on day to day basis intermittently and such engagements are made without following any recruitment procedure. It is otherwise well settled that the engagement on intermittent basis would not create any legal right to be appointed on any post. Merely because the disputant worked for some periods intermittently, would not give him right to get employment in a public sector Bank/permanency in employment without going through the settled recruitment rules/procedures.

(iii). The Bank refutes the allegation of the disputant that the Bank has resorted to unfair labour practices. It is submitted that the Bank has never resorted to any kind of unfair labour practices at any point of time as specified in Schedule V of the Industrial Disputes Act 1956. Further, it is submitted that the disputant herein is not a "Workman" within the meaning of Sec.2 (s) (s) of Industrial Disputes Act. Because, he was never appointed in the services of the Management Bank. To become a workman with the meaning of Sec.2(s), the person should have been appointed in the services of the Bank. It is also submitted that the employer-employee relationship does not exist between the Management Bank and the disputant herein.

In support of his arguments he has placed reliance on the following judgments:-

1. The Hon'ble Apex Court in the case of **Gangadhar Pillai vs. Siemens Ltd., (2007) 1 SCC 533.**
2. The Hon'ble Supreme Court in the case of **Secretary, State of Karnataka Vs. Umadevi, (2006) 4 SCC 1.**
3. The Hon'ble Supreme Court in the case of **Secretary to Govt., School Education Department, Chennai**

Vs. R.Govindaswamy & Ors. (2014) 4 SCC 769.

4. The Hon'ble Supreme Court of India vide order dated 07.10.2021 in **Civil Appeal no.5689-5690 of 2021 in Union of India & ors vs Ilmo Devi & anr.**
5. The Hon'ble Supreme Court in the case of **A.Umrani Vs Registrar, Co-operative Societies AIR 2004 SC 4504.**

Accordingly, on behalf of respondent it has been prayed that the present ID case filed by the workman lacks merit, the same to be dismissed.

FINDINGS AND CONCLUSION

I have heard the learned counsel for parties and gone through record taking to consideration the facts stated in the pleading as moved by the parties.

In brief the facts of the case are that in the city of Azamgarh, there is a branch of Union Bank Of India, Anwardanj, where the permanent post belonging in the category of sweeper/Housekeeper cum peon fallen vacant, so workman was engaged as a casual employer by the opposite party no.2 with the permission of opposite party no.1, as daily wager, and paid Rs.500/- per day with effect from 01.01.2010.

While he was working and discharging his duties as a casual employer, the bank conducted a exercise for regularization of the persons who are working, in the year 2014 in terms of settlement dated 20.01.2013.

Further as per the case of the appellant, the recruitment process which was floated by the bank in terms of the provisions by appetite settlement 1996 in which workman submitted his candidature, appeared in interview on 02.08.2014, but result was not declared, so the said action from the part of the respondent bank is not in accordance with para 20.7 & 20.8 of the appetite settlement 1996.

In the mean time in June/2014, the appellant was verbally asked by the respondent not come to branch of the Bank, Anwardanj, Azamgarh.

Further from the material on record/evidence filed by the workman/Shri Arvind Kumar, by way of affidavit (examination in chief), he has annexed the following documents namely as annexure no.2 “अस्थाई कर्मचारी द्वारा भरा जाने वाला फॉर्म” issued by the branch manager of the bank along with the same he has annexed the chart in respect with the number of days worked by him in the bank while discharging his duties in the capacity of casual employer on the post of peon in the past years.

Further a certificate dated 03.07.2013, issued by the branch manager of Anwarganj branch, quoted herein below:-

“प्रमाण पत्र”

प्रमाणित किया जाता है की श्री अरविन्द कुमार सन/ऑफ श्री कन्हैया प्रसाद से हमारी शाखा में समय-समय पर साफ सफाई का कार्य लिया जाता है। इनका कार्य एवं आचरण बहुत अच्छा है। हम इनके उज्ज्वल भविष्य की कामना करते हैं।

Another certificate dated 02.04.2013, issued by the branch manager of Anwarganj branch, relevant portion quoted herein below:-

To whom it may concern

This is to state that Mr. Arvind Kurnar S/o Shri Kanhaiya Prasad is a good Human being. He used to work in our branch as casual worker. He is having good experience in Banking Knowledge.

Branch manager

Shri Arvind Kumar annexed a document as annexure no.4 along with his evidence by which he was called for interview on the post of housekeeper, to be held on 02.08.2014, issued by सहायक महाप्रबंधक, Regional Office, Civil lines Azamgarh, relevant portion quoted herein below:-

प्रति

श्री/ सुची ARVIND KUMAR ROLL NO- 3010982

पुत्र/ पुत्री/ पत्नी श्री KANHAIYA PRASAD

KENDRIYA VIDYALAYA ROAD HEERAPATI POST-HEERAPATI AZAMGARH-276001

विषय: हाउस कीपर सह प्यून पद पर भर्ती हेतु साक्षात्कार के लिए बुलावा पत्र

During the cross examination, the workman has proved the documents filed by him in support of his case by way of affidavit (examination in chief).

It is relevant to mention herein during the cross examination a question has been put by the authority of bank to Shri Arvind kumar, on the basis of documents annexed by him that are annexed by him, that whether he has work in the bank or not? And answer to the question given, the workman that he had worked in the bank, and proved the document filed by him along with his evidence on affidavit.

In spite of the repeated opportunity given to the bank to file evidence on affidavit (examination in chief) in order to proof its case, of the same was not filed, so by way of order dated 01.08.2024, management opportunity to file evidence on affidavit (examination in chief) was closed.

Accordingly keeping in view the said facts as well as pleading by the parties' documentary/oral evidence filed by parties, the point to be decided are as under:-

(1). Whether Claimant/Shri Arvind Kumar falls within the definition of workman, as per section 2(S) of the Act, or not?

(2). whether the workman has completed 240 days continuously in the last 12 calendar months in the preceding year as casual/daily wager on June/2014, prior to terminated/retrrenched of his service without following the provision of section 25F of the Industrial Disputes Act, or not?

(3). If the workman/Arvind Kumar has completed 240 days continuously in the last 12 calendar month prior the date of his termination/retrrenchment, on June/2014, without the following provision with section 25F of the Act, his services was retrrenched then for what relief he is entitled?

POINT No. (1).

Whether Claimant/Shri Arvind Kumar falls within the definition of workman, as per section 2S of the Act, or not?

The definition of 'workman' as given under Section 2(s) of the Industrial Disputes Act 1947. In this regard the definition, as it stood originally when the ID Act came into force w.e.f. 1.4.1947, read as follows:-

"(s) "workman means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceeding under this Act in relation to an industrial dispute, but does not include any person employed in the naval, military, or air service of the Crown."

The definition was amended by Amending Act No. 36 of 1956 which came into force from 29th August, 1956 to read as follows:-

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

(i) who is subject to the Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity;

or

(i) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

The change brought about by this Amendment was that the persons employed to do "supervisory" and "technical" work were also included in the definition for the first time by this Amendment, although those who were employed in a supervisory capacity were so included in the definition provided their monthly wage did not exceed Rs.500.

The definition of 'workman' was further amended by Amending Act No.46 of 1982 which was brought into force w.e.f. 21.8 1984 and the same reads as under:-

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

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957);

(ii) who is employed in the police service or as an officer or other employee of a prison, or

(iii) who is employed mainly in a managerial or administrative capacity,

or

(iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

A bare perusal of the aforementioned provision clearly indicates that a person would come within the purview of the said definition if he: (i) is employed in any industry; and (ii) performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work, (see also in **All India Reserve Bank Employees Association Versus Reserve Bank of India reported in AIR 1966 SC 305**).

Further in the case of **H.R. Adyanthaya & others Versus Sandoz India Ltd. reported in (1994) 5 SCC 373**, the Hon'ble Apex Court held as under:-

"10. It is thus obvious from the decision that the contention on behalf of the workman before the Industrial Tribunal as well as before this Court was that the employee was doing either manual or clerical work, and that not only he had no supervisory duties but he was doing his work under the direction of his superiors and, therefore, he was a workman within the meaning of the definition of workman as it stood then. The dispute in question had arisen prior to 6th January, 1956. The definition of 'workman' at the relevant time included only those persons who were employed to do any skilled or unskilled manual or clerical work. Hence the relevant contention on behalf of the workman which was negated by this Court An inference from this decision is also possible, viz., that if the employees' work was mainly manual or clerical, he would have, even as the definition stood then, been covered by it." (See: C.G. Gupta Versus Glaxo Smith Klein Pharmaceutical Limited reported in (2007) 7 SCC 171) (See also in Chauharya Tripathi & others Versus L.I.C. of India & others reported in 2015 (7) SCC 263).

The Hon'ble Supreme Court by means of judgment dated 2.4.2004 passed in the case of **M/s. Bharat Airtel Limited Versus A.S. Raghavendra passed in Civil Appeal No.5187 of 2023 (2024 INSC 265)** after taking into consideration the definition of 'workman' as given u/s 2 's' of the I.D. Act, 1947; and various judgments on the point in issue, held as under:-

For the adjudication of the status of a workman, what is required to be seen is an emphasis on the actual work performed by such an employee. In other words, if the nature of duties actually performed predominantly shows that he discharges duties to do the work of any of the categories listed in Section 2(s). He is not covered by exceptions of Section 2(s); it would be decisive of the matter that the employee is a workman, and the designation or salary of the employee would be irrelevant.

It is now well settled that the adjudication of the issue as to person working within the meaning of Section 2(s) of the I.D. Act has to be determined with reference to the principle of nature of his duties and functions. The dominant purpose of employees must be taken into consideration, and the gloss of some additional duties must be rejected while determining the status and character of a person.

Accordingly, in nutshell it can be said that from perusal of definition of 'workman' indicates that a person would come within the purview of Section 2(s) of the I.D. Act if he is employed in an industry and performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work.

After taking into consideration above said position of law as well as the pleading/document & evidence filed by the parties, it is clearly established that Shri Arvind Kumar/claimant falls within the definition of workman as given u/s 2S of the Act.

POINT No. (2).

Whether the workman has completed 240 days continuously in the last 12 calendar months in the preceding year as casual/daily wager on June/2014, prior to terminated/retrenched of his service without following the provision of section 25F of the Industrial Disputes Act, or not?

In order to decide the point in question it is appropriate to have a glance of Section 2(oo), 2(s) and Section 25-F of I.D. Act, 1947 which reads as under:-

"2. (00) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include -

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

(c) termination of the service of a workman on the ground of continued ill-health;

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

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957), or

(ii) who is employed in the police service or as an officer or other employee of a prison, or

(iii) who is employed mainly in a managerial or administrative capacity, or who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

25F. Conditions precedent to retrenchment of workmen.-

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

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

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

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

The Hon'ble Delhi High Court in the case of **Sarita Tiwari Versus Aastha Garments reported in 2024 (180) FLR 649** after taking into consideration the definition of retrenchment read with provisions 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 v. Asstt.*

Executive Engineer, (2006) 1 SCC 106; 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 aforesaid 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. Rafi*, (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 v. S.T. Hadimani* [(2002) 3 SCC 25]. No proof of receipt of salary or wages for 240 days or order or record in that regard was produced. Mere non-production of the muster roll for a particular period was not sufficient for the Labour Court 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."

Reverting to the facts of the present case the workman/Arvind Kumar, in order to support of his case on evidence in shape of affidavit dated 21.08.2023, in which he has annexed the following documents, held as under:-

1. That the deponent is the applicant himself in the above noted case, and as such he is fully conversant with the facts and circumstances of the case deposed hereunder.

2. That the applicant had served the opposite parties with full dedication and the time span for serving the opposite parties is 240 days and the prescribed period for the regularization of the service as per the law is complete the rules and regulation 20:9 in this regard in the form of memorandum of Bipartite settlement between banks and their workmen is here annexed with ANNEXURE NO. 1 for kind perusal of the Hon'ble Tribunal.

3. That the applicant served the opposite party and fill the form as prescribed and as desired form for temporary employees. The aforesaid form filled by the temporary employee here annexed as ANNEXURE NO. 2 for kind perusal of the Hon'ble Tribunal.

4. That the applicant and opposite party have relation as per memorandum of Bipartite settlement between bank and their workmen that the applicant was paid in a year that is 12 months. The description of payment by the bank being annexed as ANNEXURE NO. 3 for kind perusal of the Hon'ble Tribunal. This description of the payment of the applicant by the opposite parties itself shows that an establish the relationship between the employer and the employee / applicant, further the employer (opposite parties) took the services of the applicant and the wages was paid accordingly that is 240 days as prescribed in the rules mentioned in the para no. 4 of the evidence of the applicant. Therefore it is settled law which was laid down by the Apex Court when the relationship was established in the form of payment of wages by the employer. That no question would be raised in form of relationship or the work done in form of services by the applicant.

The question of law have arises whether the opposite parties violate the norms for the regularization of applicant for serving opposite parties more than 240 days.

5. The opposite parties engaged the applicant in the permanent Vacancy of Sweeper w.e.f 01.01.2010 and paid wages at the rate of Rs. 50/- per day, initially in most arbitrary and unfair manner although the services of the applicant were utilized for full day to perform the duties of sweeper as well as Peon.

6. The opposite parties cannot deny from vacancy for the post of House Keeper cum Peon, because in the letter dated 17.07.2014 workmen appeared In the interview. A copy of interview letter dated 17.07.2014 is being annexed herewith as ANNEXURE No.4 for kind perusal of the Hon'ble Tribunal.

Further from the documents annexed by the appellant as annexure no.2 along with the evidence it is clear that he were working as casual employer with the bank with effect from 01.10.2010, he has been paid and initially has been paid 50/- as wages, thereafter Rs.100/-

Along with the evidence he has annexed the details of number of work days of which the work which has been discharged by him in the bank.

Further along with the evidence he filed a document dated 17.04.2014, titled of which हाउस कीपर सह प्यून पद पर भर्ती हेतु साक्षात्कार के लिए बुलावा पत्र issued by Assistant Manager, क्षेत्रीय कार्यालय, 328, सिविल लाइन्स, आजमगढ़-276001, to the workman/Arvind Kumar directing him to appear for interview on 02.08.2014, along with the said document at page no.24, certificate has been issued, relevant portion of the same quoted herein below:-

हम प्रमाणित करते हैं कि उपर्युक्त कर्मचारी दैनिक रूप से 3 ½ वर्षों से अनवरतगंज लगातार कार्य कर रहा है।

Form the perusal of the said document it is clear that the workman has work from 240 days continuously as casual/daily wager in the last proceeding 12 calendar months from the date of his retrenchment.

In addition to above said facts in his cross examination of workman is clearly came into light that he worked since 2010 to June/2014 continuously, and thereafter his services was retrenched.

In spite of opportunity given to the respondent to file evidence on affidavit in support of its case but the same was not filed, so by order dated 01.08.2024, right of management to file evidence in support of his case an affidavit was closed.

Thus, as the respondent have not filed any evidence in order to revert the evidence/material filed by the workman in respect to continuous on working by him for 240 days continuously as casual/daily worker in the last proceeding 12 calendar months, i.e. attendant register, wages register etc, that workman has not work continuously 240 days in last 12 months in the preceding calendar year prior to retrenchment/termination service, taking into consideration above said fact and the law down by The Hon'ble Apex Court in the case of **Nayan Bhagwantroo Gosavi Balajiwalale Vs. Gopal Vinayak Gosavi & Ors, AIR 1960 SC 100** held that admission is best piece of evidence that opposite party can rely upon if the same is not denied by the person who is made the same.

And, by the Hon'ble Apex Court in the case of **Dharmarathmakara Raibahadur Arcot Ramashwamy Mudaliar Educational Institution Vs. Education Appellate Tribunal & Anr. (199) 7 SCC 332**, held that if the facts are admitted by a party and same is not denied in any manner then same is binding on it and on the basis of averments if an order is passed there is no violation of principle of natural justice.

Accordingly the workman/Arvind Kumar, has prove that he has continuously work 240 days in last 12 months preceding calendar year, prior to termination/retrenchment of his services.

Point No. (3).

If the workman/Arvind Kumar has completed 240 days continuously in the last 12 calendar month prior the date of his termination/retrenchment, on June/2014, without the following provision with section 25F of the Act, his services was retrenched then for what relief he is entitled?

In order to decide the point in question, the answer filed place in the given by The Hon'ble Madhya Pradesh High Court in the case of **Branch Manager, Central Bank of India Tilak Chowk Vidisha Versus Pradeep Kumar Sen reported in 2024 (181) FLR 809** held as under:-

"22. The Supreme Court in the case of *Bharat Sanchar Nigam Limited Vs. Bhurumal*, reported in (2014) 7 SCC 177 has held as under:-

"33. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or mala fide and/or by way of victimisation, unfair labour practice, etc. However, when it comes to the case of termination of a daily-wage worker and where the termination is found illegal because of a procedural defect, namely, in violation of Section 25-F of the Industrial Disputes Act, this Court is consistent in taking the view that in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious."

23. The Supreme Court in the case of *Jayant Vasantrao Hiwarkar Vs. Anoop Ganpatrao Bobde and others* reported in (2017)11 SCC 244 has upheld the grant of compensation in lieu of reinstatement as the respondent had merely worked for a period of one year.

24. The Supreme Court in the case of *Hari Nandan Prasad and another Vs. Employer I/R to Management of Food Corporation of India and another*, reported in (2014) 7 SCC 190 has held as under-

"19. The following passages from the said judgment would reflect the earlier decisions of this Court on the question of reinstatement: (BSNL case, SCC pp. 187-88, paras 29-30)

"29. The learned counsel for the appellant referred to two judgments wherein this Court granted compensation instead of reinstatement. In *BSNL v. Man Singh*, this Court has held that when the termination is set aside because of violation of Section 25-F of the Industrial Disputes Act, it is not necessary that relief of reinstatement be also given as a matter of right. In *Incharge Officer v. Shankar Shetty*, it was held that those cases where the workman had worked on daily-wage basis, and worked merely for a period of 240 days or 2 to 3 years and where the termination had taken place many years ago, the recent trend was to grant compensation in lieu of reinstatement.

30. In this judgment of *Shankar Shetty*, this trend was reiterated by referring to various judgments, as is clear from the following discussion: (SCC pp. 127-28, paras 2-4)

'2. Should an order of reinstatement automatically follow in a case where the engagement of a daily-wager has been brought to an end in violation of Section 25-F of the Industrial Disputes Act, 1947 (for short "the ID Act")? The course of the decisions of this Court in recent years has been uniform on the above question.

3. In *Jagbir Singh v. Haryana State Agriculture Mktg. Board*, delivering the judgment of this Court, one of us (R.M. Lodha, J.) noticed some of the recent decisions of this Court, namely, *U.P. State Brassware Corpn. Ltd. v. Uday Narain Pandey*, *Uttaranchal Forest Development Corpn. v. M.C. Joshi*, *State of M.P. v. Lalit Kumar Verma*, *M.P. Admn. v. Tribhuban*, *Sita Ram v. Moti Lal Nehru Farmers Training Institute*, *Jaipur Development Authority v. Ramsahai*, *GDA v. Ashok Kumar and Mahboob Deepak v. Nagar Panchayat, Gajraula* and stated as follows: (*Jagbir Singh* case, SCC pp.330 & 335, paras 7 & 14)

"7. It is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention of the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice.

14. It would be, thus, seen that by a catena of decisions in recent time, this Court has clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily-wagers has not been found to be proper

by this Court and instead compensation has been awarded. This Court has distinguished between a daily-wager who does not hold a post and a permanent employee."

4. Jagbir Singh has been applied very recently in *Telegraph Deptt. v. Santosh Kumar Seal*, wherein this Court stated: (SCC p. 777, para 11)

11. In view of the aforesaid legal position and the fact that the workmen were engaged as daily-wagers about 25 years back and they worked hardly for 2 or 3 years, relief of reinstatement and back wages to them cannot be said to be justified and instead monetary compensation would subserve the ends of justice"

21. We make it clear that reference to Umadevi, in the aforesaid discussion is in a situation where the dispute referred pertained to termination alone. Going by the principles carved out above, had it been a case where the issue is limited only to the validity of termination, Appellant

I would not be entitled to reinstatement....."

25. The Supreme Court in the case of *O.P.Bhandari Vs. Indian Tourism Development Corporation Limited and others* reported in (1986) 4 SCC 337 has held as under :-

"6. Time is now ripe to turn to the next question as to whether it is obligatory to direct reinstatement when the concerned regulation is found to be void. In the sphere of employer-employee relations in public sector undertakings, to which Article 12 of the Constitution of India is attracted, it cannot be posited that reinstatement must invariably follow as a consequence of holding that an order of termination of service of an employee is void. No doubt in regard to "blue collar" workmen and "white collar employees other than those belonging to the managerial or similar high level cadre, reinstatement would be a rule, and compensation in lieu thereof a rare exception. Insofar as the high level managerial cadre is concerned, the matter deserves to be viewed from an altogether different perspective a larger perspective which must take into account the demands of National Interest and the resultant compulsion to ensure the success of the public sector in its competitive co-existence with the private sector. The public sector can never fulfil its life aim or successfully vie with the private sector if it is not managed by capable and efficient personnel with unimpeachable integrity and the requisite vision, who enjoy the fullest confidence of the "policy-makers" of such undertakings. Then and then only can the public sector undertaking achieve the goals of (1) maximum production for the benefit of the community, (2) social justice for workers, consumers and the people, and (3) reasonable return on the public funds invested in the undertaking.

7. It is in public interest that such undertakings or their Boards of Directors are not compelled and obliged to entrust their managements to personnel in whom, on reasonable grounds, they have no trust or faith and with whom they are in a bona fide manner unable to function harmoniously as a team working arm-in-arm with success in the aforesaid three-dimensional sense as their common goal. These factors have to be taken into account by the court at the time of passing the consequential order, for the court has full discretion in the matter of granting relief, and the court can sculpture the relief to suit the needs of the matter at hand. The court, if satisfied that ends of justice so demand, can certainly direct that the employer shall have the option not to reinstate provided the employer pays reasonable compensation as indicated by the court."

A division Bench of Hon'ble Gujarat High Court in the case of **Range Forest Officer Versus Virjibhai Ranchhodbhai & another** reported in 2024 (182) FLR 179 has held as under:-

6.3. In *Uttaranchal Forest Development Corporation Vs. M.C.Joshi* [(2007) 9 SCC 353], the Supreme Court held that the question of grant of compensation in place of relief of reinstatement could be guided by relevant factors to be that whether the appointment was made in accordance with the statutory Rules or not.

6.4. It is to be observed that the decisions of the Supreme Court have carved out the circumstances and aspects which may guide the discretion of the court in awarding lump-sum compensation instead of granting relief of reinstatement even if there is a breach of Section 25F, 25G and 25H of the Industrial Disputes Act

6.5. These factors were highlighted in *Bantva Municipality Vs. Amritlal Harji Chauhan* being Special Civil Application No. 9135 of 2013 decided on 31.3.2014 as under-

"(1) The fact that the workman is daily-rated workmen, not permanently employed; (ii) He is not holding a permanent post, (iii) Nature of his employment; (iv) Span of service, viz. The period during which he worked upto the date of termination of services; (v) Manner and method of appointment. Whether it was a backdoor entry; (vi) The time gap from the date of termination; (vii) Delay in raising the Reference is also considered to be a germane factor, (viii) Any special feature peculiar to the facts of the particular case.

For instance, in Bhurumal (supra), the Supreme Court noticed that post which the workman held was of Lineman in the Telephone Department, and that the work of Lineman was drastically reduced in view of advancement of the technology."

6.6. *In the case of BSNL v. Bhurumal, reported in (2014) 7 SCC 177, it was categorically observed that even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Even as a daily-wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself."*

And, the **Hon'ble Apex Court in the matter of Gopal Krishnaj Ketkar vs. Mohamed Haji Latif and others, AIR 1968 SC 1413** has held that, if a party in possession of best evidence, which would throw a light on the issue in controversy withheld the same, Court ought to draw an adverse inference against the party notwithstanding that onus of proof does not lie on him. The party who is in possession of best evidence cannot rely on abstract doctrine of onus of proof or on the fact that he was not called upon to produce it.

The Hon'ble Madhya Pradesh High Court in the case of **Chairman, Institute of Engineers, Jabalpur Versus Kailash Sen reported in 2024(181) FLR 300**, it has been held that it is not in dispute that workman was in employment with respondent since the date of engagement and prior to retrenchment of his services he has continuously worked for 240 days in the last preceding 12 months. The said plea taken by the workman has to be categorically denied and disproved by the respondent who has sufficient documentary evidence to demonstrate that employee has not worked for more than 240 days in a

calendar year by producing attendance and payment register. If same is not done, it will be presumed that the respondent has failed to dislodge the claim of the workman that he has worked for more than 240 days in last preceding 12 months.

A Division Bench of Hon'ble Telangana High Court in the case of **S. Srinivas Versus The Union of India & others reported in 2024 LLR 860**, it has been held that it is trite law that a party invoking/relying on certain plea has to make an averment with details to sustain such a plea and has to adduce material to establish allegations made and the burden is on the party to lead and prove that it is right. (see *State of Uttar Pradesh v. Kartar Singh*, AIR 1964 SC 1135).

Hon'ble the Apex Court in the case of **Pradeep v. Manganese Ore (India) Limited & ors. 2022 (3) SCC 683** has held that as per section 106 of Indian Evidence Act, the burden lies on a party to prove and establish the plea taken by it.

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 completed 240 days in the last preceding year is then he is entitled for the benefit of Section 25-F of the Act.

Taking to consideration the position of law on point in issue as well as the fact that the workman has established that he worked more than 240 days in 12 months in preceding on calendar year prior to date of his retrenchment/termination on June/2014.

Accordingly, workman Shri Arvind Kumar is entitled for retrenchment compensation but not for reinstatement in service, as he has worked from 01.01.2010 to June/2014, so keeping in view the above said facts and the position of law in regard to grant of compensation, workman is entitled for Rs.2.5 Lakhs by way of compensation in lieu of reinstatement of his service.

AWARD

For the forgoing reasons I.D case filed by workman/Arvind Kumar, u/s 2A of the Industrial Disputed Act 1947, is partly allowed and workman is entitled for retrenchment compensation as his service was retrenched on June/2014, with complying the provision of Section 25F of the Act amounting of Rs. 2.5 Lakhs (Two Lakhs Fifty Thousand).

However, he is not entitled of reinstatement in service.

Lucknow.

Date: 02.12.2025

Justice ANIL KUMAR, Presiding Officer

Let two copies of this award be sent to the Ministry for publication.

नई दिल्ली, 23 दिसम्बर, 2025

का.आ. 2204.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (96/2022) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-II)-45]

सलोनी, उप निदेशक

New Delhi, the 23rd December, 2025

S.O. 2204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 96/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank and their workmen.

[No. L-12025/01/2025- IR (B-II)-45]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 96/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 26-11-2025

Sh. S. Akilan,

No.18, Perumal Mela Vadampokki Street,

Velipalayam,

Nagapattinam, Tamil Nadu – 611 001. : 1st Party/Petitioner

AND

1. The Lead District Manager,

Indian Overseas Bank,

Lead Bank Office, Regional Office,

12/2, Naduvar Street,

Nagapattinam, Tamil Nadu – 611 001 :

2nd Party / 1st Respondent

2. The Chief General Manager,

Regional Office, Indian Overseas Bank,

1st Floor, 9-11, 100 Feet Road, Jansi Nagar Corner,

Pudhuchery – 611 001. :

2nd Party / 2nd Respondent

Appearance:

For the 1st Party/Petitioner : M/s M. Muthappan, Adv

For the 2nd Party/2nd Respondent : M/s. N. Somasundar, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 7/5/2021/PDY/Adj/A1, dated 06.10.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Shri S.Akilan seeking reinstatement of service with the Mgt. of M/s Indian Overseas Bank, Nagapattinam is legal and valid? If not, what relief Shri S. Akilan is entitled to?”

2. On receipt of the above reference dated 06.10.2022 from the appropriate Government, the dispute was registered as ID No. 96/2022 and due notices were issued to both the parties for their appearance fixing the case to 17.11.2022. On 17.11.2022 petitioner has filed Vakalat Nama. After that neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 22.12.2022, 15.02.2022, 14.08.2023, 29.08.2024, 16.06.2025, 11.08.2025 and 29.09.2025. The Petitioner did not turn up whereas the Second Respondent files Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 06.10.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 18.11.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The R1 was not present, whereas R2 was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

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

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

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

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer