



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-14012026-269334
CG-DL-W-14012026-269334

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 52] नई दिल्ली, जनवरी 4, 2026—जनवरी 10, 2026, शनिवार/पौष 14—पौष 20, 1947
No. 52] NEW DELHI, JANUARY 4, 2026—JANUARY 10, 2026, SATURDAY/PAUSHA 14—PAUSHA 20, 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. 2250.—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. 2250.—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)

नई दिल्ली, 15 दिसम्बर, 2025

का.आ. 2251.—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 **विश्लेषिकी एवं जोखिम प्रबंधन महानिदेशालय नई दिल्ली** 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.)

New Delhi, the 15th December, 2025

S.O. 2251.—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 **Directorate General of Analytics & Risk Management, New Delhi** 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)

नई दिल्ली, 15 दिसम्बर, 2025

का.आ. 2252.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड के अधीन **केंद्रीय माल और सेवा कर (अपील), पंचकुला, हरियाणा** 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.)

New Delhi, the 15th December, 2025

S.O. 2252.—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, **OFFICE OF THE COMMISSIONER (APPEALS), Panchkula, Haryana** 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)

विदेश मंत्रालय**(प्रवासी रोजगार एवं उत्प्रवासी महासंरक्षक प्रभाग)**

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2253.—सूचना प्रौद्योगिकी (मध्यस्थ और डिजिटल मीडिया आचार संहिता के लिए दिशानिर्देश) नियम, 2021 के नियम 3 के उप-नियम (1) के खंड (घ) के साथ पठित सूचना प्रौद्योगिकी अधिनियम, 2000 (2000 का 21) की धारा 79 की उप-धारा (3) के खंड (ख) के अनुसरण में, केंद्र सरकार एतद्वारा, विदेशी रोजगार में संबंधित मामलों पर गैरकानूनी जानकारी के संबंध में मध्यस्थों को टेक डाउन नोटिस जारी करने के लिए विदेश मंत्रालय में संयुक्त सचिव (प्रवासी रोजगार) एवं उत्प्रवासी महासंरक्षक को नोडल अधिकारी के रूप में नामित करती है।

[फा. सं. Z-385/05/2025-LP&G]

सुरिंदर भगत, संयुक्त सचिव एवं उत्प्रवासी महासंरक्षक

MINISTRY OF EXTERNAL AFFAIRS**(Overseas Employment and Protector General of Emigrants Division)**

New Delhi, the 17th December, 2025

S.O. 2253.—In pursuance of clause (b) of sub section (3) of section 79 of the Information Technology Act, 2000 (21 of 2000) read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, the Central Government hereby designates Joint Secretary(Overseas Employment) & Protector General of Emigrants in the Ministry of External Affairs as the nodal officer for issuing take down notices to the intermediaries in respect to unlawful information on matters pertaining to overseas employment.

[F. No. Z-385/05/2025-LP&G]

SURINDER BHAGAT, Jt. Secy. & Protector General of Emigrants

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

नई दिल्ली, 24 दिसम्बर, 2025

का.आ. 2254.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में, संख्यांक का.आ. 747, तारीख 15 अप्रैल, 2024 द्वारा प्रकाशित भारत सरकार के कार्मिक, लोक शिकायत और पेंशन मंत्रालय की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में, सारणी में, सुश्री सुमन ठाकुर से संबंधित क्रम संख्या 2 और उससे संबंधित प्रविष्टियों का लोप किया जाएगा।

[फा. सं. 225/03/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel Public and Training)**

New Delhi, the 24th December, 2025

S.O. 2254.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Personnel Public Grievances and Pensions, published in the Gazette of India, Part II, Section 3, Sub-section (ii), vide number S.O. 747, dated the 15th April, 2024, namely: -

In the said notification, in the Table, serial number 2 relating to Ms. Suman Thakur and the entries relating thereto, shall be omitted.

[F. No. 225/03/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2025

का.आ. 2255.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री कश्मीर सिंह ठाकुर, अधिवक्ता के नाम को, हिमाचल प्रदेश उच्च न्यायालय, शिमला के समक्ष विशेष लोक अभियोजक के रूप में, केंद्रीय अन्वेषण ब्यूरो द्वारा दिल्ली विशेष पुलिस स्थापन, (केंद्रीय अन्वेषण ब्यूरो) द्वारा संस्थित मामलों से उद्भूत अभियोजन, अपील, पुनरीक्षण और अन्य मामलों का संचालन करने से हटाती है और इस प्रयोजन के लिए भारत सरकार के कार्मिक, लोक शिकायत और पेंशन मंत्रालय की अधिसूचना संख्यांक का.आ.2079 तारीख 23 सितंबर, 2024 में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में, “अधिवक्तागण श्री कश्मीर सिंह ठाकुर और श्री जनेश महाजन” शब्दों के स्थान पर “श्री जनेश महाजन अधिवक्ता” शब्द रखे जाएंगे।

[फा. सं. 225/22/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 26th December, 2025

S.O. 2255.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby removes the name of Shri Kashmir Singh Thakur, as Special Public Prosecutor for conducting the prosecution, appeals, revisions and other matters arising out of the cases instituted by the Delhi Special Police Establishment (Central Bureau of Investigation) before the High Court of Himachal Pradesh at Shimla and for that purpose, hereby makes the following amendment in the notification of the Government of India, in the Ministry of Public Grievances and Pensions number S.O. 2079, dated the 23rd September, 2024, namely:-

In the said notification, for the words “Shri Kashmir Singh Thakur and Shri Janesh Mahajan, Advocates”, the words “Shri Janesh Mahajan, Advocate” shall be substituted.

[F. No. 225/22/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2025

का.आ. 2256.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस उप महानिरीक्षक/शाखाप्रमुख, सीबीआई, एसीबी, रांची के दिनांक 17.10.2025 के पत्र संख्या 929/2025-आर द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-428/2025-6765, रांची, दिनांक 11.11.2025, गृह, कारागार और आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से श्री रंजन, डाक सहायक, डाक

विभाग, संचार मंत्रालय एवं अन्य अज्ञात सरकारी सेवक(कों) के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथा संशोधित) की धारा 7 के तहत अपराध करने के लिए दिनांक 11.11.2025 को पंजीकृत आरसी 0242025ए0015 में साथ ही इस मामले के अन्वेषण के दौरान प्रकाश में आए किन्हीं अन्य अपराधों एवं ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) के लिए मामला दर्ज करने एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से, दिनांक 11.11.2025 से) झारखंड राज्य में करती है।

[फा. सं. 228/103/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 26th December, 2025

S.O. 2256.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act XXV of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-428/2025-6765, Ranchi, Dated 11.11.2025, Home, Prisons and Disaster Management Department upon request made vide letter number 929/2025-R, dated 17.10.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the power and jurisdiction to all the members of Delhi Special Police Establishment in the State of Jharkhand (ex post facto w.e.f. 11.11.2025) for registration and investigation in RC0242025A0015 registered on 11.11.2025 against Shri Ranjan, Postal Assistant, Department of Post, Ministry of Communications and unknown other Govt. Servant(s) for committing offence u/s 7 of PC Act-1988 (as amended in 2018) and any other offences that may come to light during investigation of this case including any attempt, abetment and conspiracy in relation or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/103/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2025

का.आ. 2257.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. जी.ओ.(2डी).सं. 351, दिनांक 31.10.2025, गृह (पुलिस-XV) विभाग के माध्यम से जारी तमिलनाडु राज्य सरकार की सम्मति से श्री एस.के.एस.नागराजन, श्री अरियामुथु गुनासेकर, श्री मारन रबीन्द्र सैलापति, श्री अरियामुथु वीरमनी और मेसर्स फेंस एजुकेशन अकेडमी प्राइवेट लिमिटेड, तिरुनेलवेलि के विरुद्ध भारतीय न्याय संहिता, 2023 (2023 का केंद्रीय अधिनियम 45) की धारा 61(1) सपठित भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केंद्रीय अधिनियम 49) (वर्ष 2018 में यथासंशोधित) की धारा 7 और 11 के तहत मामले के पंजीकरण हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तमिलनाडु राज्य में करती है।

[फा. सं. 228/105/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 26th December, 2025

S.O. 2257.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Tamil Nadu, issued vide Notification No. G.O. (2D) No. 351 dated 31.10.2025, Home (Police-XV) Department, hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment in the whole of the State of Tamil Nadu to register a case against Sh. S.K.S.Nagarajan, Sh. Ariyamuthu Gunasekar, Sh. Maran Rabindra Sailapathy, Sh. Ariyamuthu Veeramani and Messers Fence Education Academy Private Limited, Tirunelveli under section 61(1) of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) read with sections 7 and 11 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) (amended in 2018).

[F. No. 228/105/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2025

का.आ. 2258.—केंद्रीय सरकार, एतद्वारा, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आदेश सं. एचडी 230 सीओडी 2025, बेंगलुरु, दिनांक 06/12/2025 के माध्यम से जारी कर्नाटक राज्य सरकार की सम्मति से श्रीमती प्रियंका वी. पेटकर, राजस्व अधीक्षक, छावनी बोर्ड, बेलगाम एवं अन्य अज्ञात लोक सेवक(कों) तथा अज्ञात गैर-सरकारी व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथासंशोधित) की धारा 7 एवं केन्द्रीय अन्वेषण ब्यूरो द्वारा अन्वेषण हेतु अन्य अधिसूचित अधिनियमों के अंतर्गत दंडनीय अपराधों, किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र सहित अन्य संचयी अपराधों और पूछताछ/अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध के लिए दिनांक 07.12.2025 को दर्ज किए गए आरसी 0372025ए0002 में पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से, दिनांक 07.12.2025 से) करती है।

[फा. सं. 228/106/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 26th December, 2025

S.O. 2258.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Karnataka, issued vide Order No. HD 230 COD 2025, Bengaluru, Dated: 06/12/2025, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment (ex post fact w.e.f. 07.12.2025) for registration and investigation in RC0372025A0002 registered on 07.12.2025 against Smt. Priyanka V. Petkar, Revenue Superintendent, Cantonment Board, Belgaum and as well as other unknown public servant(s) and unknown private person(s) for the offences punishable under section 7 of Prevention of Corruption Act, 1988 (as amended in 2018) and any other acts notified for investigation by CBI, other cumulative offences and any other offence that may come to light during enquiry/investigation, including any attempt, abetment and conspiracy.

[F. No. 228/106/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2025

का.आ. 2259.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. जी.ओ.एमएस.सं.106, दिनांक 17.09.2025, गृह (विशेष) विभाग और शुद्धिपत्र अधिसूचना सं. जी.ओ.एमएस.सं.131, दिनांक 12.11.2025, गृह (विशेष) विभाग के माध्यम से जारी तेलंगाना राज्य सरकार की सम्मति से यूनियन बैंक ऑफ इंडिया, सोमाजीगुडा शाखा को 48.88 करोड़ रुपए का सदोष हानि कारित करने के लिए मेसर्स वैष्णोवी इंफ्राटेक लिमिटेड (पूर्व में मेसर्स टीएनआर इंफ्रा प्रोजेक्ट्स लिमिटेड के नाम से ज्ञात), श्री गंगाधर राव तम्मिनेडी (प्रबंध निदेशक), श्री सुब्बा राव वेंकट वुप्पलापति (निदेशक), श्री अजय कुमार काकार्लापुडी (निदेशक), श्री लक्ष्मा रेड्डी मारेल्ला (निदेशक), श्रीमती चल्लागुल्ला विजयाश्री (निदेशक), श्री तम्मिनेडी सागर (निदेशक), श्रीमती कृष्णा कुमारी तम्मिनेडी (निदेशक) & श्री अचेउकोलू श्रीनिवास राव (निदेशक) एवं अन्य अज्ञात लोक सेवकों एवं अज्ञात गैर सरकारी व्यक्तियों के विरुद्ध दिनांक 21.02.2023 की शिकायत के आधार पर भारतीय दंड संहिता, 1860 की धारा 120बी सपठित धारा 406, 420, 467, 468 & 471 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित 13(1)(डी) के अंतर्गत पंजीकृत होने वाले अपराध एवं उक्त मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए

गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/104/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 26th December, 2025

S.O. 2259.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.106 dated 17.09.2025, Home (Special) Department and Errata Notification No. G.O.Ms.No.131 dated 12.11.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the State of Telangana for investigation in respect of the crime to be registered under section 120-B read with sections 406, 420, 467, 468 & 471 of Indian Penal Code 1860, and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 (Central Act No.49 of 1988) and any other offence that may come to light during investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts on the basis of complaint dated 21.02.2023 against M/s. Vaishnovi Infratech Limited (formerly known as M/s. TNR Infra Projects Limited), Shri Ganghadhar Rao Thamminedi (Managing Director), Shri Subba Rao Venkata Vuppalapati (Director), Shri Ajay Kumar Kakarlapudi (Director), Shri Laxma Reddy Marella (Director), Smt. Challagulla Vijayasri (Director), Shri Thamminedi Sagar (Director), Smt. Krishna Kumari Thamminedi (Director) & Shri Acheukolu Srinivas Rao (Director) and unknown public servants and unknown Private Persons for causing wrongful loss of Rs.48.88 Crores to Union Bank of India, Somajiguda Branch.

[F. No. 228/104/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 11 दिसम्बर, 2025

का.आ. 2260.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत या उससे अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है:-

क्र.सं.	अधिसूचित किए जाने वाले कार्यालय
1.	भारतीय खाद्य निगम, मंडल कार्यालय, जमुई
2.	भारतीय खाद्य निगम, मंडल कार्यालय, आदिपुर
3.	केन्द्रीय भंडारण निगम, क्षेत्रीय कार्यालय, भुवनेश्वर

[फा. सं. ई-11011/1/2008-हिंदी (321924)]

अश्विनी श्रीवास्तव, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

New Delhi, the 11th December, 2025

S.O. 2260.—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 the following offices under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution), whereof 80% or more staff have acquired the working knowledge of Hindi:

S. No.	Offices to be notified
1.	Food Corporation of India, Divisional Office, Jamui
2.	Food Corporation of India, Divisional Office, Adipur
3.	Central Warehousing Corporation, Regional Office, Bhubaneswar

[F. No. E-11011/1/2008-Hindi (321924)]

ASWANI SRIVASTAVA, Jt. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 17 दिसम्बर, 2025

का.आ. 2261.—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 18/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2025 को प्राप्त हुआ था।

[सं. एल-20012/31/2008-आईआर (सीएम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 17th December, 2025

S.O. 2261.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 18/2008**) 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-20012/31/2008- 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. 18/2008****Parties:**

Employers in relation to the management of Lodna Area

Of M/s. BCCL, Dhanbad

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workmen :- Sri R. R. Ram, Representative

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-20012/31/2008- IR(CM-I) dated 28/04/2008 has been pleased to refer the following dispute between the employer i.e. management of Lodna Area of M/s. BCCL, Dhanbad and their workman through Joint General Secretary, Bahujan Mazdoor Union, Dhansar, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Bagdigi Colliery of M/s. BCCL in not providing dependent employment to Sh. Bhola Bhuia, S/o- Late Ganauri Bhuia, Loader, under the provisions of NCWA is justified and legal? If not, to what relief is the dependent son of Late Ganauri Bhuia entitled?”

2. It is relevant to mention here that this reference case was already disposed of vide this court award dated 19.11.15 and thereafter when the same was challenged by the management before the Hon’ble High Court of Jharkhand at Ranchi, the Hon’ble Court was pleased to set aside the Award dated 19.11.2015 passed by this Court and remitted back this reference case to decide the dispute and pass final order after hearing both the parties.

3. The case of the applicant as per the written statement filed on behalf of the union on 24.09.2008 is that Ganauri Bhuia designated as Ex-Loader bearing his CMPF A/c No. C/17/327 and I.D. Card No. 154788 was a permanent workman in Bagdigi Colliery under Lodna Area of M/s. BCCL who died on 13.03.1994 while in service. At the time of death his dependent son Bhola Bhuia was teenage and a representation was submitted for employment to the dependent. When Bhola Bhuia reached the age of 18 years, he approached to the authority concerned to get employment in place of his deceased father in accordance with the provisions of NCWA-IV but it was not considered. Sri Bhola Bhuia dependent of Late Ganauri Bhuia is entitled to get employment in place of his deceased father as per the above provision and the action of the management of Bagdigi Colliery of M/s. BCCL in not providing employment to Sri Bhola Bhuia is not justified. The demand of the employment by Bhola Bhuia is legal and justified and it was prayed to pass award in favour of the applicant.

4. On the other hand the case of the management as per written statement cum rejoinder dated 16.07.2019 is that the present reference is bad in law and is liable to be dismissed. The claim of the dependent is hopelessly barred by limitation. The dependent claimant had not come up before this Tribunal with clean hands. It is fact that Late Ganauri Bhuia was working as Loader at Bagdigi Colliery at the time of his death and as per official record his year of birth was 1956 and he was appointed on 17.04.1978 and he expired on 13.03.1994. In the service excerpt of Late Ganauri Bhuia the name of Budhni Bhuini appears as wife and Bhola Bhuia, the claimant appears as son. It has further been submitted that Budhni Bhuini during her life time had declared herself as widow of Dwarika Bhuia and in the service excerpt of Late Budhni Bhuini, Dwarika Bhuia appears as father but in other records her husband’s name is mentioned as Late Dwarika Bhuia. Bhola Bhuia has filed an affidavit wherein he has mentioned his father’s name as Late Dwarika Bhuia while submitting application for employment in place of her mother Late Budhni Bhuini. Therefore, it is crystal clear that the claimant Bhola Bhuia is not the son of Late Ganauri Bhuia. Before the Conciliation Officer also he could not produce any chit of paper to prove that he is the son of Late Ganauri Bhuia while claiming employment in his place. The claim of employment has been filed at a very belated stage and it is well covered by the judgments of the Hon’ble Court that compassionate appointment cannot be claimed as a matter of right and it cannot be kept reserve for long and the management had rightly denied the claim of the claimant. In his rejoinder he has submitted that the statement made in Para-1 of ws by the union requires no comment. The statement made in Para-2 by the union is matter of record. The Statement made in Para-3 by the union is denied as Bhola Bhuia has filed affidavit declaring himself as son of Late Dwarika Bhuia and he has never submitted any representation after the death of Ganauri Bhuia before the management for employment. The statement made in Para-4, 5, 6 and 7 by the union is denied as the case of Bhola Bhuia does not fall within the purview of NCWA and he has himself declared as son of Dwarika Bhuia and so the denial of employment is legally justified and the demand of the union is illegal and prayed to hold the action of the management in not providing employment to Bhola Bhuia is fair, legal and justified.

5. Rejoinder has also been filed on behalf of the union submitting therein that the fact as content in Para-1 of the W/S of the management is a fact. The Statement made in Para-2, 3, 4, 5, 8, 9, 10, 11 and 12 has been denied as not correct. The statements made in Para-6 and 7 is matter of record and the facts mentioned in Para-13 is matter of policy. At last it was prayed to pass Award in favour of the claimant.

6. **Issue**

Whether the action of the management of Bagdigi Colliery of M/s. BCCL in not providing dependent employment to Sh. Bhola Bhuia, S/o- Late Ganauri Bhuia, Loader, under the provisions of NCWA is justified and legal? If not, to what relief is the dependent son of Late Ganauri Bhuia entitled?”

7. In support of his case the union has examined WW-1, Bhola Bhuia.

8. In support of his case the union has adduced the following documentary evidence:-

Exhibit W-1 – Death Certificate of Late Ganauri Bhuia.

Exhibit W-2 – Service Excerpts of Late Ganauri Bhuia.

9. In support of its case the management has examined MW-1, Prabhat Kumar.

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

Exhibit M-1 – Copy of Circular of BCCL dated 06/24.01.2004.

Exhibit M-2 – Copy of Service Excerpt of Late Ganauri Bhuia.

Exhibit M-3 – Copy of Service Excerpt of Late Budhni Bhuini.

Exhibit M-4 – Letter dated 12/14.04.1994 to the Agent, Bagdigi Colliery Lodna Area – X.

Exhibit M-5 – Letter of Project Officer/Manager, Bagdigi Colliery to the Assistant Labour Commissioner (Central) Dhanbad.

Exhibit M-6 Series – Letter to Secretary, Govt. of India, Ministry of Labour, New Delhi written by Assistant Labour Commissioner (Central), Dhanbad-III regarding failure of conciliation report.

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

12. The learned Representative of the claimant has submitted that this is a case of dependent employment and Ganauri Bhuia was a permanent workman at Bagdigi Colliery under M/s. BCCL who died in harness on 13.03.1994 and at the time of death, the claimant Bhola Bhuia who was dependent son of the said deceased, was teenage. So the wife of the said deceased workman made a representation before the concerned management to record the name of his son Sri Bhola Bhuia in live Roster but management did not accept her representation. When Bhola Bhuia reached the age of 18 years, he represented himself before the authority concerned for providing him employment in place of his deceased father in accordance with the provisions of NCWA-IV but the concerned authority did not provide him employment. He has also submitted death certificate of his late father as well as his service excerpts in which the name of Bhola Bhuia has been recorded as the son of the deceased but ultimately his case was rejected by the management whereas he is legally entitled for dependent employment on compassionate ground and prayed to pass award in his favour.

13. On the other hand the Ld. Counsel for the management has submitted that Ganauri Bhuia who was Ex-employee of Bagdigi Colliery died on 13.03.1994 and in his service excerpts the name of Budhni Bhuini as wife and Bhola Bhuia as son has been recorded but Budhni Bhuini during her life time declared herself as widow of Dwarika Bhuia but in her service excerpts the name of Dwarika Bhuia appears as father. The claimant Bhola Bhuia has also filed an affidavit before the management wherein he has mentioned his father's name as Dwarika Bhuia while submitting application for employment in place of his mother Budhni Bhuini which shows that Bhola Bhuia is not the son of Late Ganauri Bhuia and so he is not entitled to get employment in his place. He also could not produce any document before Conciliation Officer to prove his father's name as Ganauri Bhuia. The present case has been filed after about 10 years of the death of Ganauri Bhuia and so it is hopelessly barred by limitation. The compassionate appointment is not a matter of right. At the time of death of Ganauri Bhuia NCWA-V was in operation and effective since 01.07.1991 to 30.06.1996 and as per the same it is clear that a male dependent of the concerned worker if of 15 years or above in age at the time of death, he will be kept on live Roster and would be provided employment commensurate with his skill and qualification when he attains the age of 18 years whereas the claimant Bhola Bhuia was only 9 years old at the time of death and so the claim is time barred and he is not entitled for any compassionate appointment.

14. As regards the oral evidence of the union, WW-1 Bhola Bhuia, claimant himself has deposed that he is the son of Late Ganauri Bhuia who was permanent workman in Bagdigi Colliery of M/s. BCCL and died on 13.03.1994 while in service. His name also appears in his father's service excerpts showing his relationship as son. At the time of death of his father he was teenager and after reaching 18 years he applied for his employment which was regretted by the higher authority. He is entitled to get employment in place of his deceased father in accordance with the provision of NCWA-IV. In his cross-examination he has stated that his father died on 13.03.1994. He was working as loader in Bagdigi Colliery but his mother Budhni Devi was not a working lady. She died two to three years back but he can not tell the year. He has denied the fact that his mother was working in BCCL. He has denied of filing any affidavit before BCCL showing his father's name as Dwarika Bhuia.

15. As regards the documentary evidence of the claimant, Exhibit W-1 is the photo copy of Death Certificate of Ganauri Bhuia and on its perusal it transpires that his date of death has been mentioned as 13.03.1994. Exhibit W-2 is the photo copy of Service Excerpts of Late Ganauri Bhuia and on its perusal it transpires that the name of Budhni Bhuini has been mentioned as wife and the name of claimant Bhola Bhuia has been mentioned as son in the column of relationship.

16. As regards the oral evidence of the management, MW-1, Prabhat Kumar has deposed that claimant has sought for job in place of his deceased father who died on 13.03.1994. As per service excerpts the age of the claimant was 9 years at the time of his father death. He was not entitled to be enrolled in service excerpts. In the cross-examination he has admitted that the claimant's name is there in his father service excerpts and he has denied that the claimant is entitled to get job on compassionate ground.

17. As regards the documentary evidence of the Management, Exhibit M-1 is the Circular dated 6/24.01.2004 of the BCCL and according to this circular, no petition for dependent employment will be entertained after 18 months from the date of death or disablement. Exhibit M-2 is the photo copy of Service Excerpts of Late Ganauri Bhuia and on its perusal it transpires that the name of Budhni Bhuini has been mentioned as wife and the name of claimant Bhola Bhuia has been mentioned as son in the column of relationship. Exhibit M-3 is the photo copy of service excerpts of Budhni Bhuini and on its perusal it transpires that the name of Bhola Bhuia has been mentioned in the column of nominee as well as in the column of her son. Exhibit M-4 is related to the nominee of Ganauri Bhuia regarding his P.F in which the name of his mother has been mentioned which is not relevant for this instant issue. Exhibit M-5 is the letter of Project Officer/Manager of Bagdigi Colliery written to the Assistant Labour Commissioner (Central), Dhanbad regarding employment to Sri Bhola Bhuia and on its perusal it transpires that it has been mentioned therein that Ganauri Bhuia was Ex-employee of Bagdigi Colliery and he died on 13.03.1994 and at that time the age of Bhola Bhuia was 9 years and so at that stage the employment could not be given to the dependent of Ganauri Bhuia being belated case and it was prayed to close the conciliation. Exhibit M-6 is the letter dated 25.08.2003 written by Assistant Labour Commissioner (Central), Dhanbad to the Secretary Government of India of Ministry of Labour, New Delhi regarding information on failure of the conciliation report.

18. On perusal of the oral as well as documentary evidence of the claimant, Bhola Bhuia as well as the management (Exhibit W-2, M-2) it is established that the claimant, Bhola Bhuia was the son of Late Ganauri Bhuia, Ex-employee of BCCL and there was relationship of father and son between them and the oral and empty claim of the management that the claimant, Bhola Bhuia has filed an affidavit for employment mentioning the name of his father as Dwarika Bhuia has not been supported by any documentary evidence and therefore this claim is out rightly brushed aside. Secondly the oral and empty claim of the management that Budhni Bhuini has declared herself to be wife of Dwarika Bhuia in other documents is also not supported by any documentary evidence before this Tribunal and therefore this claim is also out rightly brushed aside.

19. Now as regard the entitlement of the claimant, Bhola Bhuia for dependent job in place of his father Late Ganauri Bhuia after his death on 13.03.1994, the claimant has simply claimed that at the time of death of his father Ganauri Bhuia he was teenager and after reaching the age of 18 years he had applied for employment which was regretted by the higher authority of the BCCL but he has nowhere disclosed either in pleading or in evidence as to what was his actual age or date of birth at the time of death of his father and on which date he attained the age of majority ie 18 years and on which date thereafter he filed his representation before the BCCL for dependent employment and whatever he has mentioned in his pleading and evidence on this crucial point, that is all cryptic and vague. Not only this, he has not also taken any pain to file a copy of representation or any date of birth certificate, Aadhar Card etc from his side.

On the other hand, the management has regretted the claim of dependent employment of the claimant Bhola Bhuia stating that at the time of death of Ganauri Bhuia NCWA-V was applicable (agreement covered period from 1 July,1991 to June 30,1996) and as per the same in case of death either in mine accident or for other reasons or medical unfitness under clause 9.4.0, if no employment has been offered and the male dependent of the concerned worker is 15 years and above in age, he will be kept on a live Roster and would be provided employment commensurate with his skill and qualification when attains the age of 18 years. Here in the instant case though the claimant has not stated anything and kept mum on the point as to what was the actual age of the claimant at the time of death of his father Ganauri Bhuia but on perusal of Ext M-5 which has been submitted from the side of the management, it transpires that at the time of death of the Ex-employee Ganauri Bhuia the age of Bhola Bhuia was 9 years. Though on perusal of Exhibit M-2 and Exhibit W-2 it appears that at the time of preparation of the service excerpts the age of the claimant, Bhola Bhuia was 2 years but these documents are so illegible that it is very difficult to scan the date of preparation of these documents.

20. On the basis of above discussions this Tribunal finds that at the time of death of Ganauri Bhuia, the age of Bhola Bhuia was only 9 years and so he was not put on live Roster as per the provisions of NCWA V and therefore there is no question of consideration of his employment on compassionate ground and secondly, admittedly after attaining majority, the claimant Bhola Bhuia filed his claim for dependent employment (though no copy of the claim application has been filed) which was highly time barred and on that ground his claim was rightly regretted by the BCCL because this is settled principle of law that the compassionate appointment is given to provide immediate financial assistance to a family facing sudden crisis and financial destitution due to the death or medical invalidation of the primary bread winner whereas Exhibit M-3 proves that the mother of the claimant Budhni Bhuini was also BCCL employee and she was appointed on 23.11.1981 about 13 years prior to the death of Ganauri Bhuia and therefore there is no question of any financial destitution of family due to the death of Ganauri Bhuia and for these reasons the claim of the claimant, Bhola Bhuia for compassionate appointment is not at all sustainable in the eye of law.

21. Thus, on the basis of above appreciations of the facts, circumstances and evidence on record and the reasons stated above this Tribunal finds that the claim of the claimant Bhola Bhuia for compassionate appointment is not sustainable in the eye of law. Accordingly, it is held that the action of the management of Bagdigi Colliery of M/s. BCCL in not providing dependent employment to Sri Bhola Bhuia, S/o- Late Ganauri Bhuia, Loader under the provisions of NCWA is quite justified and legal and he is not entitled to any relief. 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, 29 दिसम्बर, 2025

का.आ. 2262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (05/2020-21) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर (बी-1)-149]

सलोनी, उप निदेशक

New Delhi, the 29th December, 2025

S.O. 2262.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 05/2020-21) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12025/01/2025- IR(B-I)-149]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/Appln. /05/2020-21

Date: 07.11.2025.

Party No.1: The State Bank of India & 5 others,
State Bank Bhawan, Madam Cama Road,
Mumbai - 400032

V/s.

Party No.2: 1. The State Bank of India Staff Union (Mumbai Circle),
State Bank of India, Zonal Office, S. V. Patel Road,
Road, Nagpur – 440001
2. Vajrabodhi s/o Ramchandra Meshram
3. Kamal Lakhi Rangwani
4. Smt. Ratna w/o Prashant Dhorey
5. Rajendra s/o Radheshyam
6. Milind s/o. Madhukar Wasnik

AWARD

(Dated: 07th November, 2025)

In exercise of the powers conferred by Section (1) & (2) of Section 2-A of Industrial Disputes (Amendment) Act, 2010 ("the Act" in short), the applicant filed an industrial dispute between the employers, in relation to the management of State Bank of India and the applicant Vajrabodhi s/o Ramchandra Meshram & 4 others for adjudication vide case No. CGIT/NGP/APPL./05/2020-21 with the following issues framed: -

“Whether the service conditions of the applicants 1. Vajrabodhi s/o Ramchandra Meshram, 2. Kamal Lakhi Rangwani, 3. Smt. Ratna w/o Prashant Dhorey, 4. Rajendra s/o Radheshyam and 5. Milind s/o. Madhukar Wasnik changed during the pendency of conciliation proceedings? If so, what relief the applicants are entitled to?”

2. Case is called out. Shri. Dadu Sachdev learned counsel for the management 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 23.09.2021. Although, Statement of Claim and Written Statement have been filed by the parties respectively but the petitioner has not filed any evidence to prove his case. The petitioner is not coming to the court since long back. It appears that petitioner is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

“The applicants 1. Vajrabodhi s/o Ramchandra Meshram

2. Kamal Lakhi Rangwani

3. Smt. Ratna w/o Prashant Dhorey

4. Rajendra s/o Radheshyam

5. Milind s/o. Madhukar Wasnik are not entitled to any relief”

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथॉरिटी ऑफ इंडिया; मेसर्स ओमेगा एंटरप्राइजेज; मेसर्स ओलंपिया टेक पार्क (चेन्नई) प्राइवेट लिमिटेड; मेसर्स मीनांबक्कम रियल्टी प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और चेन्नई एयरपोर्ट कॉन्ट्रैक्ट वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई, पंचाट (रिफरेन्स न.- 54/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. एल-11011/03/2022-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2263.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 54/2023**) of the **Central Government Industrial Tribunal cum Labour Court, Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Airport Authority of India; M/s Omega Enterprises; M/s Olympia Tech Park (Chennai) Pvt. Ltd.; M/s Meenambakkam Realty Pvt. Ltd. and Chennai Airport Contract Workers Union** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. L-11011/03/2022-IR(M)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 54/2023

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 26-11-2025

The Secretary,
Chennai Airport Contract Workers Union,
No.72, A, MGR Street, Karunidhi Nagar,
Ullagaram, Chennai- 600 091

:

1st Party/Petitioner

AND

1. The Airport Director,
The Airport Authority of India,
Chennai Airport, Commercial Department,
Meenabakkam, Chennai – 600 027 : 2nd Party / 1st Respondent
2. The Authorized Signatory,
M/s Omega Enterprises,
Room No.106, Building No.5, Ganeshwadi CHS,
Opp. Akruthi Towers, Bhim Nagar MIDC,
Antheri, Mumbai – 400 093 : 2nd Party / 2nd Respondent
3. The Authorized Signatory,
M/s Olympia Tech Park (Chennai) Pvt Ltd.,
No.1, SIDCO Industrial Estate, Guindy,
Chennai – 600 032 : 2nd Party / 3rd Respondent
4. The Authorized Signatory,
M/s Meenambakkam Realty Pvt Ltd.,
No.1, SIDCO Industrial Estate, Guindy,
Chennai – 600 032 : 2nd Party / 4th Respondent

Appearance:

- For the 1st Party/Petitioner : None
 For the 2nd Party/1st Respondent : M/s. R. Parthiban, Adv
 For the 2nd Party/2nd Respondent : M/s. C. Kasirajan, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-11011/03/2022-IR(M), dated 17.07.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“1. Whether the dispute raised by Chennai Airport Contract Worker’s Union vide their representation dated 20.06.2022 i.r.o. 123 workers against the management of Airports Authority of India, Chennai / M/s Omega Enterprises, Mumbai / Olympia Tech Park Private Limited, Chennai is industrial dispute under ID Act, 1947?

2. If yes at S.No.1 above, whether the claim of Chennai Airport Contract Worker’s Union vide their representation dated 20.06.2022 that the contractual arrangement between the contractor and the management of Airports Authority of India, Chennai for engagement of 123 workers (list enclosed) is sham and nominal is proper, legal and justified? If yes, to what reliefs as sought vide letter under reference the disputant union/workers are entitled and what directions, if any are necessary in the matter?”

2. On receipt of the above reference dated 31.10.2023 from the appropriate Government, the dispute was registered as ID No. 54/2023 and due notices were issued to both the parties for their appearance fixing the case to 31.10.2023. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 02.01.2024, 05.08.2025 and 03.10.2025. The Petitioner did not turn up whereas the First and Second Respondents files their Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 17.07.2023 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 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 R3 and R4 were not present, whereas R1 and R2 were 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, 30 दिसम्बर, 2025

का.आ. 2264.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद, पंचाट (रिफरेंस नं.- 44/2007) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. एल-30012/10/2007-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2264.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 44/2007**) of the **Central Government Industrial Tribunal cum Labour Court-1, Dhanbad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Bharat Petroleum Corporation Ltd.** and **Their Workmen** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. L-30012/10/2007– IR (M)]

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. 44/2007

Parties:

Employers in relation to the management of M/s. Bharat Petroleum Corporation Ltd., Dhanbad

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :-Sri V.K. Pandey, Ld. Advocate

For the workmen :- Sri Pintu Mondal, Ld. Representative

State : Jharkhand.

Industry:-Petroleum

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-30012/10/2007 (IR(M)) dated 27/08/2007 has been pleased to refer the following dispute between the employer i.e. management of M/s. BPCL, Dhanbad and their workman through Secretary, Jharkhand Janta Mazdoor Union, Saraikhela, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of BPCL, Dhanbad Depot in terminating the services of Sri GholtuTuri, who worked (as Heavy Vehicle Driver) from October, 1989 to 18/10/2002 without following the provisions of ID Act, 1947 is just, legal and fair? If not, what relief the workman is entitled to?”

2. The case of the workman as per the written statement filed on 06.04.2011 is that the workman concerned was a permanent employee of BPCL, Dhanbad Depot and he was appointed in the year 1989 and he rendered continuous service with unblemished record till 18.10.2002 when the management terminated his service in utter violation of principles of natural justice without assigning any reason. In the year 1989 the name of the workman concerned was sponsored by the Employment Exchange of Government of Bihar and he was invited by the management of BPCL to appear in the written test cum interview for Heavy Vehicle Driver. Accordingly he appeared and after written test he was declared successful and then invited for personal interview and after the interview he was declared successful and the management appointed him and since then he was working as Heavy Vehicle Driver till the management terminated his services illegally. He was paid wages by the management on monthly rate prescribed by the management from time to time. He was paid ex-gratia payment according to the rules of the management. He worked continuously for 13 years but even then the management terminated his services without following the mandatory provisions of Certified Standing Orders of the company as well as the mandatory provisions of the I.D. Act, 1947. Just to deprive him from legitimate right and benefits the management made some paper arrangements and showing him as casual employees which is a camouflage to conceal the real issue. Although he was reporting for his duties regularly without any break but just to deprive him from legitimate right, the management created some artificial break in his record. He has acquired all the status of a permanent workman and his termination from service amounts to unfair labour practice. He was not issued any charge sheet or show cause notice before terminating his services which is against the principles of natural justice and therefore he is entitled to be reinstated with full back wages and other consequential benefits and it was prayed to hold the action of the management of M/s. BPCL, Dhanbad Depot in terminating the services of the workman Sri GholtuTuri is not just and also illegal.

3. On the other hand the case of the management as per the written statement filed on 25.08.2011 is that the reference itself is bad in law and not maintainable as GholtuTuri was never a permanent employee of the Corporation and so he can not be terminated by the Corporation from his services. As per the common practice prevalent throughout all the industries, casual workmen are intermittently engaged to cater to either sudden spurt of increased workload or to cater in continuity of work in the event of any planned/unplanned leave of permanent workmen. The question is how many days in a year such casual engagement of Sri GholtuTuri was done by the Corporation. It is worthwhile to mention that such engagements were much below 240 days in a year and particulars of the same are as follows:-

Year	Number of Days engaged
1989-90	67
1990-91	30
1991-92	108
1992-93	155
1993-94	167.5
1994-95	149
1995-96	192.5
1996-97	184
1997-98	119
1998-99	109
1999-2000	135
2000-01	128

From the above, it is evident that Sri GholtuTuri has worked occasionally and intermittently and there was never any continuous nature of work for which he was engaged in a year. It would also be clear from the above details that Sri Turi never worked for 240 days or more in a year. The workman's engagement was purely need based and procedure followed towards such engagement was as follows:-

That every temporary need for casual workman was notified with the concerned Employment Exchange to sponsor the names of candidates for empanelment as casuals with intimation that such engagement would depend upon casual need against absenteeism of permanent workmen only. We also obtained sponsorship from the District Employment Exchange with clear message to the Employment Exchange that some of the persons sponsored by them would be engaged by us purely as casual workmen. In other words, engagement of any person for work of casual nature does not entail any employment offer by the corporation in its permanent cadre and this fact is also very well known to Sri GholtuTuri who performed the casual nature of job in the corporation with full knowledge of the status of his employment.

The corporation being declared as a public utility services as per Section 2 (n) of the Industrial Dispute Act 1947 as well as amongst the list of industries involving Hazardous Processes as per First Schedule of the Factory Act, 1948 handling highly inflammable liquids, it is imperative for the Corporation to check the suitability of the candidates regarding their fitness for empanelment as casuals to ensure safety of its Depot/Location and the properties contained therein. Sri GholtuTuri was empanelled as Casual after carrying out due process of suitability verification, keeping safety aspect in mind.

Sri GholtuTuri was engaged as casual nature of work depending upon the emergent work requirements. He was engaged intermittently and was paid in line with the work carried out by him. The casual engagement was discontinued in the year 2002 since casual nature of work requirement was tapered off. After October 2002 he was not re-engaged since there was no requirement in the establishment.

In these premises the question of alleged termination of service does not arise since there was no formal letter of appointment issued to him as a permanent workman in the Corporation.

The Constitution Bench judgment of the Hon'ble Supreme Court in case of Secretary, State of Karnataka & Ors Vs. Uma devi and Ors has strongly turned down such demands by the casuals. Similarly in case of Union of India & Ors Vs. A.S. Pillai & Ors and State of Rajasthan & Ors. Vs. Daya Lal & Ors, the same thing was held. It has been denied that the workman was permanent employee of the Corporation at Dhanbad Depot. It has also been denied that he was working as General workman till the management terminated his service. It has also denied that the workman acquired all status of a permanent workman. The allegations of termination of service are totally baseless as no appointment letter was ever issued to the workman and he was engaged as casual labourer. It is stated that engaging casuals as per temporary requirement is prevalent in all industries and the Corporation followed the said process subject to its discretion to engage casuals against absenteeism or sudden spurt of work. The question of issuing charge sheet by the Corporation does not arise at all as the workman concerned is not permanent employee in the Corporation. His reinstatement is also absolutely irrelevant and misconception of law and facts. The Corporation denies that the relief sought by the union is legal or justified. It has further denied that the union or the casual workman involved in the reference are entitled for any relief and prayed to dismiss the reference.

4. On perusal of the case record it transpires that the concerned workman died during the pendency of this case and in his place his son LakhanTuri has been substituted for the purpose of this case.

5. A rejoinder has also been filed on behalf of the workman to the W/S filed by the management in which the workman has denied almost all stand taken by the management in his W/S stating that the workman has worked continuously without any break.

6. In support of the case of the workman, LakhanTuri has been examined as WW-1.

7. In his support the workman has adduced the following documentary evidence :-

Exhibit W-1 – Letter dated 27.07.1989 to the workman GholtuTuri for written test cum interview.

Exhibit W-2 –Letter dated 18.10.1989 to Sri GholtuTuri from the side of the BPCL to call upon with all the documents regarding educational qualification, date of birth etc. for casual labour.

Exhibit W-3 – A copy of Attendance Sheet of April, 1990.

Exhibit W-4 – Copy of payment of Ex-Gratia to casual workmen for 2000-2001.

Exhibit W-5 – Copy of Ex-Gratia payment from 01.04.1992 to 31.03.1993.

Exhibit W-6 – Letter dated 07.08.1983 of the BPCL, Dhanbad Depot to CPM/Calcutta regarding casual employment.

Exhibit W-7 – Photo copy of Aadhaar Card of LakhanTuri.

Exhibit W-8 – Photo copy of Electoral I.D. Card of LakhanTuri.

Exhibit W-9 – Photo copy of family list certificate.

Exhibit W-10 – Death Certificate of the workman GholtuTuri.

8. On the other hand the management has examined MW-1 Sonam Rajgaria.

9. By way of documentary evidence the management has got exhibited the monthly attendance of the workman GholtuTuri and others as **M-1 Series**.

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

11. The Ld. Representative of the workman has submitted that the workman GholtuTuri was appointed by the BPCL in the year 1989 after taking written examination as well as interview but he was illegally terminated on 18.10.2002 by the management without assigning any reason. He had rendered continuous service with unblemished record. He was also paid ex-gratia payment during his service period and thus he had acquired all the status of permanent workman but without following the provisions of I.D. Act, 1947 he was illegally terminated by the management and prayed to set aside the termination order and pass award for reinstatement of the workman with consequential benefits and back wages.

12. On the other hand the Ld. Counsel on behalf of the management has submitted that the workman was appointed by the management purely as casual workman only to cater the increased workload as well as continuity in the work in the event of leave of a permanent workman and secondly GholtuTuri had not completed 240 days in any of the year of his employment since 1989-90 to 2000-01 and therefore he is not entitled for any relief under the I.D. Act. He has also relied on and cited judgment of the Hon'ble Supreme Court in case of State of Karnataka & Ors Vs. Uma devi and Ors and prayed to reject the reference.

13. **Issue**

Whether the action of the management of BPCL, Dhanbad Depot in terminating the services of Sri GholtuTuri, who worked (as Heavy Vehicle Driver) from October, 1989 to 18/10/2002 without following the provisions of ID Act, 1947 is just, legal and fair? If not, what relief the workman is entitled to?

14. As regards the oral testimony of WW-1 LakhanTuri who is the son of Late GholtuTuri, the original workman in this case, has deposed that his father was working as Heavy Vehicle Driver at Dhanbad Depot of M/s. BPCL and he was appointed in the year 1989 but his service was illegally terminated w.e.f. 18.10.2002. He was illegally retrenched from the service of the Company without payment of retrenchment compensation whereas he had completed 240 days of attendance each and every year and therefore the termination is illegal and unjustified and he is entitled for reinstatement with full back wages. In his cross-examination he has stated that his father was working under BPCL since 13 years. He has also admitted that his father was a casual worker. Hence no appointment letter was issued to him.

15. Now as regard the documentary evidence of the workman, on perusal of Exhibit W-1 it transpires that this is a letter dated 27.07.1989 issued from the side of the management to the workman GholtuTuri for his written test cum interview for Heavy Vehicle Driver II and he was called for interview on 08.08.1989 with direction to bring original documents/testimonials regarding age, educational & Technical qualification etc. Exhibit W-2 clearly shows that this is a letter dated 18.10.1989 to Sri GholtuTuri from the side of the management regarding casual labour and he was called on 30.10.1989 with all the documents/testimonials as required in W-1. Exhibit W-3 is a photo copy of the attendance sheet of the month of April 1990 and on its perusal it transpires that the attendance of GholtuTuri have been marked in it. Exhibit W-4 and W-5 are related to the Ex-gratia payment for casual workman for the period 2000-01 and 01.04.1992 to 31.03.1993 that also bears the name of the workman GholtuTuri along with others. Exhibit W-6 shows that this is a letter dated 07.08.1983 written to CPM/Calcutta from the side of the management regarding casual employment of the workman GholtuTuri and others. Exhibit W-7 is the photo copy of Aadhaar Card of LakhanTuri. Exhibit W-8 is the photo copy of Electoral Identity Card of LakhanTuri, the son of GholtuTuri. Exhibit W-9 is the Family List Certificate and on its perusal it transpires that the name of LakhanTuri has been shown as the son and Fulwa Devi has been shown as the wife of GholtuTuri. Exhibit W-10 is the Death Certificate of the workman GholtuTuri and on its perusal it transpires that the date of death is mentioned as 08.04.2011.

16. Now as regards the oral testimony of MW-1 Sonam Rajgaria, She has deposed that workman was engaged as casual employee in their organization. The casual workers are engaged to fill leave vacancy either short or long. They were never engaged in any previous year for a period of 240 days or more. In the cross-examination she had admitted that after receiving the name of the workmen for employment exchange they went for medical and fitness test and found fit. He was given job since 1989 as casual employee and they worked upto Oct 2002 but not continuously. She has denied that the workman completed service more than 240 days in the year 1993, 1998 and 1999. She has also stated that she cannot say whether any letter issued to the workman not to come to work.

17. Now, as regards the documentary evidence of the management, on perusal of Exhibit M-1 series it transpires that these are the photo copies of the attendance register in 37 pages in which the attendance of the workman GholtuTuri has been marked.

18. On perusal of the oral testimony of WW-1 LakhanTuri as well as MW-1 Sonam Rajgaria as also on perusal of Exhibit W-2, W-4 and W-5 it is crystal clear that GholtuTuri was appointed as casual workman in BPCL, Dhanbad Depot and admittedly he worked since 1989 to 2002 for about 13 years as Heavy Vehicle Driver. The representative

of the workman has claimed and pleaded that GholtuTuri completed more than 240 days of work in every calendar year but he has failed to adduce any such documentary evidence in support of his claim. On the other hand the management has pleaded that during his entire service tenure the workman did not work 240 days in any of the calendar year since 1989 to 2002 and he has also described the same in Tabular Chart in Para-4 of the W/S and in support of the same, the management has also adduced Exhibit M-1 Series and on its perusal also it transpires that the workman never completed 240 days of the work in any of the calendar year during his entire tenure of service and the payment of Ex-gratia is a voluntary gesture of goodwill and made without legal obligation or admission of liability. It is separate from wages and does not establish a permanent employment relationship. A casual workman who has not completed 240 days of his service in the preceding 12 months is not entitled to the benefit under Industrial Dispute Act, 1947 like Section 25F retrenchment compensation and thus he has no relief available under the Act even if he is terminated without notice as claimed by the workman. The legal protection under the I.D. Act for retrenchment including notice period or pay in lieu, are for the employees who have completed one year of continuous service i.e. 240 days which is pre-requisite for claiming protection under the Act and if this condition is not met, the workman does not qualify for the benefit intended for employees with continuous service of at least one year.

19. Thus, on the basis of the above discussions of facts, circumstances and evidences available on the case record this Tribunal finds and holds that the action of the management of BPCL, Dhanbad Depot in terminating the services of Sri GholtuTuri, who worked (as Heavy Vehicle Driver) from October, 1989 to 18/10/2002 without following the provisions of I.D. Act, 1947 is just, legal and fair and the workman is not entitled to the benefit under the provision of I.D. Act, 1947. 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, 30 दिसम्बर, 2025

का.आ. 2265.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बिरला कॉर्पोरेशन लिमिटेड; मेसर्स एच.आर. कॉन्ट्रैक्टर्स; मेसर्स आर.आर. स्टील फैब्रिकेटर्स; मेसर्स बैसवारा सिक्योरिटी एजेंसी के प्रबंधन के संबद्ध नियोजकों और मेसर्स आर.आर. स्टील फैब्रिकेटर्स के कर्मचारी श्री सुधीर सिंह, मेसर्स एच.आर. कॉन्ट्रैक्टर के कर्मचारी श्री संदीप सोनकर, मेसर्स बैसवारा सिक्योरिटी एजेंसी के कर्मचारी श्री एस.एन. तिवारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, लखनऊ, पंचाट (रिफरेंस नं.- 29/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. एल-29011/04/2021-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2265.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 29/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Lucknow** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Birla Corporation Limited; M/s H.R. Contractors; M/s R.R. Steel Fabricators; M/s Baiswara Security Agency and Shri Sudhir Singh Worker of M/s R.R. Steel Fabricators, Shri Sandeep Sonkar Worker of M/s H.R. Contractor, Shri S.N. Tiwari Worker of M/s Baiswara Security Agency** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. L-29011/04/2021- IR (M)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

MISC APPLICATION NO.01 OF 2022

&

MISC APPLICATION NO.02 OF 2023

I.D. No. 29/2021

Ref. No. L-29011/4/2021-IR (M) dated: 12.02.2021

BETWEEN

1. Shri Sudhir Singh

Representative of worker of M/s R.R. Steel Fabricators

Raebareli (UP)

2. Shri Sandeep Sonkar

Representative of workers of M/s H.R. Contractor

Raebareli (UP)

3. Shri S.N. Tiwari

Representative of workers of M/s Baiswara Security Agency

Raebareli (UP)

AND

1. The General Manager

Birla Corporation Limited

Raebareli (UP)

2. The Occupier

Birla Corporation Limited

Raebareli (UP)

3. M/s H.R. Contractors, C/o

Birla Corporation Limited

Raebareli (UP)

4. M/s R.R. Steel Fabricators, C/o

Birla Corporation Limited

Raebareli (UP)

5. M/s Baiswara Security Agency, C/o

Birla Corporation Limited

Raebareli (UP)

AWARD

By order No. L-29011/4/2021-IR (M) dated: 12.02.2021 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred under Section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"WHETHER THE REPRESENTATION DATED 01.01.2020 MADE BY THE REPRESENTATIVE OF CONTRACT WORKMEN SH. SUDHIR SINGH AND OTHERS REGARDING INTERPRETATION OF SETTLEMENT DATED 11.09.2020 IN TERMS OF ENHANCEMENT OF WAGES W.E.F. 01.08.2020 & PAYMENT OF COMPULSORY HOLIDAYS/NATIONAL HOLIDAYS RULES AND CONDITIONS (3 TIMES IN CASE THE WORK PERFORMED BY THE WORKMEN) AGAINST M/S BIRLA CORPORATION LTD. ARE PROPER & LEGALLY JUSTIFIED? IF SO, AS TO WHAT RELIEF THE CONTRACT WORKMEN ARE ENTITLED TO?"

Accordingly, an Industrial Dispute No. 29/2021 has been registered on 01.03.2021.

An award dated 27.09.2022, has been passed, relevant portion quoted herein below:-

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

Thereafter on behalf of claimant in application dated 29/30/09/2022, for recall of the award dated 27.09.2022 has been moved, registered as MISC application no. 01/2022 on behalf of respondent, an objection has been filed on 27.03.2023, (MISC Application no.02/2023).

The award dated 27.09.2022, was recall and the ID case was disclose to its number.

Inspite of notice none appeared on behalf of the workman,

I heard Shri AK. Singh learned counsel for respondent, and perused the record.

From the perusal of record the petition emerged out in last several days i.e. 03.07.2023, 16.10.2023, 05.12.2023, 22.03.2024, 03.07.2024, and time was granted to file claim statement.

On 24.09.2024, the matter was fixed for ex parte hearing as the claimant has not filed a claim statement.

Moreover on 24.12.2024, an order was passed, relevant portion quoted herein below:-

None for claimant in revised list

Shri AK. Singh for respondent

Further one more last opportunity is granted for claim statement.

List on 24.03.2025.

Thereafter on 08.06.2025, an order was passed, relevant portion quoted herein below:-

None for claimant in revised list

Shri AK. Singh for respondent

Opportunity to file claim statement is closed

List on 29.09.2025, for ex parte hearing.

Today when the matter was taken up neither workman is appeared for any claim statement has been filed.

FINDINGS & CONCLUSION:

After hearing the learned counsel and taking into consideration the fact that till date no statement of claim has been filed by the claimant in order to establish his claim as per the reference dated 12.02.2021. So in view of the said facts, as well as the law 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/oral/documentary evidence, so the present case is liable to be dismissed.

AWARD

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

Award as above.

Lucknow,

1st October 2025.

Justice ANIL KUMAR, Presiding Officer

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

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2266.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कारपोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री धनेश कुमार चौरवाड़े के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेंस नं.- 24/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-167]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2266.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 24/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Shri Dhanesh Kumar Choourwade** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. Z-16025/04/2025-IR(M)-167]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/24/2021

Present: P.K.Srivastava

H.J.S.(Retd.)

1. **Shri Dhanesh Kumar Choourwade,**
Ward Number 5, Barej Patti, Lanji,
Disstt. Balaghat (Madhya Pradesh)

Workman

Vs

1. **The Senior Manager,**
Life Insurance Corporation of India,
Madan Mahal, Nagpur Road, Jabalpur (Madhya Pradesh)
2. **The Branch Manager,**
Life Insurance Corporation of India,
Ambedkar Chowk, Balaghat (M.P.)
3. **The Branch Manager,**
Life Insurance Corporation of India,
Satelite Branch-SSO-Lanji, Disstt. Balaghat (M.P.)
Management

(JUDGMENT)

(Passed on this 18th day of November, 2025)

As per letter dated 18/03/2021 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. J-1(5-1)/2021-IR dt. 18/03/2021. The dispute under reference relates to:

“क्या प्रबंधन वरिष्ठ प्रबंधक, भारतीय जीवन बीमा निगम, जबलपुर व शाखा प्रबंधक, भारतीय जीवन बीमा निगम, बालाघाट एवं श्री धनेश चोरवाड़े श्रमिक के मध्य औद्योगिक विवाद है? यदि हाँ तब क्या कथित रूप से प्रबंधन के मौखिक आदेश द्वारा श्री धनेश चोरवाड़े को कार्य पर न रखकर उसके स्थान पर किसी अन्य व्यक्ति को कार्य पर रखते हुए उसका (धनेश चोरवाड़े) सेवा से निष्कासन क्या न्यायोचित है? यदि नहीं तो आवेदक किस अनुतोष का अधिकारी है?”

The case of the workman is that, he was appointed as a labour by management of LIC on 01.04.2009 and worked continuously till 01.04.2017 when he was disengaged without any notice or compensation which is against the act.

Case of management is that, he was a daily wager engaged on as and when required basis who never worked for 240 days in any year. He worked for only 1 month in 2009, 9 months in 2010, 12 months in 2011, 5 months in 2004, 1 month in 2014, 6 months in 2015, 4 months in 2016 and 2 months in 2017. It is also the case of the management that he was an outsourced employee deputed by the outsourcing agency. He became mentally unstable and the outsourcing agency was asked by management to replace him. The outsourcing agency replaced the workman and deputed some other person. Thus, according to management, the workman was not employed by them. Hence there is no question of his disengagement by management of LIC.

In evidence, the workman did not appear and did not file any evidence. Management filed an affidavit of its witness as his Examination-in-chief, he has been cross-examined by workman side.

I have heard argument of Learned Counsel for workman Mr. Praveen Yadav, Learned Counsel for Management of LIC, Mr. Amitabh Bharti. I have gone through the record as well.

The reference itself is the issue for determination.

The initial burden to prove his case that **firstly**, he was appointed by the LIC and **secondly**, he worked for 240 days in the year preceding the date of his disengagement as well also that he was disengaged by LIC is on workman. He has not filed any evidence in this respect. Hence, he is held to have failed in discharging this burden. On the other hand, management witness has corroborated the case of LIC and there is nothing in his cross-examination to discredit him.

Hence, on the basis of above discussion and findings, holding the claim of the workman not proved, the reference stands answered against the workman.

No order as to cost.

DATE:- 18-11-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2267.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खजुराहो पर्यटन; जेट एयरवेज़ (इंडिया) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री बाबूलाल रायकवार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेंस नं.- 54/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-168]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2267.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 54/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Khajuraho Tours; Jet Airways (India) Ltd.** and **Shri Babulal Raikwar** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. Z-16025/04/2025-IR(M)-168]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/54/2022Present: P.K.SrivastavaH.J.S.(Retd.)

1. Shri Babulal Raikwar

S/o Late Chiddi Raikwar,
Sewagram, Near Surai Temple,
Distt. Khajuraho, Chattarpur,
Madhya Pradesh - 471001

Workman

Vs

1. The General Manager,

Khajuraho Tours,
Bamitha Road, Distt. Khajuraho,
Chattarpur, Madhya Pradesh-471001

2. The Station Manager.

Jet Airways (India) Ltd. Airport,
Khajuraho Airport, Distt. Khajuraho,
Chattarpur, Madhya Pradesh-471001

Management

(JUDGMENT)**(Passed on this 7th day of November, 2025)**

As per letter dated 28/10/2022 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. J-8(27-B)/2018-ALC** dt. 28/10/2022. The dispute under reference relates to:

“Whether the action of the Management of Khajuraho Tours Khajuraho through its proprietor/Manager and Jet Airways Airlines through its Station Manager in terminating the services of Shri Babulal Raikwar S/o Late Chiddi Raikwar, Ex- Casual Labour (UAN No.100104742220, who was appointed on 1/1/2000 and continuously worked more than 16 years up to 1/5/2017) without complying with the relevant provisions of the Industrial Disputes Act, 1947 is fair, legal and justified? If not, to what relief the concerned workman is entitled and from which date?”

The case of the workman is mainly that, he worked in the establishment of M/s Jet Airways Airlines at Khajuraho Airport as an employee of M/s Khajuraho Tours since 01.01.2020 till date of his disengagement on 12.02.2019 as helper. He was retrenched without any notice or compensation which is in violation of section 25-F and 25-G of the Act. This is unfair labour practice adopted by the management, hence the action of management is unjust, illegal and arbitrary. He has further alleged that his work was of permanent and perennial nature involving loading and unloading of cargo. He raised dispute against his retrenchment before the concerned Labour Commissioner who refused to refer the dispute. Thereafter he filed a writ petition No. 9124/2019 before Hon'ble High Court of M.P. and it was under order of Hon'ble High Court on 12.02.2019, the reference was made to this Tribunal. He has prayed that holding his disengagement against law, he be held entitled to be reinstated with all back wages and benefits.

Case of M/s Khajuraho Tours, who appeared and filed its written statement of defense, is that the workman was engaged by them and was deputed to work with the establishment of M/s Jet Airways Airlines in outsourcing contract, which was allotted by M/s Jet Airways Airlines to M/s Khajuraho Tours. He worked till 30 April, 2017 and submitted his resignation on 30.04.2017. He had been given all his dues including provident fund after his resignation was accepted since, then he left the institution of M/s Khajuraho Tours. Hence, there is no occasion of termination of his services as claimed by him.

The management of M/s Khajuraho Tours has prayed that the reference be answered against the workman.

None appeared for M/s Jet Airways Airlines inspite of service.

During pendency, the workman died and his legal representative, his widow was substituted in his place.

In evidence, the workman did not prove any document, no affidavit from the side of the workman was filed in support to his case.

M/s Khajuraho Tours has filed affidavit of its partner Jitendra Lavaniya as his Examination-in-chief, he was cross-examined by workman side. The management proved photocopy of resignation of the workman as Ex-M/1.

I have heard argument of Learned Counsel for the workman Mrs. Poonam Daharwal, Learned Counsel for the Management was not available at the time of argument, they did not file any written argument. I have gone through the record also.

The initial burden to prove his case lies on the workman in absence of his any proved document or statement on oath, he is held to have failed in discharging this burden. On the other hand, the management witness has corroborated their case and proved the resignation letter of the workman, there is nothing in cross-examination of the management witness to discredit him.

On the basis of above discussion and findings, holding the claim of the workman not proved, the reference deserves to be answered as follows:-

AWARD

“Holding the action of the Management of Khajuraho Tours Khajuraho through its proprietor/Manager in terminating the services of Shri Babulal Raikwar S/o Late Chiddi Raikwar, Ex- Casual Labour (UAN No. 100104742220, fair, legal and justified, he is held entitled to no relief.

No order as to cost.

DATE:- 07-11-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2268.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और भारतीय जीवन बीमा निगम कर्मचारी संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 24/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. एल-17011/05/2022-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2268.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 24/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Bhartiya Jeevan Bima Nigam** and **Bhartiya Jeevan Bima Nigam Karmachari Sangh** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. L-17011/05/2022-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM**LABOUR COURT, JABALPUR****NO. CGIT/LC/R/24/2022****Present: P.K.Srivastava****H.J.S.(Retd)****The General Secretary,****Bhartiya Jeevan Bima Nigam Karmachari Sangh,****594/8, Nehru Nagar, M.I.G. Thana Main Raod,****Indore (M.P.) - 452011****Workman****Versues****The General Manager,****M/s Bhartiya Jeevan Bima Nigam,****Central Regional Office,****B, Hoshangabad Road,****Bhopal (M.P.) - 452060****Management****(JUDGMENT)****(Passed on this 12th day of November - 2025)**

As per letter dated 25/05/2022 of 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- 17011/05/2022 (IR(M)) dt. 25/02/2022. The dispute under reference relates to:

"Whether the demand of the Madhya Pradesh Bhartiya Jeevan Bima Nigam Karmachari Sangh (Intuc) Indore, M.P. for temporary allowance to workers working in the management M/s Bhartiya Jeevan Bima Nigam is legal, fair and justified? If not, what other relief the workmen are entitled to?"

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

Case of the Workman union is mainly that, they are a registered union under the Trade Union Act affiliated INTUC bearing Registration No. 6892 and the General Secretary of the Union has been authorized to prosecute the claim on behalf of its workers who are working in different branches of the Management of LIC (Life Insurance Corporation) as temporary employees against vacant and regular posts since 2017 continuously and regularly. For the job which are permanent and perennial in nature. They are being paid their wages on the basis of wages fixed by the Central Government for Daily Employees on monthly basis. They have been extended benefits of ESIC etc. which they are affiliating. On February 15, 1987 guidelines issued by Central Office of LIC according to which the temporary employees who were employed for month or more, were directed to be paid same wages as drawn by the regular employees at minimum of the of the scale applicable to them who have been appointed with LIC for discharging same nature of duties. The members of the Union are working as sweepers and peons of the LIC. The Management of LIC in Bhopal region did not extend the benefit of the said Circular, though it was extended to the same Class of Employees working on temporary basis in Amravati Division. A dispute was raised in this respect by the Union before the Labour Commissioner which could not be conciliated, hence this reference.

According to Workmen Union this action of Management of LIC Bhopal region in not extending benefits of the Circular dated 25.02.1987 to the members of the Union who are discharging the same duties of sweepers and peons as temporary workers which are discharged by the regular appointed sweepers and peons is nothing but illegal, unjust and arbitrary and is in violation of Article 14 of the Constitution of India. The Union has thus prayed that holding its applicant members who are temporary employees as mentioned above, entitled to same benefit with respect to pay by way of granting the minimum of pay-scale to its regularly appointed employees discharging the same duties. The Management of LIC Bhopal Region be directed to grant the same to the applicants.

Workman has filed copy of registration certificate, copy of application and documents submitted by the Union before the Concerned Labour Commissioner with list of the principle employees, copies of the guidelines dated 25.02.1987 copy of payment vouchers of temporary employees of Amravati and Indore Division.

The case of LIC, as taken by them in their Written Statement of defense, is that they have taken a decision to outsource all its none core activities all over MP, challenged before the Hon'ble High Court of MP by the Union by way of filing Writ Petition No. 17420/2024, and was dismissed after hearing by the Hon'ble High Court vide its order dated 17.08.2023 and the decision of discharging for all none core activities by the Management was affirmed. Hence, at present this work is being done by contractors like Jai Balaji Security etc. and not by the LIC. Hence, the issue with respect to payment of salary and wages as claimed by the Workman Union loses relevance. According to the Management, the guidelines issued by the Central Office on 25.02.1987 regarding wages and other conditions applicable to the temporary workmen were only with respect to the those temporary workmen who were covered under the Award passed by the National Industrial Tribunal on 17.04.1986 in Reference Case No. NTB-01 of 1985 and was with respect to the temporary workmen who were covered under the said Award. These guidelines have nothing to do with the present appellants. This is also the case of the Management of LIC that as per order dated 18.01.2011 of Hon'ble High Court in Civil Appeal No. 953-968/2005 Life Insurance Corporation of India V.s. D.V. Anil Kumar, one time scheme dated 20.05.2011 was framed and daily wager workers who fulfilled the eligibility criteria as per this One Time Scheme, were regularized. The rest who were not eligible to be regularized were discontinued and at present a decision was taken to discharge all none core activities all over M.P. Circle which was affirmed by Hon'ble High Court of MP as mentioned above. The Outsourcing Agency has hired the Applicant Workmen and has deputed them in various offices for cleaning etc. Their wages are paid by Outsourcing Agencies and not by LIC. Also it has been appealed that, Management of LIC never issued any appointment letter to these claimants. According to LIC (Life Insurance Corporation of India) benefit of Temporary Instructions 1993 effective from 28.06.1993 these applicants who worked under the Offices of MP Circle of LIC are not temporary staff because they are not appointed by any Class- IV post rather they were hired as Daily Wager/Casual Labours. It is further the case of the Management is that, question of similar treatment to daily wager with temporary staff arise in the light of the said instructions of 1993.

In the light of these submissions, the issue which arises to be considered is ***whether the members of Workmen Union, who are undisputedly the outsourced employees engaged by the Management of LIC, Bhopal Division through outsourcing agencies, deserve to be treated as temporary employee of LIC or not?***

Life Insurance Corporation of India (Staff Rules) 1960, Chapter 2, Clause 5 provides that staff of the corporation shall be classified as Officers, Development Officers, Supervisors and Clerical Staff and Sub-ordinate Staff. **Clause 8** of the Rules provides for an employment of staff in Class III and Class IV on temporary basis. Since, the members of the Union are not employed by Management of LIC as temporary staff, rather they are outsourced employees deputed by Outsourcing Company after employing them, hence they cannot be held to be entitle to the benefits admissible to the Temporary Employees.

The Circular dated 25.02.1987 is on record. This circular deals with charges of employee workman, part-time Workman and Badli Workman. These are employed by the LIC itself. Hence, the benefits under the said circular cannot be granted to those employees who are deputed as outsourced employees with the LIC.

On the basis of above discussion and findings, the claim of the Workman Union with respect to benefits to the temporary workers working with the Management of LIC Bhopal region as per Circular dated 25.05.1987 has no leg to stand.

Before parting, reference of ***The Rule 25 of the Contract Labour (Regulation and Abolition) Rules, 1971, particularly, Rule 25 (v-(a)) of Contract Labour (Regulation and Abolition) Rules, 1971, is necessary which is being reproduced requires to be referred to, which is as follows:***

“(v)(a) In cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other condition of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work:

Provided that in the case of any disagreement with regard to the type of work the same shall be decided by the Chief Labour Commissioner (Central).”

The Union is at liberty to raise their claim under these Rules before an appropriate forum.

On the basis of above discussion and findings, the reference is answered as follows.

AWARD

Holding the demand of the Madhya Pradesh Bhartiya Jeevan Bima Nigam Karmachari Sangh (INTUC) Indore, M.P. for temporary allowance to the workers working with Management of M/s Bhartiya Jeevan Bima Nigam as outsourced employees is held unjustified and the members are held entitled to no relief.

Further, they are at liberty to raise their claim before an appropriate forum in the light of Rule 25 (v-(a)) of Contract Labour (Regularization and Abolition) Rules, 1971.

No order as to cost.

DATE:- 12/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिरी माइंस सेल के प्रबंधन के संबद्ध नियोजकों और हिंदुस्तान स्टील कर्मचारी संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.- 03/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-170]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2269.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 03/2024**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Hirri Mines SAIL** and **Hindustan Steel Employees Union** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. Z-16025/04/2025-IR(M)-170]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/03/2024

Present: P.K.Srivastava

H.J.S.(Retd.)

Mahesh Sen

President, Hindustan Steel Employees Union

(CITU), Post – Hirri Mines,

Bilaspur, Chhattisgarh - 495222

Workman

Versus

General Manager,

(Agent Mines), Hirri Mines

SAIL, Post – Hirri Mines

Bilaspur, Chhattisgarh-495222

Management

AWARD

(Passed on this 17th day of November - 2025)

As per letter dated 30/11/2023 by the Deputy Chief Labour Commissioner (Central) Nagpur Incharge-Raipur, Government of India, Ministry of Labour, the reference is made to this Tribunal under section-10 of Industrial Disputes Act, 1947 as per reference number **RP-5(1-02)/2023-ES-III (IR(DU) dt. 30/11/2023**. The dispute under reference related to:-

“Whether the action on the part of the management of Hirri Mines, SAIL, Bilaspur (CG) in not promoting the workman Shri Santosh Kumar Choubey, Sr. Technician to the post of ‘Master Technician’ is legal and justified ? If not, to what relief the workman is entitled to ?”

After registering a case on the basis of the reference, notices were sent to the parties and served. Workman side never appeared. None of the parties filed any Statement of Claim or Written Statement of Defense.

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

DATE: 17/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2270.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भिलाई स्टील प्लांट; मेसर्स माँ दुर्गा इंटरप्राइजेज के प्रबंधन के संबद्ध नियोजकों और श्री विजेंद्र एंड अन्य के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.- 07/2025) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-171]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2270.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 07/2025**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Bhilai Steel Plant; M/s Maa Durga Enterprises and Shri Vijendra and others** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. Z-16025/04/2025-IR(M)-171]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/07/2025

Present: P.K.Srivastava

H.J.S.(Retd.)

Vijendra & Others

Qtr No. 38, Street 16, Sector-7

Bhilai, Durg, Chhattisgarh-490006

Workman

Versus

1. The Director

Bhilai Steel Plant, Bhila

Dist. Durg (CG) - 490001

2. M/s. Maa Durga Enterprises,

Plot No. 2, Ekta Chowk, Kailash Nagar

Bhilai, Dist. Durg (CG) - 490023

Management

AWARD**(Passed on this 17th day of November - 2025)**

As per letter dated **20/12/2024** by the Deputy Chief Labour Commissioner (Central) Raipur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of Industrial Disputes Act, 1947 as per reference number **RP-8(3-16)/2024-ES.III dt. 20/12/2024**. The dispute under reference related to :-

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

After registering a case on the basis of the reference, notices were sent to the parties and served. Mr. Sahil Bahadur Singh learned Counsel filed his Vakalatnama on behalf of Management. Workman side never appeared. None of the parties filed any Statement of Claim or Written Statement of Defense.

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

DATE: 17/11/2025**P.K. SRIVASTAVA, Presiding Officer****नई दिल्ली, 30 दिसम्बर, 2025**

का.आ. 2271.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसीसी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री संजय तिवारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 50/2025) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-174]**सलोनी, उप निदेशक****New Delhi, the 30th December, 2025**

S.O. 2271.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 50/2025**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ACC Limited** and **Shri Sanjay Tiwari** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. Z-16025/04/2025-IR(M)-174]**SALONI, Dy. Director****ANNEXURE****THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/50/2025****Present: P.K.Srivastava****H.J.S.(Retd.)****Sanjay Tiwari****Village Tendubhatha, Post Mohgaon****Tehsil Saja Durg, Bemetara****Chhattisgarh - 491993****Workman**

Versus

Chief Plant Manager

ACC Limited, Jamul Cement Works

PO: Jamul Bhilai Durg,

Durg Chhattisgarh-491993

Management

AWARD(Passed on this 10th day of November - 2025)

As per letter dated 27/08/2025 by the Deputy Chief Labour Commissioner (Central) Nagpur, I/C-Raipur, Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of Industrial Disputes Act, 1947 as per reference number **RP-8(2-11)/2025-ES-III (ID dt. 27/08/2025)**. The dispute under reference related to :-

“1. Whether Mr. Sanjay Tiwari, Deputy Manager (Grade 0-4) is a workman or not as per Industrial Dispute Act, 1947.

2. If answer to 1 is in affirmative then whether the termination from service is legal and justified ? If no, what relief the applicant, is entitled to ?”

After registering a case on the basis of the reference, notices were sent to the parties and served. Mr. Rahul Mishra learned Counsel filed his Vakalatnama on behalf of Management.

Workman Learned Counsel Mr. Arun Patel filed application with affidavit, seeking permission to withdraw the reference on the ground that as per legal advice, he may not be a workman under the Act. In the light of the withdrawal application, the reference becomes infructuous and is answered accordingly. The applicant is at liberty to approach proper Forum for redressal of his grievance.

DATE: 10/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2272.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निवा बूपा हेल्थ इश्योरेंस कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और श्री राघवेंद्र चौबे के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेंस नं.- 28/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-169]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2272.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 28/2023**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Niva Bupa Health Insurance Company Limited** and **Shri Raghendra Choubey** which was received along with soft copy of the award by the Central Government on 30.12.2025.**

[No. Z-16025/04/2025-IR(M)-169]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUMLABOUR COURT, JABALPURNO. CGIT/LC/R/28/2023Present: P.K.SrivastavaH.J.S.(Retd.)

Raghvendra Choubey,

House No. 193 Cinema Gali No. 05,

Bhagat Singh Ward Officer Colony,

Khurai Sagar (M.P.) – 470117

Workman

Versues

The Niva Bupa Health Insurance Company Limited,

Sagar, Distt. Sagar (M.P.0 - 470117

Management

(JUDGMENT)(Passed on this 17th day of November - 2025)

As per letter dated 31/03/2023 of 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. J- 7(8)/2022-ALC dt. 31/03/2023. The dispute under reference relates to:

- “1. *Whether Shri Raghvendra Choubey who has worked for less than 240 days in a year shall come under the definition of workmen to claim for statutory benefits as per Sec 25 (F) given Industrial Dispute Act?*
2. *Whether the action of the Management of Nibha Bupa Health Insurance Co. Ltd. to terminate the services of Shri Raghvendra Choubey without complying mandatory condition is valid? If not what relief the workman is entitled for?”*

After registering the case on the basis of reference 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 appointed by the Management of M/s Niva Bupa Health Insurance Company in Sagar Branch as Agency Manager on 26.04.2022 and was terminated from service by Management on 11.10.2022. He was appointed by the Deputy Vice-president of the Company but his services were terminated by the Assistant Vice-president which is against Rules. No notice or salary was given to him on termination. No enquiry was conducted against him before termination of his services. He was not given any opportunity to defend himself, though he was alleged by Management that he unauthorizedly and willingly absented himself from work. His job nature was mainly clerical; he was not an appointing authority of anyone, he did not have authority to sanction leave or to supervise any person. He has prayed that holding the action of Management in terminating his services bad in law, he be held entitle to be reinstated with back-wages and benefits.

Case of the Management is mainly that, **Firstly**, the workman was appointed as Agency Manager, he was in Managerial Cadre, hence is not a workman under the Act, and **Secondly**, he unauthorizedly and willingly absented himself from work for which he was issued show-cause notice on mail and he did not appear at his work-place even he received the mail requiring him to join his job, hence his services were terminated in the light of terms and conditions mention in the appointment letter, which he agreed before joining in the job. Management had prayed that, the reference be answered against the Workman.

In evidence, the Workman has filed his affidavit as his examination-in-chief, no cross-examination was conducted by the Management. The Management has filed offer of appointment dated 26.04.2022 with acceptance of offer, terms of appointment, termination notice dated 11.10.2022. The Workman side has also filed these documents. The workman side has further filed his mail dated 12.08.2022 alleging allegations on Amit Shukla, the Branch Manager, this Mail was sent by him through his Mail Id to Pooja Talukdar, copy to Amit Shukla. He also filed photocopy of another Mail dated 14.01.2022. He also filed photocopy documents with respect to payment to Amit Shukla and Rishab Dixit which he said that these were in respect to their illegal demands. Management has not filed any affidavit of any of its witness.

It is to further mention there that, on the request of the Workman, Learned Counsel Mr. Shard Punj was appointed from the Panel of State Legal Services Authority.

I have heard argument of Legal Panel Counsel. None appeared for Management. I have gone through the record as well.

The main objection of the Management is that, **Firstly**, the applicant is not a workman under the Act and **Secondly**, his termination was in the light of terms and conditions mention in his offer of appointment which he had accepted before joining for the reason he willingly and unauthorizedly absented himself from work-place.

Section 2(s) of the Act, which defines Applicant, is being reproduced as follows:

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

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

In the case of Union Carbide (India) Ltd. V.s. Ramesh Kumbha and Others reported in MANU/MH/0073/1999 and another judgment of the same High Court in the case of Union Carbide (India) Ltd. V.s. D. Samuel and Others reported in MANU/MH/1713/1998. In these two cases, after analyzing the judgment of various High Courts and Hon'ble Supreme Court, the Single Bench of Hon'ble Bombay High Court has summarized the principles on the basis of which it is to be decided whether the Applicant is in supervisory capacity or not. These tests mentioned in Para 34 and 35 of the Judgment are being reproduced as follows:

Para-34. *In so far as the Apex Court is concerned, some of the tests laid down are:*

- (1) Designation is not material but what is important is the nature of work.*
- (2) Find out the dominant purpose of employment and not any additional duties the employee may be performing.*
- (3) Can he bind the Company/employer to some kind of decisions on behalf of the Company/employer.*
- (4) Has the employee power to direct or oversee the work of his subordinates.*
- (5) Has the power to sanction leave or recommend it; and*
- (6) Has he the power to appoint, terminate or take disciplinary action against workmen.*

Para-35. *From the judgment of this Court and the other High Courts some of the tests apart from what the Apex Court has stated are:*

- (a) Whether the employee can examine the quality of work and whether such work is performed in satisfactory manner or not;*
- (b) Does the employee have powers of assigning duties and distribution of work;*
- (c) Can he indent material and distribute the same amongst the workmen;*
- (d) Even though he has no authority to grant leave does he have power to recommend leave;*
- (e) Are there persons working under him;*
- (f) Has he the power to supervise the work of men and not merely machines;*
- (g) Does he mark the attendance of other employees;*
- (h) Does he write the confidential reports of his subordinates.*

Learned Panel Counsel for workman has referred to judgment of Hon'ble Supreme Court in the case of **S.K. Maini vs. M/s. Carona Sahu Company, (1994) 3 SCC 510**. Para 9, 10 & 11 of this judgment are being reproduced as follows :-

“9. After giving our careful consideration to the facts and circumstances of the case and the submissions made by the learned counsel for the parties, it appears to us that whether or not an employee is a workman under Section 2(s) of the Industrial Disputes Act is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and materials on record and it is not possible to lay down any strait-jacket formula which can decide the dispute as to the real nature of duties and functions being performed by an employee in all cases. When an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organisations quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage and Distribution Co. of India Ltd. v. Burmah Shell Management Staff Assn.* [(1970) 3 SCC 378 : (1971) 2 SCR 758 : (1970) 2 LLJ 590] In *All India Reserve Bank Employees' Assn. v. Reserve Bank of India* [(1965) 2 LLJ 175 : AIR 1966 SC 305 : (1966) 1 SCR 25] it has been held by this Court that the word ‘supervise’ and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the employee concerned and not some works incidentally done. In other words, what is, in substance, the work which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of ‘workman’ as defined in Section 2(s) of the Industrial Disputes Act.

10. In *Mcleod and Co. v. Sixth Industrial Tribunal, W.B.* [AIR 1958 Cal 273] P.B. Mukharji, J. of the Calcutta High Court as the learned Chief Justice then was, observed that whether a person was a workman within the definition of the Industrial Disputes Act would be the very foundation of the jurisdiction of the Industrial Tribunal. The court further observed that in order to determine the categories of service indicated by the use of different words like ‘supervisory’, ‘managerial’ and ‘administrative’, it was not necessary to import the notions of one into the interpretation of the other. The words such as ‘supervisory’, ‘managerial’ and ‘administrative’ are advisedly loose expressions with no rigid frontiers and too much subtlety should not be used in trying to precisely define where supervision ends and management begins or administration starts. For that would be theoretical and not practical. It has to be broadly interpreted from a common sense point of view where tests will be simple both in theory and in their application. The learned Judge further observed that a supervisor need not be a manager or an administrator and a supervisor can be a workman so long as he did not exceed the monetary limitation indicated in the section and a supervisor irrespective of his salary is not a workman who has to discharge function mainly of managerial nature by reasons of the duties attached to his office or of the powers vested in him. The aforesaid decision of the Calcutta High Court was noted with approval by this Court in *National Engineering Industries Ltd. v. Shri Kishan Bhageria* [1988 Supp SCC 82 : 1988 SCC (L&S) 428 : AIR 1988 SC 329] .

11. It may be noted in this connection that in view of the amendment of Section 2(s) enlarging the ambit of the classification of various types of workmen except managerial force, entire labour force has been included within the definition of workman under Section 2(s) as has been indicated by this Court in *S.K. Verma v. Mahesh Chandra* [(1983) 4 SCC 214 : 1983 SCC (L&S) 510 : (1983) 3 SCR 799] . But if the principal function is of supervisory nature, the employee concerned will not be workman only if he draws a particular quantum of salary at the relevant time as indicated in Section 2(s). In the instant case, it, however, appears to us that Shri Maini as Manager/In-charge of the shop was made responsible and liable to make good such amount of credit whether such sale on credit had been made by him or by any other member of the staff in employment under him with or without his knowledge. Under the terms and conditions of service, he was asked to take charge of the shop to which his service was transferred. Mr Maini, under the terms and conditions of service, was required to be held responsible and liable for any loss suffered by the Company due to deterioration of the quality of the stock or any part thereof and loss of any of the other articles lying in the shop caused by reason of any act of negligence and/or omission to take any precaution by the employees. Mr Maini was also required to notify the Company by trunk call and/or telegram not later than three hours after the discovery in the said shop of any fire, theft, burglary, loot or arson. He was required to investigate into the matter immediately and get the cause and amount of loss established by local authorities. Mr Maini as in-charge of the shop was required to keep and maintain proper accounts as approved by the Company indicating the exact amount to be paid from the receipts from the respective staff. Under Clause XIII of the terms and conditions of the service, Mr Maini would remain fully responsible to the Company for damages or loss caused by acts or commission of the loss of the employees of the shop. Under Clause XV of the terms and conditions of service, the shop in-charge was required to keep himself fully conversant with all the

regulations in force which may come into force from time to time with regard to Octroi, Sales Tax and Shops and Commercial Establishments Act and/or any other local regulation applicable to the shop. Clause XXI indicates that non-compliance with any of the local or State Acts or Central Acts would be viewed seriously and Manager would be held responsible for any fine/penalty imposed and/or prosecution launched against the Company. It also appears that in the event of a salesman being absent, the shop in-charge is empowered to appoint temporary helper for the said period to work as acting salesman. Similarly, in the event of helper being absent, the shop manager is also empowered to appoint part-time sweeper and to entrust the work of a helper to a sweeper. Such functions, in our view, appear to be administrative and managerial. By virtue of his being in-charge of the shop, he was the principal officer-in-charge of the management of the shop. We therefore find justification in the finding of the High Court that the principal function of the appellant was of administrative and managerial nature. It is true that he himself was also required to do some works of clerical nature but it appears to us that by and large Shri Maini being in-charge of the management of the shop had been principally discharging the administrative and managerial work. A manager or an administrative officer is generally invested with the power of supervision in contradistinction to the stereotype work of a clerk. This Court in *Lloyds Bank Ltd. v. Panna Lal Gupta* [(1961) 1 LLJ 18 : AIR 1967 SC 428] has indicated that a manager or administrator generally occupies a position of command or decision and is authorised to act in certain matters within the limits of his authority without the sanction of his superior. In the instant case within the authority indicated in the terms and conditions of his service, Shri Maini was authorised to take decisions in the matter of temporary appointments and in taking all reasonable steps incidental to the proper running of the shop. Precisely for the said reason, Shri Maini had signed the statutory forms as an employer. It should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested to a local manager but such power is given to some superior officers also in the management cadre at divisional or regional level. The unit in a local shop may not be large but management of such small unit may fulfil the requirements and incidences of managerial functions. On a close scrutiny of the nature of duties and functions of the Shop Manager with reference to the admitted terms and conditions of service of Shri Maini, it appears to us that the High Court was justified in holding that the appellant was not a workman under Section 2(s) of the Industrial Disputes Act. In the aforesaid facts, it is not necessary to go into the question as to whether or not domestic enquiry had been properly conducted or the Enquiring Officer had acted with bias. It is also not necessary to decide for the purpose of the disposal of the appeal as to whether or not the Company was entitled to lead fresh evidence in support of the domestic enquiry before the Labour Court. The appeal is, therefore, dismissed without, however, any order as to cost."

In another case of *Vandana Joshi vs. Standard Charter Bank* MANU/MH/1391/2010, decided by Hon'ble High Court of Bombay it has been laid down that the question as to whether the employee is a applicant or not must be decided with reference to the dominant nature of the duties and responsibilities performed by employee.

In the case of *Arkal Govind Rao vs. Ciba Geigy of India*, reported in (1985) 3 SCC 371, it was held that the person concerned would not cease to be a applicant if he performs some supervisory duty but he must be a person engaged in supervisory duty and the test to be employed is what was the primary, basic or dominant nature of duties for which the person whose status is under inquiry was employed.

Now analyzing the evidence in the case in hand on the basis of tests laid down in the aforesaid Judgments, it comes out that the role and duties of the Applicant/Petitioner have been defined in his letter of Appointment and have been mentioned above. There is no circular or standing order or settlement filed by Management describing the duties and liabilities of the applicant.

In his uncross-examined affidavit, the Workman has stated that his job was mainly Clerical, he did not have authority to appoint anybody or to punish anybody. He did not have any right to supervise anyone.

Pleadings of Management is that, there is no evidence from the Management in rebuttal to the aforesaid evidences of the workman.

Furthermore, the duties and liabilities of the workman which are mentioned in his contract of appointment in Clause 2 are that, his work in the organization shall will be subject to the Rules and Regulations of the Company as laid down in relation to the conduct, discipline and other matters and also that, he shall always be liable to the responsibility and duties attached to his position and conduct himself accordingly.

Hence, in the light of these aforesaid findings, the Applicant is held to be a workman under Section 2(s) of the Act.

As regards to the Second point, case of Management is that, the Workman unauthorizedly absented himself from work and he was terminated under Clause 12 of Contract of Appointment which states that in event of his unauthorized absence from duty for continuous period of Seven days, he shall be deemed to have relinquish the employment on his own and will have no right to resumed. The Company shall be fully empowered to terminate his employment. This Clause provides a prior notice of 90 days by either sides when either side want to quit the job or

discharge the workman. The termination mail dated 11.10.2022 states that the workman did not attend office from 01.08.2022 till date i.e. 11.10.2022, it also mentions two communication dated 19.09.2022 and 29.09.2022 in which the workman was asked to explain the reason for his absence and report to office within 48 hours, failing which the Management will be constraint to invoke the relevant clause as per terms of appointment to terminate his services. It also mentions that, the workman never recruited on work nor did he sent a reply explaining his absence. Hence, the Management invoked the said clause and terminated his services.

The burden to proof this fact is on Management. Case of the Workman is that, mails were sent to him on his personal mail Id raghvendra12dec@gmail.com, not on the Official Mail Id of the workman. It does not make any difference whether the Mails were sent by the Management on the personal mail Id or official Mail Id of the Workman. The only important point is that, the mails were sent and served on the Workman. The fact still remains that, he neither reported at his workplace with response to the Mails nor did he submitted any explanation for his absence. His case is that he was threatened by some Officers of Management who had asked him to pay illegal money is a separate matter and is not appearing on his case.

Hence, from the admission of the workman himself, his absence without any reason for seven days and more from workplace is established.

In the light of the terms and conditions of the appointment letter as mentioned above, the Management is **held to be fully within its rights to terminate Workman services without any notice as terms and conditions of the appointment letter.**

On the basis of above discussion and findings the reference stands answered against the Workman. He is held entitled to no relief.

No order as to cost.

DATE:- 17/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2273.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रीय लोक निर्माण विभाग के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं II दिल्ली के पंचाट (257/2022) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-150]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2273.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 257/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. II Delhi* as shown in the Annexure, in the industrial dispute between the management of Central Public Work Department and their workmen.

[No. L-12025/01/2025- IR(B-I)-150]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDSUTRIAL TRIBUNAL – CUM – LABOUR COURT-II, DELHI
I.D. NO. 257/2022

Sh. Inder Kumar & 11 Ors.

Through- The President Sh. Hukum Chand,

CPWD Karamchari Union, Babu Lal Ji Complex,

Shop No.-04, Gurgaon Road, Opposite Bus Stand,

Gurgaon, Haryana-122001.

VERSUS

1. The Director General,
Central Public Work Department,
Nirman Bhawan, New Delhi-110001.
2. **The Director of Personal, P.W.D.,**
11th Floor, MSO Building (P.W.D. H.Q.)
I.T.O, New Delhi-110002.
3. **Work Cum T.L.Q. (A),**
Special Director of General, Project & Chandigarh,
CPWD kendriya Sadan Chandigarh-160009.
4. **PWD Secretary,**
11th Floor, MSO Building (P.W.D.H.Q.),
I.T.O, New Delhi-110002.

AWARD**24.11.2025**

1. This is an application **U/s 33-A of the Industrial Disputes Act (here in after is referred as an Act)** filed by the claimants. Their names and particulars are given below-

	Name	Date of Joining	Joining Division office	Present Division Office	Sub Division Office
1	Jitender	02.02.2002	P.W.D Circle no. II	M-113 S.W.R.I	C.E.M.Z-IS
2	Sushil Kumar	17.03.1995	School Building Project Mandel	M-214(P.W.D.)	M-214
3	Sanjeev Sharma	12.06.1995		S.R.D	M-21
4	Rajesh Sharma	01.12.1999	Delhi College		
5	Jai Prakash Dubey	31.07.2003		S.R.D.(E)	P.W.D office
6	Anil Kumar	31.12.2008	E.IN.C	M313-3 (PWD)	E.I.M.C.
7	Shammi Ram	16.06.2007	D.C. College Project	M-333	C.F.M.A (III)(N)
8	Chhote Lal	13.07.1992	ED-II P.W.D	Shiksha Mandel-II	Shiksha Mandel-II, Dwarka
9	Rajesh Kumar	01.12.1911	Delhi College		
10	Prabhu	01.11.2012	P.W.D. M-14	E.D. (P.W.D.)	E.D.U. (M) P.W.D
11	Hasan	31.01.2008	M-25	S.R.D. (E)	E.IN.C P.W.D

All the workmen had joined into the employer of the management from their respective date of appointed as mentioned in the table herein above. Their dispute regarding regularization of their services is pending. After receiving the notice from the Conciliation, management started misbehaving with the workmen and threatening them to terminate from their services which is an illegal act of retaliation and shows that managements are annoyed due to pending dispute. Hence, they filed the application under section 33-A of the Act with the prayed that management be directed not to terminate the services of the workmen during the pendency of the subject dispute.

2. All the Managements have already been proceeded ex-parte on 10.04.2023.

3. Now, the matter is listed for ex-parte workman evidence. On 23.01.2025, claimants were directed to furnish the details of the main dispute of the present application, as nothing in this regard was mentioned in the claim statement. However, neither claimants nor AR have been appearing for a long time.

5. In these circumstances, when claimants are not interested in perusing their case, this tribunal has no option but to dismiss their application. Hence, application **under section 33-A of the Act stands dismissed**. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2274.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैंगनीज ओर इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्रम शक्ति मजदूर संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, नागपुर, पंचाट (रिफरेन्स न.- 22/2014-15) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. एल-27011/01/2014-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2274.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 22/2014-15**) of the **Central Government Industrial Tribunal cum Labour Court, Nagpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Manganese Ore India Ltd.** and **Shram Shakti Mazdoor Sangh** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. L-27011/01/2014-IR(M)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/22/2014-15

Date: 11.11.2025.

Party No.1:

The Executive Director (Tech)
Manganese Ore (I) Ltd.,
MOIL Bhawan, 1-A, Katol Road,
Nagpur - 440013.

V/s.

Party No.2:

The General Secretary,
Shram Shakti Mazdoor Sangh,
R/o Maa Durga Bhawan, Sai Colony, Jagnare Nagar,
Tumsar, PO/Tq. Tumsar Distt, Bhandara (MS)
Bhandara.

AWARD

(Dated: 11th 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 Manganese Ore (I) Ltd. and the applicant Rajkumar Choudhary for adjudication vide No. L-27011/1/2014 (IR(M)) dt. 01.09.2014 with the following issues framed: -

“Whether the demand of Shram Shakti Mazdoor Sangh for enhancement of pay scale of the workman employed in chemical department having qualification of B.Sc. should be given pay scale from NE 7 to NE 9 and Sh. Rajkumar Choudhary Sr. Charge Hand (Process) who was authorized for supervisory work for the period from 2008 to 06.04.2013 is entitled for officiating allowance, is legal, just and proper? If so, what relief to the workman concerned are entitled to?”

2. Case is called out. Learned counsel for the respondent Shri. Harshal Ghumd 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 20.12.2023, although Statement of Claim and Written Statement have been filed by the parties respectively, petitioner has also filed his affidavit as an evidence. But the petitioner has not come to the court to prove the contents of the affidavit as well as the contents of the Statement of Claim. No other evidence has been filed by the petitioner to prove his claim. 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 of Shram Shakti Mazdoor Sangh for enhancement of pay scale of the workman employed in chemical department having qualification of B.Sc. should be given pay scale from NE 7 to NE 9 and Sh. Rajkumar Choudhary Sr. Charge Hand (Process) who was authorized for supervisory work for the period from 2008 to 06.04.2013 is entitled for officiating allowance is illegal, unjustified & improper. The concerned workman is not entitled to any relief”.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2275.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईएसआईसी हॉस्पिटल; एवरेस्ट ह्यूमन रिसोर्स कंसल्टेंट; ग्रीन हाउसकीपिंग के प्रबंधन के संबंध में नियोजकों और श्री सुनील कुमार, श्री शुभम, श्री अखिलेश कुमार राम द्वारा इंडियन नेशनल माइग्रेंट वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेन्स नं.- 90/2022, 91/2022, 92/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-172]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2275.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 90/2022, 91/2022, 92/2022**) of the **Central Government Industrial Tribunal cum Labour Court-2, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ESIC Hospital; Everest Human Resource Consultant; Green Housekeeping and Shri Sunil Kumar, Shri Subham, Shri Akhilesh Kumar Ram through Indian National Migrant Worker's Union** which was received along with soft copy of the award by the Central Government on 30.12.2025.**

[No. Z-16025/04/2025-IR(M)-172]

SALONI, Dy. Director

ANNEXURE

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II,
NEW DELHI**

I.D. NO. 90/2022

Sh. Sunil Kumar S/o Sh. Charan Singh,

R/o- House No. A-1/91, Street No. 01,

East Gokulpur, Delhi-110094.

I.D. NO. 91/2022**Sh. Subham, S/o Sh. Chetan,**

R/o- A-224, MB Road Lal Kuan,

Badarpur, New Delhi-110044.

I.D. NO. 92/2022**Sh. Akhilesh Kumar Ram, S/o Sh. Shivnath Ram,**

R/o- Sham Pur, Saran, Bihar-841411.

Through- Indian National Migrant Worker's Union,1770/8, 3rd Floor, Govind Puri Extn. Main Road, Kalkaji,

New Delhi-110019.

VERSUS

1. **The Director, ESIC Hospital, Okhla,**
Okhla Phase-I, New Delhi-110020.
2. **The Director, Everrest Human Resource Consultant,**
02, RZF-01/382, Mahavir Enclave, Part-01,
Behind Bhagat Chandra Hospital, Palam Dabri Road,
New Delhi-110045.
3. **Green Housekeeping,**
Through- Mitlesh Kumar, D-01/102, Street No. 03,
Ashok Nagar, Near MIG Flat, New Delhi-110093.

AWARD**09.12.2025**

1. By this composite order, I shall dispose of these three applications of U/S 2A of the **Industrial Disputes Act (herein after referred to as “the Act”)** filed by the different claimants against the same respondents, because of having the common respondents and same cause of action, these cases are taken together for their illegal termination. Claims of the workmen are that they have been serving the management-1 through management-2 & 3. Name and particular of their employment are given below-

Sr. no	Name	Post	Dates of Joining	Dates of Termination	Last drawn Salary
1	Sunil Kumar	Dresser	24.10.2018	28.02.2021	12,000/-
2	Subham	Ward Boy	03.11.2017	28.02.2021	11,000/-
3	Akhilesh Kumar Ram	Ward Boy	30.10.2018	28.02.2021	11,000/-

2. They had been doing their work with diligently and honestly. Their service records are clean and they have not given any complaint so far. The employers had made the claimants' signs on many blank papers, blank vouchers, blank agreement letters and blank appointment letters at the time of appointment during the service but did not give a copy of the same to the claimants. During the services, management never provided legal facilities like Appointment letter, wages slip, leave book, attendance card, annual and festival holidays, ESI & PF etc. When the claimants demanded all the above mentioned legal benefits, the employer immediately became angry and in a spirit of revenge, without paying the earned salary to the workmen from 01.02.2021 to 27.02.2021 respectively, without prior notice, without any notice charge sheet, without any rhyme and reason, claimants were illegally terminated by the management on 28.02.2021. They had gone to the conciliation officer, but, no results were yielded. Hence, they have filed the present claims.

3. Management no. 1 and Management no. 3 have filed their respective W.S, denying the averments made in their claim statements. They have submitted that claims are liable to be dismissed.

4. Management no. 2 has already been proceeded ex-parte vide order dated 11.10.2022.
5. After completion of the pleadings, following identical issues in all cases have been framed vide order dated 05.10.2023 i.e.-
 1. Whether the proceeding is maintainable.
 2. Whether there exist employer and employee relationship between the management and the claimant.
 3. Whether service of the claimant was illegally terminated and if so, by whom.
 4. To what relief, the claimant is entitled to.
6. Now, these matters are listed for workman evidence. AR of the claimants **Sh. Vishwambar Nayak** had submitted that he is not able to contact the claimants, and has requested to dismiss these cases.
7. In view of the above submission, these matters stand dismissed for want of prosecution. Awards are passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the I.D Act, 1947. Records of these files are consigned to record room. A copy of this award is placed in each of the file.

Date: 09.12.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 2025

का.आ. 2276.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईएसआईसी डिस्पेंसरी; आर.के.एस. सिक्योरिटी एजेंसी के प्रबंधन के संबद्ध नियोजकों और श्री लाल सिंह द्वारा ऑल इंडिया जनरल मजदूर ट्रेड यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेन्स नं.- 225/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 30.12.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-173]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2025

S.O. 2276.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 225/2019**) of the **Central Government Industrial Tribunal cum Labour Court-2, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ESIC Dispensary; R.K.S. Security Agency and Shri Lal Singh through All India General Mazdoor Trade Union** which was received along with soft copy of the award by the Central Government on 30.12.2025.

[No. Z-16025/04/2025-IR(M)-173]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II, DELHI

I.D. No. 225/2019

Sh. Lal Singh, S/o Late Sh. Mangla Ram,

Through- All India General Mazdoor Trade Union.

Office- 170, Bal Mukund-Khand Giri Nagar, Kalkaji,

New Delhi-110019.

...Claimant/Workman

VERSUS

1. **ESIC Dispensary,**
G-Block, Opp. CGHS Dispensary, Kalkaji,
New Delhi-110019.
2. **R.K. S. Security Agency,**
Office-D-3, New Ashok Nagar,
New Delhi-110066.

...Managements/Respondents

AWARD**26.05.2025**

This is an application under section 2A of the I.D Act (hereinafter referred to as “the Act”) filed by the claimant against his illegal termination. Claimant case is that he had been working with the management-1 through contractor i.e. management-2 at the post of Security Guard since October, 2017 at the last drawn salary of Rs. 23,181/-. He has been doing his duty with diligently and honestly and did not give any chance to the management for making any complaint. Management had deprived him of various legal facilities i.e. leave book, Attendance card, Bonus etc. When he demanded verbally for the above said facility, management became angry and in a spirit of revenge had terminated his services on 21.10.2018. He has gone to the conciliation officer, but no result was yielded. Hence, he filed the present claim with the prayer that he be reinstated in services with full back wages.

Management-1 has filed its written statement, stating that claimant was engaged by the Independent contractor i.e. management-2, therefore, no employer employee relationship exists between the claimant and the management. He submitted that claim is liable to be dismissed.

Management-2 has already been proceeded ex-parte vide order dated 07.04.2022.

Claimant is required to file the rejoinder. However, despite being granted several opportunities, he has failed to appear.

In these circumstances, when the workman is not interested in pursuing his claim, this tribunal has no option except to pass the no disputant award. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2277.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल 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 (11/2017) प्रकाशित करती है।

[सं. एल-39025/01/2025-आईआर(बी-II)-46]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2277.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 11/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-39025/01/2025- IR(B-II)-46]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, JABALPUR**NO. CGIT/LC/RC/11/ 2017****Present: P.K. Srivastava****H.J.S.(Retd.)****Jitendra Imne****S/o Shri G.L. Imne,****R/o – Gwaltoli,****Khajanpur, Hoshangabad (M.P.)****Workman****Vs.****Branch Manager,****Branch-Hoshangabad,****Punjab National Bank,****Bhopal (M.P.)****Management****(JUDGMENT)****(Passed on this 07th day of November - 2025)**

The applicant workman has filed this petition under Section 2(A) (2&3) of the Industrial Dispute Act 1947 as amended by Amendment Act of 2010 with the case that, he was appointed as a daily rated employee in the Bank in the Hoshangabad Branch, Bhopal and worked from 17.09.2012 to 25.08.2016. His services were illegally terminated. He had worked for more than 240 days in every year, he was not issued any notice nor was he was paid any compensation; hence termination of his services is in violation of Section 25F and 25G of the Act. He raised a dispute before the regional Labour Commissioner Bhopal by way of filing an application on 15.05.2017 which could not be conciliated within 45 days; hence he obtained a certificate in this respect and filed the petition directly. According to the petitioner, the action of Management in terminating his services is unjust, illegal and arbitrary, hence, required to be set-aside. He prayed that setting-aside his termination, he be reinstated with back wages and benefits.

Case of the Management Bank is mainly that, the petitioner was engaged on leave gap arrangement for casual work when regular sub staff proceeded on leave or remain absent from duty. He used to do the work of cleaning on intermittent basis for 1 or 2 hours in a day, for which he was paid by way of cash vouchers. He was not engaged in regular post following recruitment procedure. His representation which he filed under the order of Hon'ble High Court of M.P. in W.P. No. 14556/2016 was disposed by Bank in the light of its order dated 23.02.2017. This is also the case of Management that, there was no employee and employer relation between parties; hence there is no question of termination of services of the petitioner by the Bank. Management Bank has prayed that the petition be dismissed.

In evidence, the petitioner has filed photocopy order dated 20.12.2016 passed by Hon'ble High Court of M.P. in W.P. No. 14556/2016 order of the Management in W.P. No. 14556/2016 order of the Management Bank on representation of the petitioner filed by him in compliance of the order of the Hon'ble High Court, copy of the Labour Commissioner certificate, photocopy of the Cash Book showing payments on different days marked as Exhibit W-1 to W- 8. He has also filed his affidavit as examination-in-chief on which he has been cross-examined.

Management Bank has filed affidavit of its witness Yogesh Krishna Saxena as examination-in-chief. He has been cross-examined by petitioner side.

The Workman side has had also filed an application dated 02.09.2024 seeking production of documents which are payment vouchers and their entries which was allowed after hearing. The Management did not file these documents, rather filed an affidavit that these documents are not available. Hence, the workman proved the cash book entries and vouchers by way of secondary evidences.

I have heard argument of the Learned Counsel for the petitioner Mr. A.K. Sign and Mr. Neeraj Kewat Learned Counsel for the Management Bank. I have gone through the record as well.

Pleadings of the party have been detailed earlier. The case of the Workman is that he was engaged as a daily wager in the Bank and worked continuously from 17.09.2012 to 25.08.2016. Management has taken a case that he was engaged as leave gap arrangement when the regular sub-staff was on leave or absent. He never worked continuously for 240 days in any year. The petitioner and Management witness both have corroborated their respective pleadings as mentioned above in their affidavit filed as their examination-in-chief.

There is on record copy of order of the Management passed on 23.02.2017 by which the representation of the Workman was decided in the light of the order of Hon'ble High Court. It is also mentioning here that in the W.P. No. 14556/2016 Hon'ble High Court had directed the Management Bank to decide the representation of the petitioner workman by a reasoned order within 60 days of the representation. This order speaks that the Workman had not performed duties of part-time sweeper or peon at any point of time; rather he had been carrying his business/ engaged by Contractors as a Canteen Boy and used to supply tea/snacks to the staff members of the Branch during the relevant period. This observation of the Bank is in contravention of their pleadings where they have stated that the petitioner was engaged as a daily wager casual labour by Bank on as and when required basis for which he was paid. The Management witness Yogesh Krishna Saxena also states against the fact in the said order and supports the pleadings of the Bank that petitioner workman was engaged on leave gap arrangement for casual work on as and when required basis for intermittent period for which he was paid.

In his cross-examination, the workman had admitted that he was not issued any appointment letter, thus at least this fact that the Workman was engaged by the Management Bank as a daily wager is not disputed between the parties. What is disputed is as to whether he worked continuously as a daily wager for at least 240 days or more in the year claimed by petitioner workman or was engaged on intermittent basis as on and when required.

The payment vouchers are not complete. They were required to be filed by the Management which could not be filed. They were not available with the Bank as stated by Bank in the affidavit of Workman. Hence, there is on record a statements from the side of the parties. The workman has stated that he worked continuously for 240 days in every year. There is no cross-examination done by Management on this point. On the other hand, Management witness has admitted in his cross-examination that he was not working in the Branch when the Workman has said to have been engaged or working at any point of time, so he does not have any personal knowledge about facts and events. As admitted by the Bank, the payment vouchers with regards to the petitioner workman are not available with them. Hence, in the light of these circumstances, the evidence of the Workman side appears more reliable and accordingly, the case of the Workman that he worked as a daily wager casual labour engaged in the work of cleaning of the Branch for 240 days or more in every year is held proved.

Since, it is not disputed that no notice was issued to the petitioner Workman before his disengagement nor was he paid any compensation during his disengagement by Bank is held in violation of Section 25F and 25G of the Act.

As regards to the relief in the light of the findings recorded above, there is substance in the argument from the Learned Counsel for Bank that since workman was not appointed against regular vacancy following recruitment process, hence his reinstatement will not be a justifiable relief.

In the light of tenure of engagement of the Workman and facts and circumstances mentioned above, a lump sum compensation of Rs. 1,00,000/-(one Lac) in lieu of all the claims of the Workman will meet the ends of justice to which he is entitled to recover from Bank within 30 days from the date of publication of Award failing which interest @6% from the date of Award till payment.

In the light of above discussion and findings the reference is answered accordingly.

No order as to cost.

DATE:- 07/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2278.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (09/2017) प्रकाशित करती है।

[सं. एल-39025/01/2025-आईआर(बी-II)-47]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2278.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 09/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-39025/01/2025- IR(B-II)-47]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/09/ 2017**Present: P.K.Srivastava****H.J.S.(Retd.)****Arjun Singh Raghuwanshi****S/o Shri R.S. Raghuwanshi,****R/o – 119, Sai Ram Colony,****Semrakalan, Bhopal (M.P.)****Workman****Vs.****Branch Manager,****Branch-Shahpura,****Punjab National Bank,****Bhopal (M.P.)****Management****(JUDGMENT)****(Passed on this 07th day of November - 2025)**

The applicant workman has filed this petition under Section 2(A) (2&3) of the Industrial Dispute Act 1947 as amended by Amendment Act of 2010 with the case that, he was appointed as a daily rated employee in the Bank in the Shahpura Branch, Bhopal and worked from 01.10.2013 to 25.08.2016. His services were illegally terminated. He had worked for more than 240 days in every year, he was not issued any notice nor was he was paid any compensation; hence termination of his services is in violation of Section 25F and 25G of the Act. He raised a dispute before the regional Labour Commissioner Bhopal by way of filing an application on 15.05.2017 which could not be conciliated within 45 days; hence he obtained a certificate in this respect and filed the petition directly. According to the petitioner, the action of Management in terminating his services is unjust, illegal and arbitrary, hence, required to be set-aside. He prayed that setting-aside his termination, he be reinstated with back wages and benefits.

Case of the Management Bank is mainly that, the petitioner was engaged on leave gap arrangement for casual work when regular sub staff proceeded on leave or remain absent from duty. He used to do the work of cleaning on intermittent basis for 1 or 2 hours in a day, for which he was paid by way of cash vouchers. He was not engaged in regular post following recruitment procedure. His representation which he filed under the order of Hon'ble High Court of M.P. in W.P. No. 14556/2016 was disposed by Bank in the light of its order dated 23.02.2017. This is also the case of Management that, there was no employee and employer relation between parties; hence there is no question of termination of services of the petitioner by the Bank. Management Bank has prayed that the petition be dismissed.

In evidence, the petitioner has filed photocopy order dated 20.12.2010 passed by Hon'ble High Court of M.P. in W.P. No. 14556/2016 order of the Management in W.P. No. 14556/2016 order of the Management Bank on representation of the petitioner filed by him in compliance of the order of the Hon'ble High Court, copy of the Labour Commissioner certificate, photocopy of the Cash Book showing payments on different days marked as Exhibit W-1 to W- 8. He has also filed his affidavit as examination-in-chief on which he has been cross-examined.

Management Bank has filed affidavit of its witness Yogesh Krishna Saxena as examination-in-chief. He has been cross-examined by petitioner side.

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I have heard argument of the Learned Counsel for the petitioner Mr. A.K. Sign and Mr. Neeraj Kewat Learned Counsel for the Management Bank. I have gone through the record as well.

Pleadings of the party have been detailed earlier. The case of the Workman is that he was engaged as a daily wager in the Bank and worked continuously from 01.10.2013 to 25.08.2016. Management has taken a case that he was engaged as leave gap arrangement when the regular sub-staff was on leave or absent. He never worked continuously for 240 days in any year. The petitioner and Management witness both have corroborated their respective pleadings as mentioned above in their affidavit filed as their examination-in-chief.

There is on record copy of order of the Management passed on 23.02.2017 by which the representation of the Workman was decided in the light of the order of Hon'ble High Court. It is also mentioning here that in the W.P. No. 14556/2016 Hon'ble High Court had directed the Management Bank to decide the representation of the petitioner workman by a reasoned order within 60 days of the representation. This order speaks that the Workman had not performed duties of part-time sweeper or peon at any point of time; rather he had been carrying his business/ engaged by Contractors as a Canteen Boy and used to supply tea/snacks to the staff members of the Branch during the relevant period. This observation of the Bank is in contravention of their pleadings where they have stated that the petitioner was engaged as a daily wager casual labour by Bank on as and when required basis for which he was paid. The Management witness Yogesh Krishna Saxena also states against the fact in the said order and supports the pleadings of the Bank that petitioner workman was engaged on leave gap arrangement for casual work on as and when required basis for intermittent period for which he was paid.

In his cross-examination, the workman had admitted that he was not issued any appointment letter, thus at least this fact that the Workman was engaged by the Management Bank as a daily wager is not disputed between the parties. What is disputed is as to whether he worked continuously as a daily wager for at least 240 days or more in the year claimed by petitioner workman or was engaged on intermittent basis as on and when required.

The payment vouchers are not complete. They were required to be filed by the Management which could not be filed. They were not available with the Bank as stated by Bank in the affidavit of Workman. Hence, there is on record a statements from the side of the parties. The workman has stated that he worked continuously for 240 days in every year. There is no cross-examination done by Management on this point. On the other hand, Management witness has admitted in his cross-examination that he was not working in the Branch when the Workman has said to have been engaged or working at any point of time, so he does not have any personal knowledge about facts and events. As admitted by the Bank, the payment vouchers with regards to the petitioner workman are not available with them. Hence, in the light of these circumstances, the evidence of the Workman side appears more reliable and accordingly, the case of the Workman that he worked as a daily wager casual labour engaged in the work of cleaning of the Branch for 240 days or more in every year is held proved.

Since, it is not disputed that no notice was issued to the petitioner Workman before his disengagement nor was he paid any compensation during his disengagement by Bank is held in violation of Section 25F and 25G of the Act.

As regards to the relief in the light of the findings recorded above, there is substance in the argument from the Learned Counsel for Bank that since workman was not appointed against regular vacancy following recruitment process, hence his reinstatement will not be a justifiable relief.

In the light of tenure of engagement of the Workman and facts and circumstances mentioned above, a lump sum compensation of Rs. 1,00,000/-(one Lac) in lieu of all the claims of the Workman will meet the ends of justice to which he is entitled to recover from Bank within 30 days from the date of publication of Award failing which interest @6% from the date of Award till payment.

In the light of above discussion and findings the reference is answered accordingly.

No order as to cost.

DATE:- 07/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **बैंक ऑफ महाराष्ट्र** के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (13/2014) प्रकाशित करती है।

[सं. एल-12012/96/2013-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 13/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen.

[No. L-12012/96/2013- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/ R/13/2014Present: P.K. SrivastavaH.J.S.(Retd.)

Shri Ashutosh Bramhadin Awasthi,

R/o 3-A, Ramanand Nagar, Lalghati,

BHOPAL (M.P.) – 462032

Workman

Vs

Zonal Manager,

Bank of Maharashtra, Zonal Office,

1/14, Admn. Zone, Arera Hills,

BHOPAL (M.P.))

Management

(JUDGMENT)

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

As per letter dated 07/02/2014 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification **No.L-12012/96/2013 (IR(B-II))** dt. 07/02/2014. The dispute under reference relates to:-

“Whether the action of the management of Bank of Maharashtra, Bhopal in dismissing the services of workman Shri Ashutosh Bramhadin Awasthi w.e.f. 29.11.2012 is justified? What relief the workman is entitled to?”

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

The case of the workman is mainly that when he was posted as a Computer Operator 'A' in Sehore Branch of the Bank, he was issued a charge sheet. The charges against the workman were mainly that he made unauthorized and fraudulent deposits by way of various instruments, in his Saving Bank account and thereafter, withdrew these amounts fraudulently by way of various withdrawal slips/instruments details mentioned in the charge sheet, thus committed misconduct under Clause-19.5(j) of The Bipartite Settlement. He was awarded the punishment of dismissal

from service after a departmental inquiry. He workman challenged the departmental enquiry and punishment on various grounds which are namely that defense was denied proper opportunity to defend itself, principles of natural justice were not followed, the Enquiry Officer was acting under the direction of the Disciplinary Authority and taking decisions under the directions of the Disciplinary Authority, thus not acting independently and impartially, the prayer of the workman with regard to change of the Enquiry Officer was not decided, the crucial documents were not provided by the presenting Officer inspite of direction of the Enquiry Officer to supply them to the workman, a Police case on the basis of a First Information Report filed by the Bank with respect to the same incident was pending before Court and the Enquiry Officer did not wait the decision of the Court inspite of the fact that the charges and the evidence were the same in the criminal proceedings and the departmental enquiry. Also that the charges were held wrongly proved by the enquiry officer and the disciplinary authority as well appellate authority punishment is also disproportionate to the charges.

Management has rebutted the allegations with case that the enquiry was conducted as per Rules and Bipartite Settlement. Principles of natural justice were followed, workman was given full opportunity to defend itself. Hence, there is not illegality regarding substance or procedure in conducting the enquiry. Also that the findings of the enquiry officer and concurrence of Disciplinary Authority with respect to the proof of charges is correct on facts and law and also that the punishment is not disproportionate to the misconduct proved.

Following preliminary issue was framed on the basis of pleadings-

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

This preliminary issue was decided after hearing vide order dated 29.04.2024. The enquiry was held vitiated in law. Management was granted opportunity to prove the charges.

Thereafter, the management filed affidavit of its witness Mr. Kush Khare as his Examination-in-chief, he was cross-examined by workman side. The management further proved documents Ex-M/9 and Ex-M/10, which are certified statements of account of the workman, documents Ex-M/1 to Ex-M/9 are the documents related to charges, enquiry and punishment order proved during the hearing of preliminary issue as mentioned above. The workman has also filed his affidavit as his Examination-in-chief, he has been cross-examined by management. Documents Ex-W/1 to Ex-W/9 have been proved by the workman during hearing on preliminary issue, these are also the documents related to charges, enquiry and punishment order as well statement of witnesses, Sukhlal and S.I. Vijay Singh Rajpoot, recorded during the trial of criminal case relating to charges.

I have heard argument of Learned Counsel for workman Mr. Praveen Yadav and Mr. Avinash Yadav for management Bank. Parties have also filed the written arguments, which are part of record. I have gone through the written arguments and record as well.

Following Issues arises on perusal of the record, in light of arguments:-

- 1) ***Whether the charges against the workman are proved?***
- 2) ***Whether the punishment awarded is proportionate to the charges proved?***

Issue No.1.

The charge against the workman was doing acts prejudicial to interest of the Bank or gross negligence involving the Bank into serious loss, which is misconduct under Clause 19.5(j) of Bipartite Settlement. These charges relate to three transactions, which are following in substance:-

- i. ***He unauthorisedly passed on benefits of huge amount to his own seven bank accounts by crediting account, by way of entering fake bank numbers in the system and thus misappropriated Bank funds.***
- ii. ***He unauthorisedly passed on benefits of huge amount to his accounts and misutilization of Bank funds for personal use.***
- iii. ***He unauthorisedly passed on benefits of clearing amount to his own accounts without any authority and jurisdiction and withdrew the same amount for personal use and thereafter, managed to part way with the credits/debit voucher of the said transactions.***

The settled proposition of law, with respect to proof of charges in a departmental proceeding, crystallized through various pronouncements is that the charges in departmental proceedings are not required to be proved beyond reasonable doubt. As it is required in the criminal trial following judgments have been reproduced in this respect:-

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

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

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

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

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

Now testing the evidence of the aforesaid three management witnesses on the aforesaid settled principles with respect to prove of charge, it comes out that there is sufficient evidence to involve and infer that the workman was a party to the unauthorized transactions and was a beneficiary also because some of the amounts were credited in the account of her husband, hence, charges as levelled in the charge sheet are held proved against the workman.

The management witness Mr. Kush Khare, who has been the Branch Manager of the Branch, where the incident occurred, has stated in his affidavit that he had been posted in the said Branch as Branch Manager and is conversant with the records. He further stated that Various Branches in District Sehore did not have facility of cheque clearance. Therefore, the cheques presented at those Branches used to be sent to Sehore Branch of the Bank where Shri Awasthy was posted as Computer Operator "A". From Sehore Branch, the cheques were required to be sent to Clearing House at State Bank of India, Sehore. After clearance of the cheques, the amount was to be credited to CHP Account (Clearing House Payable account) at Sehore Branch. Thereafter, the concerned Clerk (in this case Shri Awasthy) was required to prepare batches of cheques which was to be authorized by the officer of the Branch. Thereafter, the batch was again sent back to concerned clerk who was required to remit the amount to the concerned Branch. However, after having received the batch of cheques after authorization from officer, Shri Awasthy, instead of remitting the amount to the concerned Branch, defalcated the amount by crediting the same in his own Saving Bank Account and Employees' Cash Credit Account, by entering false cheque numbers. In order to hide his act, after some time he used to remit the amount to concerned Branch by adjusting the same with some other entry.

He further stated that while posted at Sehore Branch, Shri Awasthy lodged cheque no.008832 for Rs.1,16,795/- drawn on Jila Sahakari Kendriya Bank Ltd. Sehore and another cheque no.99863 of Rs. 1457/- drawn on Union Bank of India, totaling Rs.1,18,252/- received from Dewadia Branch in clearing for collection. But after realization, the amount of Rs.38,252/- was credited in his own Saving Bank Account No. 20120161235 by entering false cheque no.465218 in the system and Rs.80,000/- in his Employees' Cash Credit Account No.20120104833 by entering false cheque no.12345 in the system/modifying in the CBS System.

Also, this witness stated that Shri Awasthy later on withdrew Rs.80,000/- from his above Employees Cash Credit Account on 09.01.2010 and Rs.15,000/- on 23.01.2010 from his aforesaid Saving Bank account. Later, he managed to part away with the credit/debit vouchers of the transactions. He remitted the funds of Rs. 1,18,252/- to Dewadia Branch vide MT No. 705252 on 17.02.2010 and intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

Additionally, that on 12.01.2010, he lodged cheque no.130802 for Rs. 1,00,000/- drawn on State Bank of India in clearing for collection. But after realization the amount of Rs.1,00,000/- credited his Employees' Cash No.20120104833 by false cheque No.012356 by modifying in the CBS system.

He further states that later on he withdrew Rs. 1,20,000/- from his above Employees Cash Credit Account on 21.01.2010. Rs. 10,000/- on 30.01.2010. He managed to part away with the credit/debit vouchers of the transactions. Instead of remitting realized funds to the branch immediately he has utilized the Bank's fund for his personal use for considerable period. He remitted the funds to respective branch on 21.01.2010 and intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

Furthermore, Shri Awasthy lodged 5 cheques bearing no.6280 for Rs.10,000/-, Cheque No.30148 for Rs. 10,000/-, Cheque No.5570 for Rs.5000/-, cheque no.5571 for Rs.5,000/- and cheque no.1497616 for Rs.22,000/- totally for Rs.52,000/- received from Khachrod Branch, in clearing for collection. But after realization the amount of Rs.11,085/- credited in his Saving Bank Account No.20120161235 by false cheque no.01222 by modifying in the CBS system and remaining amount of Rs.20,915/- was credited in G/L CHP account by false cheque no.14566 and Rs.20,000/- by false cheque no.514288 in G/L CHP account.

Moreover, later on Shri Awasthy withdrew Rs. 1,20,000/- from his employees Cash Credit Account on 21.01.2010. He managed to part away with the credit/debit vouchers of the transactions. Instead of remitting the realized funds to the Branch immediately, he utilized the Bank's fund for his personal use for considerable period. He remitted the funds to Khachrod Branch on 17.02.2010 and intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

It has been stated by him that again on 09.02.2010, he lodged another cheque of Rs.1,00,000/- received from Pandhana Branch in clearing for collection. But after realization, the amount of Rs.1,00,000/- was credit by him in his Saving Bank account No.2012061235 by false cheque no. 15964 by modifying in the CBS system. On same date, he withdrew Rs.1,00,000/- from his above Saving Bank Account. Later he managed to part away with the credit/debit vouchers of the transactions. Instead, of remitting the realized funds to the branch immediately, he has utilized the Bank's fund for his personal use for considerable period. He has remitted the funds to Pandhana Branch on 18.02.2010 by MT No.705257 and intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

Also, that again on 17.02.2010, he lodged a cheque of Rs.2,00,000/- received from Dewadia Branch in clearing for collection. But after realization, the amount of Rs.29,748/- account was credited by him in his Saving Bank No.2012061235 by false cheque no.12345, Rs.52,000/- in G/L/ CHP account and remaining Rs.1,18,252/- in G/L CHP account by false cheque, by modifying in the CBS system. He withdrew Rs.1,20,000/- from his above Saving Bank Account on 20.02.2010. Later he managed to part away with the credit/debit vouchers of the transactions. Instead of remitting the realized funds to the branch immediately, he has utilized the Bank's fund for his personal use for considerable period. He intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

Also, again on 18.02.2010, he lodged a cheque of Rs.4,92,022/- received from Dewadia Branch in clearing for collection. But after realization, the amount of Rs.87,022/- was credited by him in his Saving Bank account No.2012061235 and remaining Rs.4,05,000/- in G/L CHP account by false cheque by modifying in the CBS system. He withdrew Rs.1,20,000/- from his above Saving Bank Account on 20.02.2010. Later, he managed to part away with the credit/debit vouchers of the transactions. Instead of remitting the realized funds to the branch immediately, he has utilized the Bank's fund for his personal use for considerable period. He intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

Further it has been stated that again on 23.02.2010, he lodged a cheque of Rs.5,21,980/- in clearing for collection. But after realization, the amount of Rs.29,958/- was credited by him in his Saving Bank Account No.2012061235 and remaining Rs.4,92,022/- in G/L CHP account by false cheque by modifying in the CBS system. He withdrew Rs.20,000/- & Rs.20,000/- from his above Saving Bank Account on 26.02.2010 and Rs. 10,000/- from his Employees' Cash Credit account on 23.02.2010.. Later he managed to part away with the credit/debit vouchers of

the transactions. Instead of remitting the realized funds to the branch immediately, he has utilized the Bank's fund for his personal use for considerable period. He intentionally did not remit the funds immediately so as to enable him to use the same for his personal benefit.

This witness has also stated that all the aforesaid cheques were deposited by Shri Awasthy with his signatures. Shri Awasthy used to cover up the fraudulent entry with some other entry and used to remit the long pending amount so that his misdeed is not noticed by anybody. Shri Awasthy, by misusing his position in the Bank committed following serious misconduct:

- i. He un-authorizedly credited the amount to his Saving Bank account without any authority and justification and thereafter withdrew the amount from his account and utilized the same.
- ii. He destroyed the Bank's property in the form of credit/debit vouchers in respect of aforesaid transaction by removing the same from Bank's record. This was done by him in order to hide his aforesaid misconduct.
- iii. By his aforesaid acts, he acted prejudicial to the Bank's interest because of which the order of punishment passed against him is perfectly justified.

This witness has filed and proved the certified copy of the statements of seven Bank accounts and Cash Credit (C.C.) accounts of the workman as Ex-M/9 and Ex-M/10.

In his cross-examination, this witness was shown a document which is photocopy of statement of account to which he stated that he is not sure about the signature of Mr. P.P. Joshi, the then Branch Manager on this document. He admitted that Mr. P.P. Joshi was posted in the branch as Officer. The workman was assigned with the job of data entry, amount transactions, preparation of vouchers for cheque clearing, he did not have passed the power at that time. Any amount to be credited or debited from any account is only after clearance by the Officer Mr. P.P. Joshi.

He further stated that every officer and employee of the Bank including the workman was allotted separate user IDs. At that time there was no biometric authentication in Login and that one can Login using user ID of other employee also that, every employee was allotted pass-code but employees did use their pass-codes in good faith. Further, this witness has stated that the officer used to pass/approve transactions in good faith without verifying at that time due to shortage of staff and ex-worker and also that stitching and typing of vouchers was the job of Daftari, it was the responsibility of the officers to compare vouchers with the scrolls.

The documents Ex-M/9 and Ex-M/10 shows that certain amounts as mentioned in these documents were transferred from different accounts to the account of the applicant workman.

The case of the applicant workman he has stated in his evidence is that all these transactions have been done through the ID of Mr. P.P. Joshi and he is not concerned with the transactions. He also states that he himself come to know about the unauthorized transaction and deposit in his accounts when the charge sheet was issued to him.

Striking feature of this case is that undisputedly, unauthorized transactions were done and amounts were deposited in the accounts of the workman. Even if, it is taken that these transactions were not done through the ID and Password of the workman, and were done through the ID of Officer Mr. P.P. Joshi, point further arise is that if these deposits have been done by Mr. P.P. Joshi himself, he could have transferred the amounts in his own account or in accounts of someone other who would withdraw these amounts and pay to Mr. P.P. Joshi. This is also improbable that the workman, who himself is a banker, posted in the same branch in which he holds these accounts, did not come to know at any point of time about the unauthorized huge deposits all on different dates as mentioned on the statements of account. This is also a bit improbable that the workman came to know about these deposits only when the charge sheet was issued to him.

Hence, in light of above discussion, the facts and circumstances in case in hand, probabalise all these unauthorized deposits done by the workman himself, using the user IDs of others by deceit or by misguiding them.

Thus, in light of the settled proposition of law as mentioned above, the workman cannot come out clean with the charges, undoubtedly, he is somewhere involved in the transactions and deposits. Hence, the charges against the workman are held proved.

Issue No. 1 is answered accordingly.

Issue No. 2,

The charges proved are more than one transaction. They are acts of moral turpitude. There is provision for punishment of dismissal from service for these charges.

The settled proposition of law, in this respect is that until and unless, the punishment shocks the conscious of the Tribunal, it need not to be interfered with, following judgments have been referred to in this respect:-

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

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

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

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

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

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

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

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

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

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

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

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

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

Needless to point out that the act of fraud speaks ill of the honesty and integrity of the workman concerned. This is definitely an act prejudicial to the interest of the Bank, which leads to loss of faith in the workman. In *Air India Corporation Bombay vs. V.A. Ravellow* 1972 (25) FLR 319 (SC) it has been observed that:

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

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

“(i) the workman is holding the position of trust and confidence; (ii) by abusing such position, he commits act which results in forfeiting the same; and (iii) to continue him in service/establishment would be embarrassing the inconvenient to the employee, or would be detrimental to the discipline or security of the establishment. Loss of confidence cannot be subjective, based upon the mind of the management. Objective facts which would lead to a definite inference of apprehension in the mind of the management, regarding trust worthiness or reliability of the employee, must be alleged and proved.”

In *State Bank of India and another v. Bela Bagchi and others* AIR 2005 SC 3272, repelled the contention that even if by the misconduct of the employee the employer does not suffer any financial loss, he can be removed from service in a case of loss of confidence.

17. Thus, the Bank being a financial institution dealing with the public money, the employees of the Bank are required to exhibit utmost honesty and integrity in day to day transaction/functioning. The act of dishonesty or fraud or misappropriation lowers down the reputation of Bank in public. The public lose their confidence in Bank, which affects Bank’s business and finally the national economy.
18. Hon’ble Apex Court in (2011) 1 Supreme Court Cases (L&S) 721 has observed that:
“7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, the courts will not interfere with findings of fact recorded in departmental inquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or findings, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations.”
19. In the instant case the charge of gross misconduct was found to be proved and principles of natural justice were properly observed while conducting the departmental inquiry; and also the findings of the Inquiry Officer are not found to be perverse; In the instant case the workman, committed gross misconduct. He made unauthorized and fraudulent deposits by way of various instruments, in his Saving Bank account and thereafter, withdrew these amounts fraudulently by way of various withdrawal slips/instruments details mentioned in the charge sheet. This act of the workman was prejudicial to the interests of the Bank, shows lack of honesty and integrity which is the core value of service. Hence the punishment cannot be said to be disproportionate or harsh to the proved misconduct, at any stretch of imagination.

In light of above facts and proposition of law, the punishment awarded is held not disproportionate to the charges proved.

Issue No. 2 stands answered accordingly.

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

AWARD

Holding the action of the management of Bank of Maharashtra, Bhopal in dismissing the services of workman Shri Ashutosh Bramhadin Awasthi w.e.f. 29.11.2012, legal and justified, workman is held entitled to no relief.”

No order as to cost.

DATE:- 13-10-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (22/2018) प्रकाशित करती है।

[सं. एल-12012/07/2018-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 22/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12012/07/2018- IR (B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/22/2018

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Pramod Kumar Raikwar,

S/o Sh. Tulidas Raikwar,

H.No. 256, W.No. 31, Near Sundarani Petrol Pump,

Bhander, Distt. – Datia (MP)

Workman

Versues

The Circle Head,

Punjab National Bank,

Zonal Office, HRD,

Arera Hills, Bhopal (MP)

Management

(JUDGMENT)

(Passed on this 07th day of November - 2025)

As per letter dated 25/04/2018 of 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-12012/07/2018 (IR(B-II))** dt. 25/04/2018. The dispute under reference relates to:

“Whether the action of the Management of Circle Head, Punjab National Bank, Bhopal in terminating the services of workman Shri Pramod Kumar Raikwar w.e.f. June, 2011 alleged to be working from May, 2007 is just & proper? If not, what relief the workman concerned is entitled to?”

After registering the case on the basis of reference 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 appointed by Bank as a Peon in June, 2007 and worked in the Thared Branch of the Bank in District Datia as a Peon from 2007 to 2011. His services were not regularized by the Bank though he continuously worked for four years. He preferred a Writ Petition No. 14556/2016 before High Court

of MP which was disposed after hearing writ order dated 20.12.2016 with a direction that his representation to be filed by him a fresh before the Bank shall be decided by a reasoned order within 60 days from the date of representation. He did file a representation in the light of said order which was arbitrarily dismissed by the Bank. Thereafter, he raised a dispute before Regional Labour Commissioner, Bhopal. After failure of conciliation reference was made to this Tribunal. According to the Workman his disengagement by Bank and not granting him permanent status as an Employee is unjust, illegal and arbitrary and is in violation of Section 25F and 25G of the Act. He has prayed that holding his disengagement in violation of the Act, he be entitled to be reinstated with back wages and benefits.

Case of the Management Bank is mainly that, the workman was never appointed in the Bank hence there is no question of termination of his services. His representation was discharged under the order of Hon'ble High Court mentioned above. In Bank, part-time sweepers are recruited through recruitment process. He never went through any recruitment process. He was engaged as a casual daily labour on as and when required basis for which he was paid. Management has requested that the reference be answered against the Workman.

In evidence, the Workman has filed photocopy of order of Hon'ble High Court dated 20.12.2016 in W.P. No. 14556/2016, reply of the Bank submitted by them before Regional Labour Commissioner, Bhopal, certain speed post receipts, order of the Bank on his representation filed in the light of order of Hon'ble High Court, internal communication of the Bank dated 08.02.2017 marked as Exhibit W-1 to W-6.

He has filed his affidavit as his examination in chief. He has been cross-examined by the Management Bank.

The Management Bank has filed affidavit of its witness Yogesh Krishna Saxena as his examination in chief. He has been cross-examined by Workman side.

I have heard argument of Learned Counsel for the Workman Mr. A.K. Singh and Mr. Neeraj Kewat Learned Counsel for the Bank. I have gone through the record as well.

As it is clear from the pleadings, case of the Workman is that he was appointed as a daily wager by the Bank and worked continuously from June, 2007 to June, 2011 whereas Management has taken a case that he was never appointed by the Bank in any capacity rather he was engaged as a casual labour on as and when required basis for which he was paid. The Workman has corroborated his this case in his affidavit as his examination-in-chief. His case is supported by Exhibit W-6 which is the internal communication of the Bank filed and proved by him. This communication indicates that, the Branch Office informed the Senior Manager HRD Circle Office, Gwalior that the Workman had worked continuously from 2007 to 2009 on temporary basis, records of which were found in the Branch and was paid. On the other hand, the Management witness which has reiterated the case of the Management on this point states that, the Workman was engaged on leave gap arrangement for casual work or when regular staff is on leave for the purposes of cleaning on intermittent basis, he worked only for 1 or 2 hours and was paid for it. He never worked continuously in any year for 240 days or more. In his cross-examination he states that, he was not posted in the Bank where the Workman was engaged. He admits that there is no written order of any Manager engaging the Workman on leave vacancy as a stop gap arrangement. Exhibit W-6 is the admission from the Bank side with regards to continuous engagement of the Workman from 2007 to 2009. So the case of the Management and argument of Learned Counsel for Management that Workman was never engaged nor did he work continuously gets demolished in the light of this admission which is further corroborated by on oath statement of workman as referred to above. The Exhibit W-5 filed and proved are the cash vouchers of the payments made by the Bank to the Workman. As compared to this evidence, there is a statement of the Management witness who admits that the Workman was engaged on as and when required basis. It is further being mentioned here that the Management Bank was directed to file documents, photocopy with respect to payment made to the Workman by Management Bank which they did not file rather filed an affidavit that these documents are not available. Hence on the basis of the evidences available on record, the case of the workman that he worked continuously as daily wager from 2007 to 2011 is found more reliable and is held proved.

As regards his disengagement, it is the case of the Workman that no notice or compensation was paid to him which is not disputed by Management Bank, hence the disengagement of the Workman is held in violation of Section 25F and 25G of the Act.

In the light of above recorded findings, the issue arises with respect to relief to which Workman may be entitled. The Learned Counsel for Management has submitted that the Workman was not appointed against permanent or temporary vacancy following recruitment process. Hence his reinstatement will not be a just relief. I am inclined to accept this argument of Management. In the light of tenure of engagement of the Workman and facts and circumstances mentioned above, a lump sum compensation of Rs. 2,00,000/- in lieu of all the claims of the Workman will meet the ends of justice to which he is entitled to recover from Bank within 30 days from the date of publication of Award failing which interest @6% from the date of Award till payment.

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

AWARD

Holding the action of the Management of Circle Head, Punjab National Bank, Bhopal in terminating the services of workman Shri Pramod Kumar Raikwar w.e.f. June, 2011 against law, he is held entitled to a lump sum compensation of Rs. 2,00,000/- in lieu of all the claims of the Workman to be recovered from Bank within 30 days from the date of publication of Award failing which interest @6% from the date of Award till payment.

No order as to cost.

DATE:- 07/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कॉर्पोरेशन 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 (37/2016) प्रकाशित करती है।

[सं. एल-12011/8/2016-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 37/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Corporation Bank and their workmen.

[No. L-12011/8/2016- IR (B-II)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM****LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/37/2016

Present: P.K.Srivastava

H.J.S.(Retd.)

Mohmmad Tarik

S/o Shri Taj Mohmmad,

R/o Near Old Post Office,

Gopalganj Sagar (M.P.)

Workman

Versues

1. General Manager (P&A),
Corporation Bank,
Regional Office, R-11, 1st Floor,
Hardev Complex, Zone-2. M.P. Nagar,
Bhopal (M.P.)
2. Branch Manager,
Corporation Bank
Sagar Branch,
District Sagar (M.P.)

Management

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

As per letter dated 31/03/2016 of 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- 12011/8/2016 (IR(B-II)) dt. 31/03/2016. The dispute under reference relates to:

“क्या प्रबंधन ब्रांच मैनेजर, कारपोरेशन बैंक, सागर ब्रांच जिला सागर मध्य प्रदेश के प्रबंधन द्वारा श्री मोहम्मद तारिक आत्मज श्री ताज मोहम्मद को दैनिक वेतन भोगी पेओन / मैसंजर के पद पर दिनांक 27/6/2008 से 15/3/2013 तक कार्य पर बनाये रखने पश्चात उसकी सेवाएं नियमित न करते हुये दिनांक 15/3/2013 से सेवा समाप्ति की कार्यवाही न्यायोचित है? यदि नहीं, तो सम्बंधित कर्मचारी किस अनुतोष का हकदार है?”

After registering the case on the basis of reference 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 appointed in the Sagar Branch of the Corporation Bank as a Peon by the Branch Manager on 27.06.2008 and worked as a Peon from the said date continuously and regularly for 10 hours a day and to the satisfaction of his superiors till 29.05.2013 when his services were terminated without any notice or compensation. He started from monthly pay of Rs. 1200/- a month and was last paid Rs. 3,000/- a month. He discharged all the duties of peon namely cleaning of the Branch, opening and closing of the Branch, carrying documents from one table to other table and discharging other duties as directed by his superiors. According to the Workman Union, this action of Management is in violation of Section 25F and 25G of the Act. Another daily wager Amit Kumar was engaged by Bank after termination of the services of the Applicant Workman, which is in violation of Rules 76 and 77 of Industrial Disputes Central Rules, 1947 (in short the 'Rules') thus, the Bank has acted illegally and arbitrarily in terminating his services under oral orders. It has been prayed that holding this action of Bank illegal and arbitrary, the Applicant Workman be held entitle to be reinstated with all back-wages and benefits and be held entitled to be regularized.

Case of the Management Bank is mainly that, the Workman was not recruited by Bank following any recruitment process hence is not a Workman under the Act. He never worked for 240 days in any year with Bank in any capacity. He was never paid wages by the Bank. There is no question of termination of his services by the Bank. The Bank has prayed that reference be answered against the Workman.

It is mentioned here that, Corporation Bank merged into Union Bank of India hence, new Management of Union Bank of India was impleaded during the proceeding.

In evidence, the Workman side has filed and proved the photocopy of reply of Bank submitted by them before Assistant Labour Commissioner, Jabalpur during conciliation proceeding, letter of General Secretary of the Union dated 03.11.2011 to General Manager Admin, Photocopy of clearing register entries, letters, cheques etc. total 13 in number marked as Exhibit W-2 and W-3. The Workman has further filed and proved letter of Assistant Labour Commissioner for conciliation, circular of Ministry of Labour dated 20.06.2008, the recommendation of Branch Manager dated 18.02.2013 regarding sub-staff which are Exhibit W-4 to W-8. The Applicant Workman has also filed his affidavit as his examination-in-chief. He has been cross-examined on behalf of the Management.

The Bank has filed affidavit of Sudhir Shrivastava, Manager Union Bank of India as his examination-in-chief. He has been cross-examined on the behalf of the Workman Union.

I have **heard argument** of Learned Counsel for the Workman Union Mr. Arun Patel. Learned Counsel for Management Bank was not available at the time of argument. Parties were given opportunity to filed written submissions if any. No written submissions have been filed. I have gone through the record in the light of arguments.

Following issues comes up for determination on perusal of record in the light of arguments –

1. **Whether the Workman has successfully proved his continuous engagement as defined under Section 25B of the Act with the Management Bank?**
2. **Whether disengagement of the Workman Tarik by the Bank is in violation of Section 25F and 25G of the Act?**
3. **Subject to findings on Issue No.1 & 2 whether the workman is entitle to any relief?**

Issue No. 1-

Section 25B is being reproduced as follows:-

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—

- (a) *for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—*
 - (i) *one hundred and ninety days in the case of a workman employed below ground in a mine; and*
 - (ii) *two hundred and forty days, in any other case;*
- (b) *for a period of six months, if the workman, during a period of six 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) *ninety-five days, in the case of a workman employed below ground in a mine; and*
 - (ii) *one hundred and twenty days, in any other case.*

Pleadings of the parties have been detailed earlier on this issue. Case of the Workman Union is that, the Workman Tarik worked continuously and regularly from 27.06.2008 to 29.05.2013 as a daily wager Peon for at least 10 hours a day and was paid his wages on monthly basis. Case of the Bank is that, he was never appointed against any vacancy following recruitment process and he never worked for 240 days in any year or in the year preceding the date of termination of his services.

In an affidavit as his examination-in-chief the workman has corroborated his allegations on this issue. He has stated that, he was interviewed by the then Branch Manager for post of Peon and was appointed from 27.06.2008 as a Peon. He worked whole day from opening of the Branch till its closing. He has further detailed the works he used to do. He also stated that, he worked continuously and regularly till date of his disengagement.

In his cross-examination, he has stated that he was not issued any appointment letter, he denied that he used to work as a Daily Wager on as and when required basis. He also admits that he had appeared for interview for regular selection of Peons along with Amit Soni. The Management witness has stated on this issue in his affidavit as his examination-in-chief that the Workman did not work continuously for 240 days in any year. He was never selected nor was appointed as a Peon following recruitment process. He nowhere says that he was engaged on as and when required basis as a daily wager. In his cross-examination, this witness admits that he was never posted in the said Branch for the period during which the workman claims to be working in it, he admits that the salary of workman was credited in his account on the basis of days he worked. He further admits that the Workman worked as a daily wager but denies that he worked regularly and continuously. The witness admits the letter of the Branch Manager dated 18.02.2013 filed by the Workman. This letter is a certificate by the Branch Manager in which it is mention that the Workman Mohd. Tarik is working in the Branch since the Branch opening day, he has a clean record and has good behavior. He further states that, his status may be made permanent and has recommended it. This letter shows that it was sent by the Branch Manager to Superior Officer with respect to the letter of the Superior Office/Officer. The Witness also admits the photocopy bio-data attached with the letters. This fact corroborates the case of the Workman and his statement on this issue. It is further corroborated by the photocopy of the reply of the Bank dated 25/04/2016 submitted during conciliation proceedings which is filed by the Workman and admitted by Management, it shows that the Workman was engaged on casual basis as staff gap arrangement and as a daily wager. Thus, from the above description of evidences, at least the case of the Management that the Workman was never employed by Bank in any capacity gets demolished. It is established that, the workman was engaged by management Bank as a daily wager.

As regards, the point whether the Workman completed 240 days of continuous service is defined under the Act. The Workman has stated that this fact in his statement on oath and also filed some photocopy payment documents though they are not very consistent. It is relevant to mention here that the documents regarding payment of wages to the Workman are with the Management Bank. When the Workman prima facie established that he was established as a daily wager and also filed documents in this respect with a statement that he worked continuously for 240 days in every year. The burden shifts on Management Bank to rebut it by way of filing at least the documents with respect to payment which are in their custody.

Hence, in the light of the above appreciative analysis of findings of both the sides, the fact and claim of the Workman that he worked continuously with Bank for 240 days in every year till date of his disengagement is held proved.

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 nowhere the case of the Management that the Workman was issued any notice or was paid any compensation.

The Case of Management Bank that Workman was engaged as Daily Wager on as and when required basis has been held not proved, rather it has been held proved that the Workman worked continuously for 240 days in every year till the date of his termination.

A plea has been taken by Management in their written statement that the Workman was not a workman as defined under Section 2(s) of the Act because he was a daily wager. Section 2(s) of the Act is being reproduced as follows:

Section 2(s) –

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

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

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

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

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

It is clear mention that mode of appointment, nature of appointment and source of appointment are not the determinative factors with regard to decision whether a person is a workman as defined under the Act or not.

As regards the case of the Workman that, whether Amit Soni is working in his place in absence of evidence on this point this allegation is not proved. **Hence, the termination of the services of the Workman is held in violation of the Section 25G and 25F of the Act.**

Issue No. 2 is answered accordingly.

Issue No. 3 –

As regards to the relief admissible to the Workman, his engagement for 5 years has been held proved. This also established that, his appointment was temporary as a daily wage basis without following any recruitment process. It is admitted by the workman that, he was given opportunity to try his luck in the recruitment process for regular appointment, in which he appeared but could succeeded. Hence, in the light of this fact, his reinstatement is not a just and proper relief.

In the light of all the facts and circumstances in the case in hand, a lump sum compensation of Rs. 3,00,000/- (Rupees Three Lacs only) in lieu of all his claims will meet the ends of justice to which he is held entitled to get from

Management Bank within 30 days from the date of publication of Award, failing which interest @6% per annum from the date of Award till payment.

Issue No. 3 is answered accordingly.

On the basis of above discussion and findings, the reference is answered as follows.

AWARD

Holding the action of Management Bank in terminating the services Shri Mohammad Tarik from 15/3/2013 without regularizing his services after keeping him on the post of daily wage peon/messenger is unjust, arbitrary and illegal, he is held entitled to get a lump sum compensation of Rs. 3,00,000/- (Rupees Three Lacs only) in lieu of all his claims from Management Bank within 30 days from the date of publication of Award, failing which interest @ 6% per annum from the date of Award till payment.

DATE:- 11/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्रीय लोक निर्माण विभाग के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं II दिल्ली के पंचाट (221/2021) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-1)-151]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2282.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 221/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. II Delhi* as shown in the Annexure, in the industrial dispute between the management of Central Public Work Department and their workmen.

[No. L-12025/01/2025- IR (B-I)-151]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM – LABOUR COURT-II, DELHI

I.D. NO. 221/2021

Sh. Joginder Pandit & 04 Ors.

Through- The President Sh. Hukum Chand,
CPWD Karamchari Union, Babu Lal Ji Complex,
Shop No.-04, Gurgaon Road, Opposite Bus Stand,
Gurgaon, Haryana-122001.

VERSUS

1. The Director General,
Central Public Work Department,
Nirman Bhawan, New Delhi-110001.
2. **The Director of Personal, P.W.D.,**
11th Floor, MSO Building (P.W.D. H.Q.)
I.T.O, New Delhi-110002.

AWARD**24.11.2025**

4. This is an application U/s 2A of the Industrial Disputes Act (hereinafter referred to as “the Act”) filed by the claimants. Their names and particulars are given below-

Sr. No	Name	Date of Joining	Present Division Office
1.	Joginder Pandit	18.01.1995	EE P.W.D North Building (M-322) Below I.S.B.T
2.	Mohan Parkash Singh	29.01.2015	EE M 221 Delhi Sehlwal
3.	Parveen Mann	23.12.2001	M-413, Pragati Maidan, Ring Road, Delhi-110002.
4	Ajay Kumar Mishra	29.09.2015	EE PWD South Bhawan, Sake Kort, Police Training School (PTS) Malviya Nagar, Mehrauli Road, New Delhi
5.	Deepak Rana	01.07.2016	M-241 SRD 1 Div. Lok Nayak Setu ITO Delhi-110002.

All the workmen had joined the employment of the management from their respective date of appointment as mentioned in the table hereinabove. They were engaged as daily rated / casual / Muster roll workers and were being paid wages as fixed and revised from time to time under the Minimum Wages Act by the appropriate government, while their counterparts performing identical work and work of the same value was treated as regular employees. Those regular employees were paid their salary in proper pay scale and allowances and were also enjoying other facilities like uniform, EL, CL, Gazette/Festival/Restricted holidays, which were completely denied to the workman. Workmen have unblemished and uninterrupted record of service to their credit. They have also submitted that they had been working against the vacant posts since their initial date of joining. As such, the non-regularization of their services from their retrospective initial dates of joining in proper pay-scale and allowances, and non-payment of difference of salary on the principle of “equal pay for equal work” with all arrears is totally illegal, bad, unjust and malafide and amounts to unfair labour practice. A demand notice was served upon to the managements, but no reply was received and it was presumed that the demand had been rejected. They had approached the conciliation, but, no result was yielded. Hence, they filed the present claim with the prayer that they be regularized in services and be paid the entire difference of salary on the principle of “Equal Pay for Equal Work” with retrospective effect from their initial date of joining.

2. Management no. 1 & 2 have already been proceeded ex-parte vide order dated 25.04.2022.

3. Now, the matter is listed for ex-parte workman evidence. Claimants are required to be examined. On 23.01.2025, a notice was also issued to the claimants for appearance; however, neither the claimants nor their authorized representative has been appearing since long.

3. In these circumstances, when the claimants are not interested in pursuing their case, this tribunal has no option but to dismiss the claim. Hence, the claim stands dismissed. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **केंद्रीय लोक निर्माण विभाग** के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **नं II दिल्ली** के पंचाट (256/2022) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-152]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 256/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. II Delhi* as shown in the Annexure, in the industrial dispute between the management of Central Public Work Department and their workmen.

[No. L-12025/01/20258– IR (B-I)-152]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUTRIAL TRIBUNAL – CUM – LABOUR COURT-II, DELHI
I.D. NO. 256/2022

Sh. Joginder Pandit & 04 Ors.

Through- The President Sh. Hukum Chand,
CPWD Karamchari Union, Babu Lal Ji Complex,
Shop No.-04, Gurgaon Road, Opposite Bus Stand,
Gurgaon, Haryana-122001.

VERSUS

1. The Director General,
Central Public Work Department,
Nirman Bhawan, New Delhi-110001.
2. **The Director of Personal, P.W.D.,**
11th Floor, MSO Building (P.W.D. H.Q.)
I.T.O, New Delhi-110002.
3. **Work Cum T.L.Q. (A),**
Special Director of General, Project & Chandigarh,
CPWD kendriya Sadan Chandigarh-160009.
4. **PWD Secretary,**
11th Floor, MSO Building (P.W.D.H.Q.),
I.T.O, New Delhi-110002.

AWARD

24.11.2025

1. This is an application **U/s 33-A of the Industrial Disputes Act (hereinafter referred to as “the Act”)** filed by the claimants. Their names and particulars are given below-

Sr. No	Name	Date of Joining	Present Division Office
1.	Joginder Pandit	18.01.1995	EE P.W.D North Building (M-322)
2.	Mohan	29.01.2015	EE M 221 Delhi Sehlwal
3.	Parveen Mann	23.12.2001	M-413, Pragati Maidan, Ring Road, Delhi-110002.
4	Ajay Kumar Mishra	29.09.2015	EE PWD South Bhawan, Sake Kort, Police Training School (PTS) Malviya Nagar, Mehrauli Road, New Delhi
5.	Deepak Rana	01.07.2016	M-241 SRD 1 Div. Lok Nayak Setu ITO Delhi-110002.

All the workmen had joined into the employer of the management from their respective date of appointment as mentioned in the table herein above. Their dispute regarding regularization of their services is pending. After receiving the notice from the Conciliation, management started misbehaving with the workmen and threatening them to terminate from their services which is an illegal act of retaliation and shows that managements are annoyed due to pending dispute. Hence, they filed the application under section 33-A of the Act with the prayer that management be directed not to terminate the services of the workmen during the pendency of the subject dispute.

2. All the Managements have already been proceeded ex-parte on 10.04.2023.

3. Now, the matter is listed for ex-parte workman evidence. Claimants are required to be examined. On 23.01.2025, a notice was also issued to the claimants for appearance; however, neither the claimants nor their authorized representative has been appearing since long.

5. In these circumstances, when claimants are not interested in perusing their case, this tribunal has no option but to dismiss their application. Hence, application **under section 33-A of the Act stands dismissed**. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 31 दिसम्बर, 2025

का.आ. 2284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रीय लोक निर्माण विभाग के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं **II दिल्ली** के पंचाट (127/2018, 128/2018, 129/2018, 130/2018, 131/2018, 132/2018/150/2018) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-153]

सलोनी, उप निदेशक

New Delhi, the 31st December, 2025

S.O. 2284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.127/ 2018,128/ 2018,129/2018, 130/2018,131/ 2018, 132/2018, 150/2018) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. II Delhi as shown in the Annexure, in the industrial dispute between the management of Central Public Work Department and their workmen.

[No. L-12025/01/2025- IR (B-I)-153]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL-TRIBUNAL CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 127/2018

Smt. Kalpana Sharma, W/o Sh. Surender Sharma,

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

I.D. No. 128/2018

Sh. Shan Mohammad, S/o Sh. Jahur Baksh,

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

I.D. No. 129/2018**Sh. Kanwar pal, S/o Sh. Bishamber,**

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

I.D. No. 130/2018**Sh. Sunny Basist, S/o Firey Ram,**

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

I.D. No. 131/2018**Smt. Rajbala, W/o Vijender,**

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

I.D. No. 132/2018**Sh. Pawan, S/o Jagdish Prasad,**

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

I.D. No. 150/2018**Sh. Prem Giri, S/o Sh. Dev Giri,**

C/o: Through- General Secretary,

All India Central PWD (NRM) Karamchari Sangathan (Regd.)

House No.- 4823, Gali No. 13, Balbir Nagar Extension,

Shahdra, New Delhi-110032.

Versus

M/s The Superintendent, Delhi Circle,

Archaeological Survey of India,

Puratatwa Bhawan,

GPO Campus, E- Block, INA, New Delhi.

AWARD**05.12.2025**

1. By this composite order, I shall dispose of these seven applications **U/S 2A of the Industrial Disputes Act, 1947 (herein after referred to as “the Act”)** filed by the different claimants against the same respondents. Having the common respondents and same cause of action, these cases are taken together for the purpose of deciding of these cases. Names and particulars of their employment are given under-

List of Workmen

Sr. no	Name	Post	Dates of Joining	Dates of Termination	Salary (In Rs.)
1	Kalpana Sharma	Beldar	01.07.2006	12.02.2018	9000-10000 p.m
2	Sh. Shan Mohd.	Beldar	01.05.2017	13.02.2018	9000-10000 p.m
3	Kanwar Pal	Beldar	10.05.2017	13.02.2018	9000-10000 p.m
4	Sunny Basist	Beldar	01.04.2017	12.02.2018	9000-10000 p.m
5	Smt. Rajbala	Beldar	28.02.2000	12.02.2018	9000-10000 p.m
6	Pawan	Beldar	01.04.2017	13.02.2018	9000-10000 p.m
7.	Prem Giri	Beldar	01.09.2016	16.03.2018	9000-10000 p.m

2. Workmen in their claim statement have asserted that they were working as “Beldar” on a contractual basis at the last drawn salary of Rs. 9,000-10,000/- per month. They were working in the campus of Red Fort and Humayun Tomb respectively. Works performed by workmen are of perennial in nature. Their services were terminated by the management in the year 2018 (mentioned above) without assigning any reason and without giving any notice, notice pay and retrenchment compensation etc. which is the violation of the provisions of the I.D Act. After terminating the services of the workmen, others workmen were immediately appointed by the above said management through contractor. Workmen connected to these cases have sent the representation on 8.03.2018 and 09.03.2018 respectively by speed post through his authorized union for reinstatement w.e.f. the date of illegal termination. When the representation of the workmen was not entertained by the above management, they have requested the office bearers of this Sangathan for extending necessary help to them and the Central Committee of the Sangathan passed an espousal to this effect for helping the workmen by way of filing a case before the Conciliation Officer. Conciliation Officer had served the notices to both the parties for appearing in the hearings but, the above management under his adamant behavior refused to reinstate their service of the workmen. Hence, they have filed the present claims with the prayer that they be reinstated with full back wages.

2. Notices were issued to the management, who had appeared and filed it written statement. He had taken several preliminary objection inter-alia that Archaeological Survey of India is neither an industry nor industrial establishment undertaking so as to attract the provisions of I.D Act; Archaeological Survey of India (ASI) is discharging its duties for the preservation and conversation of ancient and historical monuments and archaeological sites which are declared to be of national importance; Archaeological Survey of India has not violated any provision of the I.D Act and every action is within the ambit of law; reference is bad in law and without application of mind.

3. On merits, respondent admitted that these workmen were engaged on daily wages as “Beldar” as alleged. It was also submitted that respondent was hiring casual labours as and when required for casual or intermittent nature of work not for full time, and only on daily wage basis. Management submitted that workmen had never been appointed against any post borne on regular establishment of the department; therefore, the question of termination with or without serving any notice does not arise. He submits that claims be dismissed.

4. Rejoinders have been filed by the claimants affirming the averments, what has been stated by them in their claim statement and denying the averments made by the respondent in the WS.

5. After completion of the pleadings, identical issues have been framed in all the cases vide order dated 06.02.2019 i.e.—

1. Whether the proceeding is maintainable.
2. Whether the service of the workmen were terminated illegally by the management in violation of statutory provision.
3. Whether the workmen are entitled to reinstatement of services with full back wages.
4. To what other relief the workmen are entitled to.

6. In order to prove his case, workmen had appeared in the witness box. They had filed the affidavit in support of their claims. They have reiterated the averment made by them in the claim statement. In rebuttal, management has examined one witness **Sh. Ankur Vats**. He has also reiterated the stand taken by the respondent in his WS. He had relied upon the two documents i.e. MW1/1 and MW1/2.

7. Whole of the argument of the workmen centered around the fact that they had been appointed as “Beldar” on daily wage basis on the dates mentioned herein above and their services have been terminated without following the provisions of the Act. As such, their termination be declared as illegal and they be reinstated. They also stated that they had worked more than 240 days.

8. On the other hand, management’s case is that Archaeological Survey of India is neither an industry nor an industrial establishment and they have been performing the sovereign functions. In support of their contentions he has relied the judgment of **Bhagirath Sharma S/o Sh. Radheshyam Sharma vs. Superintendent, Archaeological Survey of India, Jaipur** passed by the Hon’ble CGIT and Labour Court whereby it was held that Industrial Dispute Act does not attract the Archaeological Survey of India. Moreover their case is that workmen were appointed as daily wages as Beldar. Respondent was hiring casual labours as and when required for casual or intermittent nature of work not for full time. Moreover, the policy has been changed by the Government of India and the Archaeological Survey of India was also directed to disengage the workers due to change of the policy because Government of India has adopted the outsource policy.

9. In the light of the above evidence and argument advanced by the respective AR of the party in advance, my issue wise findings are as follows.

10. **Issue No. 1-** It is also important to mention here that respondent has taken the plea that the proceeding is not maintainable because alleged dispute is not an industrial dispute because **Archaeological Survey of India** is discharging his sovereign function. However, keeping the monumental faith and employing the casual labour for guarding and cleaning their sites does not come within the purview of the sovereign functions. If the plea of the management is taken as true then every government functionary would be exempted from the purview of Industrial Law. Job of the workmen are the Beldar for cleaning, grass cutting and other manual job. It is the common knowledge that people use to come to visit the monument for seeing the monument and there is no evidence led by the management contrary to the fact that no one is allowed to visit the above said sites. It is further the common knowledge that visitors visiting the site used to pay the fee. Therefore the management even though, being the government functionaries has come within the definition of an industry if we applied the triple test laid down by the Hon’ble Supreme Court for abundant in **Bangalore Water Supply Case**. Admittedly the workman had been employed as casual labour on the different dates as mentioned in their claim, however, nothing contrary had been brought on record.

11. Respondent has taken the plea and relied the judgment of **Bhagirath Sharma S/o Sh. Radheshyam Sharma vs. Superintendent, Archaeological Survey of India, Jaipur** passed by the Hon’ble CGIT and Labour Court of Jaipur, whereby it has been held that Industrial is not attracted with the Archaeological Survey of India, however, respectfully I am not agreed with the above said decision. Therefore, this issue has gone in favour of the workmen.

12. **Issue no. 2-** All the workmen have claimed to have worked with the management from different dates as “Beldar”.

13. Before parting the decision on this issues, text of **Section 2 (oo)** and 25F of the Act are required to be produced herein:

Section 2 [(oo)] “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;*

section 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 2 [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 3 [or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Definition of retrenchment has been couched in a comprehensive manner. It covers every type of termination of the service of the workman by the employer for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. The case of voluntary retirement of the workman, retirement on reaching the age of superannuation, termination of service as a result of non-renewal of the contract of employment or of such contract being terminated under a stipulation contained therein or termination of the service of the workman on the ground of continued ill health by condition doesn't fall within the ambit of retrenchment.

14. Workmen have stated that without compliance of the provisions of Section 25F of the Act, their services have been terminated. For this, they have led their evidence. However, the workmen namely Sh. Shan Mohd., Kanwar Pal, Sunny Basist and Pawan at Sr. No. 2, 3, 4 & 6 had not led any evidence to show that they have worked for 240 days in a calendar. Section 25F of the Act prescribes the condition precedent to retrenchment of worker. It has been worded that no worker employed in any industry that has been in continuous services for not less than one year under an employer shall be retrenched. However, the workmen have to prove first that they have worked one year continuously. Continuous service of one year means that at least he has worked 240 days in a calendar year. Admittedly, the management has not followed any of these conditions. They disengaged the services of the workmen without complying of the provisions of Section 25F of the Act, in respect of Smt. Kalpana Sharma (01.07.2006 to 12.02.2018), Smt. Rajbala (28.02.2000 to 12.02.2018) and Sh. Prem Giri (01.09.2016 to 16.03.2018).

15. Nothing has been brought by the respondent to buttress the fact that these workmen had not worked for 240 days in any calendar year. Once the workmen assert that they have worked for more than one year then, than the burden shifts to the management to prove otherwise. Here, the management has failed to rebut the same.

16. Management further pleaded that services of these workmen have been disengaged because of the change of the government policy. In 2017, government has brought the **General Finance Rules (GFR)**, under which casual labours, muster roll labours have been made outsource, so, their services have been disengaged. However, the government decision cannot change or alter the industrial law. Change of policy does not mean that department can fire the employee at any time without following the procedure prescribed by law. Industrial law does not differentiate between the regular workman, temporary workman, muster roll employee or daily wager. He can, but, he has to follow the procedure. Judgment of **State of Karnataka vs. Uma Devi & Ors. [2006 (4) SCC 1]**, relied by the management does not come in the way regarding the illegal termination.

17. In view of the above discussion, **ID No. 128/2018** (Shan Mohammad vs. Archaeological Survey of India), **ID No. 129/2018** (Kanwar Pal vs. Archaeological Survey of India), **ID No. 130/2018** (Sunny Basist vs. Archaeological Survey of India) and **ID No. 132/2018** (Pawan vs. Archaeological Survey of India) stand dismissed, as the workmen failed to prove that they had ever worked for more than 240 days in a calendar year. Their services are merely for eight months or less than eight months, so, they cannot say that they have completed 240 days in a calendar year.

18. So far so, the **ID No. 127/2018** (Smt. Kalpana Sharma vs. Archaeological Survey of India), **ID No. 131/2018** (Smt. Rajbala vs. Archaeological Survey of India) and **ID No. 150/2018** (Sh. Prem Giri vs. Archaeological Survey of India) are concerned. Their disengagement amounts to be declared illegal.

Relief

Generally, when the termination is held illegal then naturally reinstatement with full back wages would follow. However, in the present case, these three workmen have claimed to have worked as "Beldar". Their claims are not for regularization; their claims are that their services as Beldar have been terminated illegally; therefore, putting them as casual labour like Beldar is not an appropriate relief. Rather than, lump sum compensation is an appropriate relief against their illegal disengagement from the services. Considering the length of services of Smt. Rajbala, Smt. Kalpana and Sh. Prem Giri which they did with the respondent for 18 years, 12 years & 2 years respectively, a lump sum compensation of Rs. 8 Lac, Rs. 6 Lac & Rs. 2 Lac respectively are considered as an appropriate relief. Hence, the management is hereby directed to pay the compensation within two months of notification of this award, failing which the management shall also pay interest @ 8% per annum on the aforesaid amount from the date of award till the date of realization. Award is passed accordingly. A copy of this award be sent to the appropriate government for notification under section 17 of the I.D. Act. A copy of this award is placed in each of the file. Records of these files are consigned to record room.

Dated 05.12.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 1 जनवरी, 2026

का.आ. 2285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (71/2021) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-01]

सलोनी, उप निदेशक

New Delhi, the 1st January, 2026

S.O. 2285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 71/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen.

[No. L-12025/01/2026— IR (B-I)-01]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW.

I.D. No. 71/2021

Ref. No.K-10/1-5/2021-IR Dated: 28.05.2021

Shri Radhey Shyam S/o Late Murlidhar,

C/o Shri Parvez Alam, 283/63 Kha,

Garhi Kanaura (Premwati Nagar),

Post Manak Nagar, Lucknow-226011.

.....Appellant

Versus

The Divisional Railway Manager,

Northern Railway, Hazratganj,

Lucknow.(UP).

The Assistant Divisional Engineer-I,

Northern Railway, Sultanpur. (U.P.).

..... Respondents

AWARD

By order No.K-10/1-5/2021-IR Dated: 28.05.2021, 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 Northern Railway, Lucknow over alleged termination of the services of Shri Radhey Shyam S/O Late Murlidhar, Casual Worker w.e.f. 15.05.1981 after rendering service of more than 120 days as Casual Labour, 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. 71/2021 has registered before this tribunal.

On 26.04.2022/10.10.2022, workman filed claim statement in brief facts stated are that workman was initially engaged with the respondent on 15.12.1977, in a said capacity he has worked up till 14.05.1981.

On 15.05.1981, respondent terminated/retrrenched his services without following the provision of 25F of the Industrial Dispute Act.

Accordingly it is prayed that order of termination/retrrenchment dated 15.05.1981, may be set aside, and it may be reinstated back in his services, over and above to his juniors.

On behalf of respondent written statement has been filed, thereafter rejoinder has been filed.

In spite of the notice neither the workman nor any legal representative on his behalf appeared.

Shri GC Rai learned counsel for respondent raised a preliminary objection that cause of action arises on the part of the workman on 15.05.1981, thereafter he raised the Industrial Dispute on the basis of which the reference has been made on 28.05.2021, so the same is liable to be dismissed on the ground of delay, so workman is not entitled for any relief.

In order to decide said controversy it would be appropriate to state following facts:

In **Nedungadi Bank Ltd. v. K.P. Madhavankutty and Ors. 2000 (2) SCC 455**, it was noted at paragraph 6 as follows:

"6. Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was ex-facie bad and incompetent."

Further, in **S.M. Nilajkar and Ors. v. Telecom District Manager, Karnataka 2003 (4) SCC 27**, the position was reiterated as follows: (at para 17)

"17. It was submitted on behalf of the respondent that on account of delay in raising the dispute by the appellants the High Court was justified in denying relief to the appellants. We cannot agree. It is true, as held in M/s. Shalimar Works Ltd. v. Their Workmen (supra) AIR 1959 SC 1217, that merely because the Industrial Disputes Act does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation prescribed for reference of disputes to an industrial tribunal, even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale. A delay of 4 years in raising the dispute after even reemployment of the most of the old workmen was held to be fatal in M/s. Shalimar Works Limited v. Their Workmen (supra) AIR 1959 SC 1217. In Nedungadi Bank Ltd. v. K.P. Madhavankutty and others (supra) AIR 2000 SC 839, a delay of 7 years was held to be fatal and disentitled to workmen to any relief. In Ratan Chandra Samanta and others v. Union of India and others (supra) 1993 AIR SCW 2214, it was held that a casual labourer retrenched by the employer deprives himself of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal if it has resulted in material evidence relevant to adjudication being lost and rendered not available."

However, we do not think that the delay in the case at hand has been so culpable as to disentitle the appellants for any relief. Although the High Court has opined that there was a delay of 7 to 9 years in raising the dispute before the Tribunal but we find the High Court factually not correct. The employment of the appellants was terminated sometime in 1985-86 or 1986-87. Pursuant to the judgment in Daily Rated Casual Employees Under P&T Department v. Union of India (supra) AIR 1987 SC 2342, the department was formulating a scheme to accommodate casual labourers and the appellants were justified in awaiting the outcome thereof. On 16-1-1990 they were refused to be accommodated in the scheme. On 28-12-1990 they initiated the proceedings under the Industrial Disputes Act followed by conciliation proceedings and then the dispute was referred to the Industrial Tribunal cum-Labour Court. We do not think that the appellants deserve to be non-suited on the ground of delay."

Also, in Hon'ble Apex Court in the case of **Krishi Utpadan Mandi Samity vs. Pahal Singh reported in 2007 12 SCC 193**, and more particularly paragraph Nos. 10, 11, which read as under:-

"10. The Labour Court was also under an obligation to consider as to whether any relief, if at all could be granted in favour of the workman in view of the fact that the industrial dispute had been raised after 18 years. It was obligatory on the part of the Labour Court to consider that the respondent was in employment for very short period. It had also not arrived at a finding that the respondent was in continuous service within the meaning of Section 2(g) of the U.P. Industrial Disputes Act or for that matter in terminating the services of the respondent, the appellant did not comply with the requirements of law particularly Section 6-N thereof. In absence of such a finding, the High Court in our opinion should have interfered with the Award."

11. It is now well-settled principle of law that "delay de-feats equity".

(see also *Haryana State Co-operative Land Development Bank v. Neelam* (2005) 5 SCC 91)

Further, in the present case, it is also not in dispute rather admitted by the workman he has raised his grievance to be included in screening for year 1983-84 by means of raising industrial dispute in the year 2003, which was referred to this Tribunal after 20 years, as such, he is not entitled for any relief. Because, Hon'ble Rajasthan High Court, Jaipur Bench, in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, has held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (*supra*), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in *Gitam Singh [Asstt. Eng., Rajasthan Development Corpn. v. Gitam Singh]*, that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief."

Further, the Hon'ble Supreme Court in *Sadhu Singh* (*supra*), held as under:

"6. We shall at the outset deal with the issue of limitation. The respondent was retired compulsorily from service on 4.1.2003. Original Civil Suit No. 41 of 2010 was instituted in 2010. The trial Judge as well as the first appellate court were of the view that the suit was not barred by limitation since the representation of the respondent for the grant of the three selection grades was rejected on 18.1.2010. The first appellate court, while concurring with the trial Judge also noted that the "final request" made by the respondent-plaintiff on 18.1.2010 was rejected and hence the suit was within limitation.

7. The respondent waited for seven long years after his retirement to pursue a claim for the grant of selection grade. This was clearly beyond the residuary period of limitation of three years provided in Article 137 of the Schedule to the Limitation Act, 1963. That apart, in the decision of this Court in *State of Rajasthan v. Shankar Lal Parmar*, the Court has considered the ambit of the scheme for selection grade. This Court has held thus:

"6. Another important and relevant clause in the said order for our perusal is Clause 7, which is also reproduced hereinbelow:

7. Selection grades in terms of this order shall be granted only to those employees whose record of service is satisfactory. The record of service which makes one eligible for promotion on the basis of seniority shall be considered to be satisfactory for the purpose of grant of the selection grade.'

7. Clause 7 makes it clear that only those employees would be entitled for grant of selection grades, whose service record has been satisfactory and are otherwise eligible for promotion on the basis of seniority but have not been able to get the same as there might not be any channel of promotion or for want of sanctioned posts in the cadre."

8. The Court held that in terms of Clause 7, only those employees whose service record has been satisfactory could be entitled to be granted selection grade. In this context, the Court held:

"17. Clause 7 further makes it clear that only those/such employees would be entitled to be granted selection grade whose service record has been satisfactory. This implicitly shows that the person who has an untainted, unblemished, clean and unpolluted record in service would be treated on a higher pedestal than those who have either tainted, blemished, unclean or polluted record. This obviously appears to be a reasonable classification and is under the ambit and touchstone of Article 14 of the Constitution. There is neither any ambiguity nor any doubt in the same."

9. On the touchstone of the above principles, it is evident that the respondent had been subjected to several disciplinary proceedings and as many as 19 charge- sheets were issued against him which resulted in penalties of a varying nature. The service record of the respondent cannot be regarded as untainted or clean.

10. Ms Nidhi, learned counsel for the respondent submitted that some of the penalties which were imposed on the respondent were without cumulative effect. The consequence of the withholding of increments without cumulative effect is that after the period prescribed, the respondent would be entitled to restoration of the original pay scale or the original pay. However, this does not obviate the position that the imposition of the penalty itself indicates that the service record of the employee was not satisfactory. Another submission which has been urged is that the penalties were of a minor nature. Assuming that to be so, it is evident that for the grant of selection grade, the respondent did not fulfil the requirements of a clean record of service. The grant of the selection grade is not a matter of right and was subject to the terms and conditions which were stipulated. The respondent failed to fulfil these terms and conditions.

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade." (Emphasis supplied)

Further, the Hon'ble Supreme Court, in *Bichitrananda Behera (supra)*, after considering the erstwhile judgments of *Union of India v. Tarsem Singh*, *Union of India v. N. Murugesan*, and *Chairman, State Bank of India v. M.J. James*, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Reverting to the facts of present case, as the relief which is claimed by the workman pertains to year 1981 in respect to which grievance has been raised in the year 2021, so the same cannot be granted in view of the position of law as stated herein above.

AWARD

For the foregoing reasons the workman is not entitled for any relief as per the Reference No.K-10/1-5/2021-IR Dated: 28.05.2021, and the same is answered accordingly.

Award as above.

Lucknow.

11th December, 2025

Justice ANIL KUMAR, Presiding Officer

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

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं I दिल्ली के पंचाट (271/2024) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-02]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 271/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. I Delhi* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2026— IR (B-I)-02]

SALONI, Dy. Director

ANNEXURE

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

ID No. 271/2024

Sh. Sanjay S/o Sardar Singh Through Rashtriya Udyog Mazdoor Union, Indraprasth Colony, Burari, Delhi- 110084.

...Claimant

Versus

1. The Manager, M/s Core Security Services, M-2 Meza, 9th Floor, Gupta Tower Commercial Complex, Delhi-110033.
2. The Regional Director/Manager, State Bank of India, 16, Sansad Marg, New Delhi-110001.

...Management

AWARD

1. This is an application under Section 2-A of the I.D. Act whereby, the applicant made prayer that his termination from the service on 30.05.2018 by the management which be declare illegal and unjustified and he be reinstated with full back wages. He has not been provided any legal facilities. When the workman went to join his job he was illegally terminated from his service on 30.05.2018 without any rhyme or reason and without conducted any domestic enquiry by the management. He has initiated the conciliation proceeding but, no result. Hence, he had filed the present claim petition.

2. Notice was issued to the both the managements for appearance and filing of their rebuttal written statement. But notice returned to the office with remarks like 'no such bank exist in the address' or 'left without address'. Thereafter, claimant was directed to furnish fresh addresses of both the managements. Despite several opportunities, claimant did not provide any address. Also, the claimant is not appearing in the tribunal to substantiate his claim.

3. Hence, in these circumstances this tribunal has no option except to pass the no dispute award. No dispute award is passed accordingly. File is consigned to the record room. A copy of this award is hereby send to the appropriate government for notification under section 17 of the I.D. Act, 1947.

Let a copy of this Award be sent for publication as required under Section 17 of Act.

Date: 14.07.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नौसेना मुख्यालय स्टाफ ऑफिसर) एसीओपी (एसी), मेसर्स 3151, मोहित बाबा सुरक्षा एजेंसी(के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं II दिल्ली के पंचाट (204/2018) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-I)-03]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 204/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court*

No. II Delhi as shown in the Annexure, in the industrial dispute between the management of Naval Headquarter (Staff Officer ACOP(AC), M/s 3151, Vmohit Bawa Security Agency and their workmen.

[No. L-12025/01/2026– IR (B-I)-03]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 204/2018

Sh. Sadhu Singh, S/o Jaipal Singh,

Address:- House No. 171, Gali No. 10,

Pipeline, Behta Hazipur, Ghaziabad,

U.P. Pin Code-201102.

Versus

1. Naval Headquarters (Staff Officer ACOP (AC),

Annexue Building, Talkatora Stadium,

New Delhi-110003.

2. M/s 3151, Vmohit Bawa Security Agency,

B-203, Samanvay CGHS, Plot No. 82,

Sector-56, Gurgaon-122002.

AWARD

27.11.2025

This is an application U/S 2A of the Industrial Disputes Act (hereinafter referred to as “the Act”) filed by the claimant for his illegal termination. He has stated in his claim that he was working with the management-2 i.e. contractor w.e.f. 13.02.2017 to 05.03.2018 at the post of Security Supervisor and his salary was Rs. 28,680, however the management-2 provided the salary of Rs. 18,179/- to him. He was performing his duty honestly, diligently and sincerely and never given any chance to the managements to complaint. In the month of March 2018 when he demand his deducted salary and overtime amount from the management, management got annoyed and suddenly on 05.03.2018, Field Officer of management no. 2 called the workman on phone and told him not to go for the duty with the management no. 1 and disconnected the phone. Many times he called the said officer on phone and also tried to contact the management no. 2, but all in vain. He has gone to the conciliation officer, but no result was yielded. Hence, he filed the present claim with the prayer that he be reinstated in services with full back wages.

Management no. 1 has filed its WS, denying the averment made in the claim. He also submitted that there is no relationship of employer and employee. He submitted that claim is liable to be dismissed.

Management no. 2, vide order dated 03.04.2019, has already been proceeded ex-parte.

Issues have been framed on 23.09.2019. Matter is listed for workman evidence. Workman submits that he wants to withdraw the present claim. His statement has been recorded separately.

In view of the above submission made by the claimant, claim stands dismissed as withdrawn. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. Record of this file is consigned to record room.

Date: 27.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सीनियर सुपरिटेण्डेंट ऑफ पोस्ट ऑफिस, कन्याकुमारी डिवीजन: सीनियर पोस्ट मास्टर, नागरकोइल हेड पोस्ट ऑफिस के प्रबंधन के संबद्ध नियोजकों और श्री टी. रवि, कन्याकुमारी, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 1/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है

[सं. एल-40012/17/2016-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2288.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2017) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Senior Superintendent of Post Office, Kanyakumari Division: The Senior Post Master, Nagarcoil Head Post Office** and **Sh. T. Ravi, Kanyakumari**, worker.

[No. L-40012/17/2016-IR(DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 1/2017

Present: SUSHIL KUMAR-II, PRESIDING OFFICER

Date: 25-09-2025

Sh. T. Ravi,

S/o Thangappan Kannanpatti,

Devakulam Post,

Kanyakumari-629704

:

1st Party/Petitioner

AND

The Senior Superintendent of Post Office,

Kanyakumari Division, Nagarcoil :

2nd Party / 1st Respondent

The Senior Post Master,

Nagarcoil Head Post Office,

Nagercoil

:

2nd Party / 2st Respondent

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-40012/17/2016-IR(DU) dated 16.12.2016 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the Management of Department of Posts, Nagercoil Division in Stopping / removing Shri T. Ravi, as Ex-Driver with effect from 01.02.2015 is legal and justified? If not, to what relief, the workman is entitled to?”

2. On receipt of the above reference dated 16.12.2016 from the appropriate Government, the dispute was registered as ID No. 1/2017, and due notices were issued to both the parties for their appearance.

3. ID called out. It is informed by the Learned Counsel for the petitioner on 27.07.2022 that the petitioner was died. No application for substitution of legal heirs has been filed. Hence the claim petition stands abetted.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कार्यकारी निदेशक, भारत हेवी इलेक्ट्रिकल्स लिमिटेड, त्रिचिरापल्ली, तमिलनाडु के प्रबंधतंत्र के संबद्ध नियोजकों और कार्यकारी अध्यक्ष, बॉयलर प्लांट कर्मचारी संघ, त्रिचिरापल्ली, श्री. वी. आनंद, संयुक्त सचिव, वर्क्स कमेटी सदस्य, बीएचईएल, त्रिचिरापल्ली, महासचिव, भारत हेवी इलेक्ट्रिकल्स वर्कर्स यूनियन, (सीटू), त्रिचिरापल्ली, महासचिव, लेबर लिबरेशन फ्रंट, बीएचईएल, त्रिचिरापल्ली, तमिलनाडु, महासचिव, बॉयलर प्लांट वर्कर्स यूनियन (एनडीएलएफ), बीएचईएल, त्रिचिरापल्ली, तमिलनाडु, महासचिव, बीएचईएल पेरियार थोझिलालर नाला उरीमाई संगम, बीएचईएल, त्रिचिरापल्ली सहायक महाप्रबंधक, बीएचईएल पट्टाली थोझिर संगम, त्रिचिरापल्ली, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 21/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/2/2023-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2289.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2023) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Executive Director, Bharat Heavy Electricals Ltd., Trichirapalli, Tamil Nadu** and **The Working President, Boiler Plant Employees Union, Trichirapalli, Sh. V. Anand, Joint Secretary, Works Committee Member, BHEL, Trichirapalli, The General Secretary, Bharat Heavy Electricals Workers Union, (CITU), Trichirapalli, The General Secretary, Labour Liberation Front, BHEL, Trichirapalli, Tamil Nadu, The General Secretary, Boiler Plant Workers Union (NDLF), BHEL, Trichirapalli, Tamil Nadu, The General Secretary, BHEL Periyar Thozhilalar Nala Urimai Sangam, BHEL, Trichirapalli, The Assistant General Manager, BHEL Pattali Thozhir Sangam, Trichirapalli, worker.**

[No. L-42012/2/2023-IR(DU)]

SALONI, Dy. Director

ANNEXURE

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

ID No. 21/2023

Present: SUSHIL KUMAR-II, PRESIDING OFFICER

Date: 24-09-2025

The Working President,

Boiler Plant Employees Union,

C/o BHEL, Trichirapalli, Tamil Nadu

:

1st Party/1st Petitioner

Sh. V. Anand,

Joint Secretary,

Works Committee Member,

BHEL, Trichirapalli, Tamil Nadu

:

1st Party/2nd Petitioner

The General Secretary,

Bharat Heavy Electricals Workers Union,

(CITU), C/o BHEL, Trichirapalli

:

1st Party/3rd Petitioner

The General Secretary,

Labour Liberation Front, BHEL

Trichirapalli, Tamil Nadu : 1st Party/4th Petitioner

The General Secretary,

Boiler Plant Workers Union (NDLF),

BHEL, Trichirapalli, Tamil Nadu : 1st Party/5th Petitioner

The General Secretary,

BHEL Periyar Thozhilalar Nala

Urimai Sangam,

BHEL, Trichirapalli, Tamil Nadu : 1st Party/6th Petitioner

The Assistant General Manager,

BHEL Pattali Thozhir Sangam,

BHEL, Trichirapalli, Tamil Nadu : 1st Party/7th Petitioner

AND

The Executive Director,

Bharat Heavy Electricals Ltd.,

Kailasapuram, Trichirapalli,

Tamil Nadu : 2nd Party / Respondent

Award

The Central Government, Ministry of Labour & Employment vide its Order No. L-42012/2/2023(IR(DU) dated 13.03.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Boiler Plant Employees Union, Works Committee Member V. Anand, Bharath Heavy Electricals Worker’s Union, Labour Liberation Front, Boiler Plant Workers Union, BHEL Periyar Thozhilalar Nala Urimai Sangam and BHEL Pattali Thozhir Sangam, Trichirappalli vide letter dated 23.09.2022/ 26.09.2022/ 27.09.2022/06.10.2022 that the transfer of 3 workers from BHEL, Trichirapalli Unit to BHEL, Ranipet Unit by the management of Bharat Heavy Electricals Limited, Trichirapalli is unfair labour practice as the said employees have been transferred due to their active involvement in union activities is proper, legal and justified under ID Act, 1947? *If yes, to what relief the disputants is entitled and what direction, if any, is necessary in the matter?*”

2. On receipt of the above reference dated 13.03.2023 from the appropriate Government, the dispute was registered as ID No. 21/2023 and due notices were issued to both the parties for their appearance fixing the case to 01.06.2023. Neither the Petitioners nor any Counsel / Authorized Representative turned up resulting further adjournment to 03.08.2023. The Petitioners did not turn up. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 13.03.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioners and the opposite party. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioners were once again directed to appear and to file claim statement fixing the case to 15.07.2025, 02.09.2025 and 24.09.2025. The Petitioners did not turn up nor were any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioners. The Respondent represented in this case. It reveals the Petitioners, 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.

4. In view of the discussion held supra, it is crystal clear that the petitioners have got no interest to proceed with the case. Thus, in the result the reference is answered against the petitioners.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, मेसर्स भारत इलेक्ट्रॉनिक्स लिमिटेड, नंदांबक्कम, चेन्नई, महाप्रबंधक, एचआर-को, मेसर्स भारत इलेक्ट्रॉनिक्स लिमिटेड, नागावरा, बेंगलुरु, अध्यक्ष और प्रबंध निदेशक, मेसर्स भारत इलेक्ट्रॉनिक्स लिमिटेड, बेंगलुरु के प्रबंधतंत्र के संबद्ध नियोजकों और सचिव, बीईएल-टेक्स कर्मचारी यूनियन, नंदांबक्कम, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 30/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-14011/03/2022-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2290.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2022) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, M/s. Bharath Electronics Limited, Nandambakkam, Chennai, The General Manager, HR-Co M/s. Bharath Electronics Limited, Nagavara, Bengaluru, The Chairman & Managing Director, M/s. Bharath Electronics Limited, Bengaluru and The Secretary, BEL-TEX Employees Union, Nandambakkam, Chennai, worker.**

[No. L-14011/03/2022-IR(DU)]

SALONI, Dy. Director

ANNEXURE

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

Date: 12-09-2025**Present: SUSHIL KUMAR-II,****PRESIDING OFFICER****Industrial Dispute No. 30/2022****BETWEEN**

The Secretary,
BEL-TEX Employees Union,
C/o. Bharath Electronics Limited,
Nandambakkam,
Chennai-600 089.

: 1st Party/Petitioner**AND**

1. The General Manager,
M/s. Bharath Electronics Limited,
Nandambakkam, Chennai-600 089.
2. The General Manager HR-Co
M/s. Bharath Electronics Limited,
Outer Ring Road, Nagavara,
Bengaluru-560 045.
3. The Chairman & Managing Director,
M/s. Bharath Electronics Limited,

Outer Ring Road, Nagavara,

Bengaluru-560 045. .

: II Party/ Respondent

Appearance:

For the 1st Party/Petitioner : Party in person

For the II Party/Respondent : Mrs. Hema Raghavendra Rao, AR

The Central Government, Ministry of Labour & Employment vide its Order No. L-14011/03/2022 (IR)(DU) dated 18.05.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand raised by BEL-Tex Employee’s Union against the management of M/s Bharat Electronics Limited, Chennai on the issue of 12 charter of demands, (as per in Annexure ‘A’) are just and fair? If yes, what relief the workmen are entitled to?”

Annexure ‘A’:

1. Action Should be taken against officer who has acted unlawfully and against the DPE Guidelines OM No.W-02/0039/2017-DPE(WC)-GLXVI/20 dated 19.11.2020 by issuing the circular dated 26.11.2020 violating Tripartite Agreement signed before the Dy.CLC.
2. All charges leveled against Officer Bearers of BEL-TEX Employees Union should be withdrawn in relation to the DA freeze issue and Revoke the suspension of L.SINGARAVELU (Staff No 209556) - General Secretary of BEL-TEX Employees Union and reinstate the condition prior to suspension.
3. Settle the long pending PPI Issue at the earliest by providing Rs.85000/-as PART-A and 25% of PART-A as PART-B Amount.
4. Common Term Insurance scheme based on wages across all BEL stakeholders in BEL.
5. Resolve the long pending Medical issues like inclusion of new panel hospital, billing issues. Constitute a committee by including workers representative.
6. Provide 1500 hours per annum for union related work(Union Time-off).
7. Regularise all contract workers in perennial jobs in BEL-Chennai; Abolish FTE, NEEM, NETAP; Provide equal wages for equal work as per article 39(D) of Constitution of India for the Contract workers also as per as directives of Hon'ble Supreme Court Judgement under Article 141 of Constitution of India and consequent DOPT, DPE Guidelines.
8. Contract labourers should be given Wages, canteen facilities, P.F. ESI, LEAVE, Job Security, right to join Union and other benefits like permanent employees.
9. Canteen Calculation to be done taking into consideration contract labour head count also like in Bangalore unit from 2014 and amount to be refunded to the workers.
10. Recommend for Providing Minimum Pension 7500 per month to all workers, scrap NPS and restore earlier Pension, improve EPS-95.
11. Conduct a Proper Transparent Investigation of the scam that has taken place in BEL-CHENNAI and take action against the concerned.
12. Respect and comply with Directive Principles of State Policy under the Constitution of India, human rights, implement industrial democracy, collective bargaining, trade union & democratic rights.

2. During the course of hearing, the present association submits an application which is not supported by an affidavit not to press the ID No.30/2022. The Respondent also filed a similar application which was addressed to the Management by the Association requesting not to press ID No.30/2022. But, this memo filed by the Respondent action was not supported by affidavit. Therefore, this reference cannot be decided on the basis of application filed by new association and the Respondent.

3. Although, this fact was not denied by Shri L.Singaravelu that at present he is not the General Secretary of the Association/Union. Hence, it is a matter of chance that at the time of filing of I.D., Mr.L.Singaravelu was the Secretary of the Union. The Union raised 12 points as mentioned above. But, none appeared on behalf of the Union to support its claim raised in the present industrial dispute. Only Mr. L.Singaravelu appeared before this Tribunal and filed his affidavit in support of all the 12 points raised in the industrial dispute. But, since he is not the Secretary of the Union, he is not able to prove all the 12 points/demands raised by the Union. It is the union association who has right, authority and legal sanctity to prove the 11 points raised in the industrial dispute, except point No.2, which relates to suspension of Mr. L.Singaravelu, because these 11 points relate to common interest of the workmen, who were members of the association.

4. Section 10 of the Industrial Disputes Act, 1947 describes two provisions with regard to filing reference before this Tribunal-

- i) Appropriate Central Govt. may refer the industrial dispute to this Tribunal;
- ii) After amendment, this right has been given to workmen also for filing directly before this Tribunal.

5. However, this matter was referred by the Central Government with regard to 12 points as mentioned above in Annexure 'A' and this dispute was referred on the agitation raised by the association/Union and not by Mr.L.Singaravelu alone, and I repeat it again, that Mr. L.Singaravelu is not competent to prove all the 12 demands raised by the union.

6. The provisions of section 11 of Industrial Disputes Act, 1947 empowers this Tribunal in order to determine a case by and to whom and to what extent and subject to what conditions, if any directions are to be given are purely on the basis of facts and circumstances of the case. Since the union/association is not pursuing the present industrial dispute case to prove all the points raised by the union, in my opinion, Mr. L.Singaravelu can represent and press for his own case which is specifically raised as point no.2, which relates to suspension of Mr. L.Singaravelu.

7. Mr. L.Singaravelu has filed 12 documents. The first letter dated 11.02.2020 is written by the Respondent-3 to the Petitioner for office hours of trade union. The second letter dated 28.01.2022 was sent by Union to Assistant Labour Commissioner, Chennai. The third document is dated 08.03.2019 relates to pension form Petitioner to Respondent. The fourth document is dated 29.09.2021 which relates to copy of memorandum regarding insurance policy of Respondent-1. The fifth document is dated 30.10.2021 is letter from Petitioner to Respondent-2 regarding PPI Scheme. The sixth document is copy of settlement executed between Petitioner and Respondent dated 05.12.2017. The seventh document is copy of letter dated 07.04.2016 from the Petitioner to Regional Labour Commissioner for canteen. The documents filed from eighth to eleventh are copies of letters from Petitioner to Respondents. The next and final document placed is dated 14.03.2017, a copy of RTI reply from Respondent-3 to the Petitioner. But none of the document relates to suspension order of Mr. L.Singaravelu was filed.

8. In the reference made by the Central Government at point no.2, it is mentioned that all charges levelled against office bearers of BEL-Tex Employees Union should be withdrawn in relation to D.A. freeze issue and revoke the suspension of Mr. L.Singaravelu, Staff No.209556, the General Secretary of Bel-Tex Employees Union. On careful perusal of point No.2, it appears that there are two grievances raised by the Union - i.e.,

- i) Withdrawn the charges regarding D.A freeze issue; &
- ii) Revoke suspension of Mr. L.Singaravelu.

In the claim petition, it is mentioned that Mr. L.Singaravelu Staff No. 209556, worked for the welfare of the workmen and enquiry in his case was not completed even after completion of 1 ½ years and Mr.L.Singaravelu has not acted against the welfare and development of respondent and adhered to the guidelines of the Respondent, hence, the suspension order of Mr. L.Singaravelu needs to be set aside.

9. In the affidavit filed by Mr. L.Singaravelu with regard to second demand/point, it is stated that he worked for the welfare of the workmen and alleged that enquiry was not completed. However, nowhere in the affidavit Mr. L.Singaravelu has mentioned that his suspension was a mala fide one. Further, he fails to produce a copy of suspension order, though he filed 12 documents placed on the paper book as mentioned hereinabove. Although a copy of suspension order is available in another case filed by Mr. L.Singaravelu u/s.33C(2) of the Act, but a certified copy of suspension order is not available in the I.D. 30/2022 case. Therefore, it cannot be taken into account, while deciding the industrial dispute case in hand.

10. It is an admitted fact by both the parties that Mr. L.Singaravelu was suspended and the Respondent mentioned that Mr. L.Singaravelu had committed breach of standing orders and created interference with the process of the company affairs and violated the company policy and rules and failed to follow the original and lawful instructions of the establishment. But, no proof was adduced in support of the allegations made by the Respondent during the I.D. proceedings before this Tribunal. However, the burden of proof lies on Mr. L.Singaravelu to prove /demonstrate before this Tribunal that suspension order was passed by Respondent with *mala fide* intention. Even Mr.L.Singaravelu fails to have mentioned the word "*mala fide*" either in the affidavit submitted by him or in the charter of 12 demands raised by the Union. It was the duty of Mr. L.Singaravelu to mention the mala fide intention of the Respondent, who put him under suspension, in order to establish any personal bias or improper motive of Respondent, but, he has chosen not to do so.

10. Further, Mr. L.Singaravelu has argued that no reason of suspension was assigned by the Respondent while placing him under suspension. This contention was not neither raised by him in the claim statement nor in the affidavit. In the case of Ram Suman Hiralal Pandey Vs. Chancellor of Universities, Bhopal, the Hon'ble Madhya Pradesh High Court held that it is not always necessary to give reasons for suspension. It is distinct from the charges of misconduct.

11. In light of the above discussion, I find Mr.L.Singaravelu fails to establish the *mala fide* intention of the Respondent while he was put under suspension. The Association also fails to appear before this Tribunal to press the remaining points/charter of demands except point No.2.

ORDER

The reference is answered against the BEL-Tex Employee's Union as well as against Mr. L.Singaravelu.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैनेजर (टोल), ईगल डीप त्रिची बाय-पास टोलवेज़ इंडिया प्राइवेट लिमिटेड, पुदुकोट्टई, मैनेजर (एचआर), ईगल डीप त्रिची बाय-पास टोलवेज़ इंडिया प्राइवेट लिमिटेड पुदुकोट्टई, नेशनल हाईवे अथॉरिटी ऑफ़ इंडिया, तिरुचिरापल्ली, श्री साई एंटरप्राइजेज इंडिया प्राइवेट लिमिटेड, भूथाकुडी टोल प्लाजा, पुदुकोट्टई के प्रबंधन के संबंध में नियोजकों और श्री जी. थेन्नारासु, पुदुकोट्टई कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय-चेन्नई पंचाट(संदर्भ संख्या- 39/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/248-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2291.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 39/2018) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Manager (Toll), Eagle Deep Trichy By-pass Tollways India Private Ltd, Pudukottai, The Manager (HR), Eagle Deep Trichy By-pass Tollways India Private Ltd Pudukottai, National Highways Authority of India, Trichirapalli, Sri Sai Enterprises India Pvt.Ltd., Boothakudi Toll Plaza, Pudukottai** and **Shri G.Thennarasu, Pudukottai, worker.**

[No. L-42025/07/2025/248-IR(DU)]

SALONI, Dy. Director

ANNEXURE

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

Date: 17-10-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

I.D. No.39/2018

BETWEEN

Shri G.Thennarasu,

S/o. Ganesan,

Toll Operation (under Termination)

Boothakudi Toll Plaza,

No.496, Ezhuvampatti,

Sooriyur, Perambur Post,

Viralimalai Taluk,

Pudukottai District-621 316

:

1st Party/ Petitioner

AND

1.The Manager(Toll)

Eagle Deep Trichy By-pass Tollways India Private Ltd

Boothakudi Toll Plaza,

Rajanaickanpatti Post

Viralimalai Taluk,

Pudukottai District-621 316

2.The Manager (HR)

Eagle Deep Trichy By-pass Tollways India Private Ltd

Boothakudi Toll Plaza,

Rajanaickanpatti Post

Viralimalai Taluk,

Pudukottai District-621 316

3. National Highways Authority of India

6/44, 3rd Main Road, Ponnagar,

Trichirapalli-620 001.

4. Sri Sai Enterprises India Pvt.Ltd.

Boothakudi Toll Plaza,

Rajanaickanpatti Post

Viralimalai Taluk,

Pudukottai District-621 316.

: 2ⁿ Party/Respondents**Appearance:**For the 1st Party/ Petitioner : M/s. Balan Haridas, AdvocatesFor the 2nd Party/ Respondents No.1 to 4: None

The Petitioner has filed this petition u/s.2A of the Industrial Disputes Act, 1947, directly seeking relief of reinstatement into service of the Respondent No.1, by setting aside the termination order dated 18.04.2017, with consequential benefits.

2. Brief facts of the case are that the Petitioner was engaged by the Respondent No.1 as Toll operator with effect from 06.09.2012. It is stated in the claim statement that establishing toll plaza on the National Highway and collection of toll is responsibility of Respondent No.1. The Petitioner has participated in the union activities and the Respondent was in the habit of blaming and harassing the Petitioner for unfound errors and unsubstantiated charges. The trade unions raised disputes before the Regional Labour Commissioner (Central), Chennai. The Respondents were prejudiced against the Petitioner for such acts. While so, police arrested the Petitioner on 21.03.2017 without assigning any reasons and he was released on bail on 17.04.2017 and carried out the duties as toll operator on 18.04.2017 & 19.04.2017 and signed attendance register on the dates. However, on 19.04.2017, the 1st Respondent along with Accounts Officer informed that the Petitioner has been terminated from service and need not come to work thereafter. At the insistence of the Petitioner, the 1st Respondent prepared termination order on 18.04.2017 and he was called upon to the police station at Viralimalai and issued the said order through the hands of Sub-Inspector on 20.04.2017. The Petitioner was dismissed without observing principles of natural justice and was denied employment since 20.04.2017. The FIR No.87 dated 16.03.2017 which contains 12 suspects was not supplied to the Petitioner and one group of FIR which was served to the Petitioner did not contain his name. It is gross miscarriage of justice and there was no application of principles of natural justice.

3. The Petitioner raised an industrial dispute before the conciliation officer. The Respondent did not care to attend the conciliation proceedings which is still pending. Therefore, it is prayed that impugned order is liable to be set aside and the Petitioner is to be reinstated into service with all attendant benefits.

Witnesses Examined:

For the First Party Petitioner : WW1 Shri G.Thennarasu

For the 2nd Party/Management : NIL

Documents Marked:On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	18.04.2017	Copy of order of termination of Petitioner from service
Ex.W2	10.07.2017	Copy of representation by the Petitioner to the 1 st Respondent
Ex.W3	16.03.2017	FIR
Ex.W4	16.03.2017	FIR
Ex.W5	17.03.2017	FIR
Ex.W6	03.02.2018	2A petition filed before conciliation officer

Documents Marked:On behalf of Respondent/Management : NIL

4. At the time of hearing, none appeared on behalf the Respondents and no document has been filed on their behalf in spite of service of notice. Therefore, the Respondents are set ex-parte and after hearing the learned counsel for the Petitioner and perused records, an Award is being passed in the industrial dispute.

5. The learned counsel for the Petitioner submits that although the Petitioner was arrested by the police, and released on bail after two days, but the copy of FIR which was provided to the Petitioner did not contain the name of the Petitioner. Ex.W3 marked is copy of the FIR and on perusal of the said document, it appears that details of suspected accused names are given at para 7 of the FIR issued by Viralimalai police station, wherein, name of the Petitioner is not found place amongst the 12 suspected/unknown accused persons. Therefore, the very basis of alleged misconduct against the Petitioner does not exist in the present case. It appears that the Respondent has reacted against the Petitioner on the false information. The Respondent never appeared before this Tribunal to controvert the statements given by the Petitioner in his oral evidence and the affidavit that he was provided a copy of FIR in which his name was not mentioned. On perusal of document marked as Ex.W3, this contention appears to be true. Whereas, the document marked as Ex.W1, intimation regarding termination of service dated 18.04.2017, it is stated that *"you have left the job without any intimation and not reported for duty since from 17.03.2017 to 18.04.2017. On enquiry we came to know that you have involved in criminal case of grave nature and remanded to judicial custody thereby happened to be in jail for more than 48 hours. Therefore, now by this notice, you are informed that you have been terminated by the company and your termination comes into immediate effect."* This intimation clearly shows that after suspension, no enquiry officer was appointed and no opportunity was provided to the Petitioner. Therefore, the order of termination issued by the Respondent is in violative of the principles of natural justice.

5. The next question for determination that arises is whether the Petitioner is an employee of the National Highways Authority of India, who is the principal employer.

6. In the statement of claim, the Petitioner himself stated that he was appointed by the Respondent No.1 and not by Respondent No.3. The Respondent No.3 has provided a contract to Respondent No.1 and 2. The employee was appointed under the supervision of Respondent No.2. Thus, the Petitioner is not an employee of Respondent No.3 i.e., National Highways Authority of India.

7. The next point for determination that arises is what relief the Petitioner is entitled to?

8. The Petitioner stated in his claim statement that after amendment, Respondent No.4 i.e., Sri Sai Enterprises India Private Limited has taken over the charge of Toll Plaza. The Respondent No.4 is an independent contractor and it was not employer of the Petitioner. Therefore, it cannot be said that Respondent No.4 has the liability to employ the persons who were appointed by the prior contractor. Therefore, the Respondent No.4 is not liable to provide service or job to the Petitioner. The Respondent No.1 and 2 are no more contractors of National Highways Authority of India. Therefore, it is not possible to pass an order of reinstatement to the Petitioner in the job. But, since the Petitioner was not provided neither any opportunity nor issued one month notice or one month salary in lieu of notice as provided under section 25F of the Industrial Disputes Act, 1947, is entitled for compensation amount of Rs.5.00 lakhs.

AWARD

In the given circumstances of the case, in my view, ends of justice would meet, if an order of pay compensation is passed amounting to Rs.5,00,000/- (Rupees Five Lakhs only) by the Respondent No.1 & 2 to the Petitioner, in lieu of order of reinstatement into service. Ordered accordingly. The appeal is allowed on the above terms.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्जीक्यूटिव डायरेक्टर, मेसर्स भारत हेवी इलेक्ट्रिकल्स लिमिटेड, रानीपेट के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, बीएपी एम्प्लॉइज़ यूनियन, रानीपेट, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या- 23/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/264-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2292.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/2024) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Executive Director, M/s Bharat Heavy Electricals Ltd., Ranipet** and **The General Secretary, BAP Employees Union, Ranipet**, worker.

[No. L-42025/07/2025/264-IR(DU)]

SALONI, Dy. Director

ANNEXURE

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

Date: 18-11-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

Industrial Dispute No. 23/2024

BETWEEN

The General Secretary,
BAP Employees Union,
C/o M/s Bharat Heavy Electricals Ltd.,
BAP, Ranipet – 632 406.

: 1st Party/Petitioner

AND

The Executive Director,
M/s Bharat Heavy Electricals Ltd.,
BAP, Ranipet – 632 406

: II Party/ Respondents

Appearance:

For the 1st Party/Petitioner : General Secretary

For the 2nd Party/Respondent : M/s. T.S. Gopalan & Co, Advocate

Award

The Central Government, Ministry of Labour & Employment vide its Order No. 8/88/ 2020/ 300032352/ B3/AJD/A1, dated 22.03.2024 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand of Union BAP Employees Union, Ranipet against the management of M/s Bharat Heavy Electricals Limited, Ranipet to withdraw the circular of BHEL BAP RANIPET, HRM/INDUSTRIAL RELATIONS Ref.No.BAP:HR:IR:CTX dated 15.10.2020 on the revision in rate of canteen products is legal and justified? If not, to what relief the union is entitled to?”

2. On receipt of above reference from Central Government dated 22.03.2024, the dispute on reference was registered as ID No.23/2024 and notices were issued to parties for their appearance.
3. The ID case is called out. Both parties are present. When the matter was taken up for hearing, the General Secretary of the BAP Employees Union, Ranipet filed a letter dated 07.11.2025 stating that the Union do not wish to pursue the dispute before this Hon'le Tribunal since the Union has settled the case directly with the Respondent through constructive dialogue. The General Secretary of BAP Employees Union, therefore, prays that this Hon'ble Tribunal may be please to dismiss the above Industrial Dispute being ID No.23/2024 as settled and closed.
4. In view of the above reasons, Industrial Dispute filed by the Petitioner / Union is dismissed as withdrawn. An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सचिव, मानव संसाधन विकास मंत्रालय, उच्च शिक्षा विभाग, भारत सरकार, नई दिल्ली, अध्यक्ष, बोर्ड ऑफ गवर्नर्स, नेशनल इंस्टीट्यूट ऑफ टेक्निकल टीचर्स, चेन्नई, सचिव/निदेशक, नेशनल इंस्टीट्यूट ऑफ टेक्निकल टीचर्स, ट्रेनिंग एंड रिसर्च चेन्नई सोसाइटी, (पूर्व में टी टी टी आई सोसाइटी), चेन्नई के प्रबंधन के संबद्ध नियोजकों और महासचिव, देशिया पोधु थोजिललार ओरुंगिनप्पू, चेंगलपट्टू, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 30/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2025/265-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2293.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2024) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Secretary, Ministry of Human Resource Development, Department of High Education, Govt. of India, New Delhi, The Chairman, Board of Governors, National Institute of Technical Teachers, Chennai, The Secretary / Director, National Institute of Technical Teachers, Training and Research Chennai Society, (Formerly TTTI Society), Chennai and The General Secretary, Desiya Podhu Thozilalar Orunginappu, worker.**

[No. L-42025/07/2025/265- IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT CHENNAI ID No. 30/2024

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 18-11-2025

The General Secretary,
Desiya Podhu Thozilalar Orunginappu,
NO.305/2, Nethaji Nagar,
Chengalpattu

:

1st Party/Petitioner

AND

1. The Secretary,
Ministry of Human Resource Development,
Department of High Education,
Govt. of India, New Delhi – 110 001 : 2nd Party / 1st Respondent
2. The Chairman,
Board of Governors,
National Institute of Technical Teachers
Training and Research Chennai Society,
(Formerly TTTI Society), Taramani,
Chennai – 600 113. : 2nd Party / 2nd Respondent
3. The Secretary / Director,
National Institute of Technical Teachers
Training and Research Chennai Society,
(Formerly TTTI Society), Taramani,
Chennai – 600 113. : 2nd Party / 3rd Respondent

Appearance:

- For the 1st Party/Petitioner : None
- For the Respondent No.1 : None
- For the Respondent No.2 & 3 : M/s A.R. Sakthivel, Adv /
M/s L. Palanimuthu, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. 8/9/2024/300040105/B4/ADJ/A1, dated 20.05.2024 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

Whether Mr. M. Rajakumar ceases the status of workman after being compulsory retired? And whether the following demands of Desiya Podhu Thozhilalar Orunginaippu is legal and justified?

- a. To revoke the office order of NITTTR dated 09.11.2020 in Estt/Damage rent/2021 and pay the entire recovery amount with 18% interest?
- b. To revoke the major misconduct order dated 25.06.2021 by NITTTR in Admin/Sp.O/MRK/2021-22/102 and pay entire recovery amount with 18% interest?

If not, to what relief Shri M. Rajakumar and the union is entitled to?

2. On receipt of the above reference dated 20.05.2024 from the appropriate Government, the dispute was registered as ID No. 30/2024 and due notices were issued to both the parties for their appearance fixing the case to 01.08.2024. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 02.07.2025, 25.08.2025 and 10.09.2025. The Petitioner did not turn up whereas the Respondents filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 20.05.2024 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 06.11.2025. 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 and R2 were 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, 2 जनवरी, 2026

का.आ. 2294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स एक्मे इंडस्ट्रियल सिक्योरिटी सर्विसेज, हैदराबाद, मेसर्स एशियन सिक्योरिटी फोर्स, सिकंदराबाद, क्षेत्रीय निदेशक, केन्द्रीय भूजल बोर्ड, दक्षिणी क्षेत्र, बंदलागुडा के प्रबंधन के संबंध में नियोजकों और टीएस कॉन्ट्रैक्ट लेबर यूनियन, हैदराबाद, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 51/2025) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल-42025/07/2025/212-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2294.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/2025) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Acme Industrial Security Services, Hyderabad, M/s Asian Security Force, Secunderabad, The Regional Director, Central Ground Water Board, Southern Region, Bandlaguda** and **TS contract labour union, Hyderabad, workman.**

[No. L-42025/07/2025/212– IR (DU)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 25th day of August, 2025

INDUSTRIAL DISPUTE No. 51/2025

Between:

TS contract labour union,

TRT 141 Jawahar Nagar RTC

X Road, Hyderabad,

Telangana-500020.

.....Petitioner

AND

1. M/s Acme Industrial Security Services,

1-9-252/9/158, E.W.S.II-93,

MCH Colony, East Parsigutta,

Hyderabad-500020.

2. M/s Asian Security Force,
6-1-296, 1st Floor Near Saibaba Temple,
Padmarao Nagar, Secunderabad-500025.
3. The Regional Director,
Central Ground Water Board,
Southern Region, GSI post,
Bandlaguda-500068.

.....Respondent

Appearances:

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 8/2/2025-B1 dated 29.01.2025 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Central Ground water Board & 2 others, and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of Central Ground water Board in terminating the services of worker in the establishment of Central Ground Water Board is justified? If not, what relief Smt. K. Shivamani is entitled to?”

“Whether the submission of Central Ground Water Board as CGWB has right as a buyer to ask the contractor/service provider to replace/change them with suitable personnel for providing better services to CGWB by rotating the existing personnel with new workers as per the terms and conditions laid down in GeM contract is justified? If not, what relief Smt. K. Shivamani is entitled to?”

The reference is numbered in this Tribunal as I.D. No 26/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 25th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Documents marked for the Petitioner

NIL

Witnesses examined for the

Respondent

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2295.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (26/2025) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-04]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 26/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2026- IR(B-I)-04]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 23rd day of July, 2025

INDUSTRIAL DISPUTE No. 26/2025

Between:

Shri Jagadam Raja Babu,
Messenger, 9-11-17,
Chidalapora Gandhinagar Kakinada,
Andhra Pradesh-533001.

.....Petitioner

AND

1. Branch Manager, State Bank of India,
Kakinada Main Branch District,
Andhra Pradesh-533002.
2. Assistant General Manager,
State Bank of India, LHO,
Amaravati, Gunfoundary,
Hyderabad-500001.

.....Respondent

Appearances:

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 7/23/2024-B1 dated 30.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India, and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Jagadam Raja Babu is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 26/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 1st day of July, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (27/2025) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-05]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 27/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2026- IR(B-I)-05]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 23rd day of July, 2025

INDUSTRIAL DISPUTE No. 27/2025

Between:

Shri D Venkateswarlu,
Attender, D.No. 1-5B, SC
Colony, Karlapudi, Guntur,
AP-522016.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Mandadam, Guntur,
Andhra Pradesh-522503.

2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

.....Respondent

Appearances:

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 7/24/2024-B1 dated 30.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“

The reference is numbered in this Tribunal as I.D. No 27/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of July, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (28/2025) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-06]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 28/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of *State Bank of India* and their workmen.

[No. L-12025/01/2026- IR(B-I)-06]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 23rd day of July, 2025**INDUSTRIAL DISPUTE No. 28/2025**

Between:

Shri Nandam Venkata Ramlingeswara Rao,
Messenger, 41-20/5-50, Kalpana Print
Bazar, Krishnalanka, District: NTR,
AP-520013.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Governorpet Branch,
NTR, AP-520002.
2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

.....Respondent

Appearances

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 7/25/2024-B1 dated 30.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Nandam Venkata Ramlingeswara Rao is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 28/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of July, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (29/2025) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-07]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 29/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2026- IR(B-I)-07]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 23rd day of July, 2025

INDUSTRIAL DISPUTE No. 29/2025

Between:

Shri Marrapu Rama Mohana Rao,
Attender, H.No.3-57, Egireddy
Vari Street, Bhimadole Mandal,
Gundugolanu, West Godavari,
AP-534427.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Labbipeta, Vijayawada,
NTR, AP-520007.
2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

.....Respondent

Appearances:

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 7/26/2024-B1 dated 30.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Shri Marrapu Rama Mohana Rao, is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 29/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of July, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (30/2025) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-08]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 30/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2026- IR(B-I)-08]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 23rd day of July, 2025

INDUSTRIAL DISPUTE No. 30/2025

Between:

Shri Komaravathina Vijaya Vara Prasad,
Messenger, 43-5-22, Block No.96,
Ajith Singh Nagar, Vijayawada, NTR,
Andhra Pradesh-520015.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Governorpet Branch,
NTR, AP-520002.
 2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.
- Appearances:

.....Respondent

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 7/27/2024-B1 dated 30.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Shri Komaravathina Vijaya Vara Prasad, is legal and justified? If

not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 30/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of July, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (31/2025) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर(बी-1)-09]

सलोनी, उप निदेशक

New Delhi, the 2nd January, 2026

S.O. 2300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 31/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2026- IR(B-I)-09]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 23rd day of July, 2025**INDUSTRIAL DISPUTE No. 31/2025**

Between:

Shri ILA Ramakothaiah, Messenger,
3-60-2, Aaminapuram, Krishna, NTR,
Andhra Pradesh-521250.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Kankipadu, NTR,
AP-521151.
2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

..... Respondent

Appearances:

For the Petitioner : None

For the Respondent: None

AWARD

The Government of India, Ministry of Labour by its Order no. 7/28/2024-B1 dated 30.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Shri ILA Ramakothaiah, Messenger is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 31/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 23rd day of July, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2301.—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(संदर्भ संख्या-29/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/59/2021-आईआर (सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 2nd January, 2026

S.O. 2301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. 29/2021**) 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 01/01/2026.

[No. L-22012/59/2021– 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. 29 OF 2021

PARTIES: Habu Bouri

Vs

Management of 3 &4 Incline, Jhanjra Project Colliery, Jhanjra Area , ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Shabe Alam, union representative

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 12/11/2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/59/2021-IR(CM-II)** dated 10/12/2021 has been pleased to refer the following dispute between the employer, that is the Management of 3 & 4 Incline, Jhanjra Project Colliery, Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Jhanjra Project Colliery, Jhanjra Area of M/s. E.C.Ltd in dismissing Sri Habu Bouri Ex- Cat-I Mazdoor vide letter No. GM/JNR/PERS/2016/1716 dated 29-03-2016 is fair, legal and justified under principles of Natural Justice? If not, what relief Sri Habu Bouri is entitled to?”

1. On receiving Order **No. L-22012/59/2021-IR(CM-II)** dated **10/12/2021** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 29 of 2021** was registered on 14.12.2021/01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Habu Bouri, the dismissed workman filed written statement on 22/05/2023 through Mr. Bipul Banerjee, Id. advocate for the union. Fact of the case as disclosed in the written statement of Habu Bouri is that he was a permanent employee of ECL and was posted at 3 & 4 Incline, Jhanjra Project Colliery as General Mazdoor, Cat-I having U. Man No. 854115. Due to illness workman absented his duty from 15/11/2013 and the management of ECL issued a charge sheet against him, bearing No. AGT/JNR/3&4/P/CS/13/898 dated 02/12/2013 under clause 26.29 of the Certified Standing Orders of the company. According to the workman charge sheet was never served upon the workman for which he could not submit his reply to the allegation of unauthorized absence. Management conducted a domestic enquiry without serving Notice of enquiry and without granting reasonable opportunity. Principles of Natural Justice was violated by the Enquiry Officer who upon concluding the enquiry held that the charge levelled was established beyond doubt. General Manager, Jhanjra Area, ECL, the Disciplinary Authority on considering the perverse enquiry report dismissed the workman from service by letter dated 29/03/2016 and no second show cause Notice was served upon the charged employee for his explanation to the finding of the Enquiry Officer. It is contended that dismissal of the workman from service is illegal and is an outcome of colourable exercise of power. Dismissed workman further contended that Disciplinary Authority has no right to impose a punishment of dismissal based upon the perverse report of the Enquiry Officer as such Impugned Order of dismissal is liable to be set aside and the workman should be reinstated in service with payment of full back wages.

3. Management filed written statement on 13/01/2023. Converse case of the management which unfolds from the written statement is that Habu Bouri was posted as General Mazdoor, Cat-I at Jhanjra Project Colliery under ECL. He absented his duty from 15/11/2013 in an unauthorized manner without any information or prior permission of the management. A Charge sheet was issued against Habu Bouri on 02/12/2013 under clause 26.29 of the Certified Standing Orders for his unauthorized absence from duty beyond ten days without sanctioned leave or sufficient cause. Management contended that the workman did not reply to the charge sheet and a domestic enquiry was held against him. Several Notice of Enquiry were issued by the management which were sent at the home address of Habu Bouri recorded in B-Form register of the company. Fifth Notice of Enquiry was also published in a local Hindi Newspaper which was circulated around the native village of the workman. Despite such publication, workman did not participate nor did he send any information to the office. Management finally held an ex-parte enquiry against the workman. Enquiry Officer found the workman guilty of the charge levelled against him for his habitual and unauthorized absence. Management specifically stated in the written statement that in the preceding years workman attended duty only for twenty one days in the year 2011, thirty six days in the year 2012 and forty four days in the year 2013. After the workman was found guilty of charge on both counts, a second show cause Notice bearing No. GM/JNR/PERS/2016/1497 dated 20/02/2016 was issued under the registered post with Acknowledge due along with copy of enquiry proceeding and findings of the Enquiry Officer, inviting his comments and explanation, if any. Management found no extenuating circumstance in favour of Habu Bouri to absolve him from the misconduct. Disciplinary Authority thereafter dismissed him by issuing Order No. GM/JNR/PERS/2016/1716 dated 29/03/2016 and the same was sent to his home address under registered post. Management asserted that the principle of Natural Justice was followed at all stages and reasonable opportunity was given to the workman to defend his case. It is urged that if the enquiry is found to be unfair for any reason, then the management should be given an opportunity to substantiate the charge by independent proof.

4. Central issue for consideration is whether dismissal of Habu Bouri from service by the management of ECL by order dated 29/03/2016 is fair, legal and consistent with the

principle of Natural Justice? If not, what relief the dismissed workman is entitled to?

5. Habu Bouri filed an affidavit-in-chief and has examined himself as Workman Witness -I. It is stated in the affidavit that he was absent from duty from 15/11/2013 due to illness and he was charge sheeted on 02/12/2013 under

clause 26.29 of the Certified Standing Orders of the company. According to his statement in the affidavit the charge sheet was never served upon him for which he was unable to reply to the charge. Management of ECL conducted a domestic enquiry in respect of allegation made in the charge sheet and without serving any copy of Notice of Enquiry and without providing opportunity to the workman, the Enquiry Officer in violation of the principle of Natural Justice concluded the enquiry and found the workman guilty of charge. Workman further stated that he was removed from service without being served with any second show cause Notice. Workman claimed his reinstatement in service by setting aside the illegal order of dismissal and payment of back wages for the period he remained idle. Workman did not produce any document in support of his illness nor did he produce any treatment papers from any doctor or hospital during the period of his absence. In course of cross-examination, workman admitted that he was a habitual absentee from duty and he attended duty only for twenty one days in the year 2011 and thirty six days in the year 2012. Workman denied that charge sheet was issued and served upon him at his home address. He further denied any publication of Notice of Enquiry in 'Dainik Jagran', a Hindi Newspaper. Workman further denied that he submitted reply against second show cause Notice. Regarding mercy petition, workman at first deposed that he did not submit any application as mercy petition after his dismissal but later admitted his signature on mercy petition dated 20/04/2016 which is marked as Exhibit M-1.

6. Mr. Alaric Oneal Lyndem has been examined as Management Witness -I. He filed an affidavit-in-chief where he stated that management issued a charge sheet against Habu Bouri under clause 26.23 for habitual absence from duty without sufficient cause and under clause 26.29 of the Certified Standing Orders for absence from duty beyond ten days without sanctioned leave. It is further stated that the workman did not submit reply to the charge sheet and the management decided to hold enquiry. Seven Notice of Enquiry were issued against Habu Bouri but he did not appear to participate. Fifth Notice of Enquiry was also published in a local newspaper circulated near his native place. As the workman did not participate, an ex-parte enquiry was held in which charges were established before the Enquiry Officer. After enquiry proceeding was held, a second show cause Notice bearing No. GM/JNR/PERS/2016/1497 dated 20/02/2016 was issued to Habu Bouri under registered post at his home address along with copies of enquiry proceeding and finding for his explanation, if any. It is stated that Habu Bouri replied the second show cause Notice on 17/03/2016. He could not justify his absence and could not make out any extenuating circumstance in respect of charges established. According to the management, on previous occasions warnings were issued and there was stoppage of payment of increments to Habu Bouri for his habitual absence. Management found no other alternatives and dismissed the workman by issuing order dated 29/03/2016 which was communicated to him. Management witness further stated that principle of Natural Justice was followed at all stages and opportunity was given to the workman to defend himself. It is also stated that the punishment awarded is totally justified and in no way disproportionate to the nature of misconduct committed by him.

In support of the management's case, following documents have been produced before the Tribunal:

- (i) Copy of charge sheet dated 02/12/2013 issued against the workman is produced as Exhibit M-2.
- (ii) Copy of Notice of Enquiry issued to Habu Bouri dated 05/02/2014, 19/03/2014, 03/05/2014, 07/06/2014, 17/07/2014, 01/09/2014 and 07/01/2015 are collectively produced as Exhibit M-3.
- (iii) Copy of letter dated 01/02.12.2014 issued by the Chief Manager (P) informing the Enquiry Officer that Notice had been published in "Dainik Jagran", Dhanbad on 05/08/2014 is produced as Exhibit M-4.
- (iv) Xerox copy of Notice published in Dainik Jagran is produced as Exhibit M-4/1.
- (v) Copy of enquiry proceeding in ten pages is collectively produced as Exhibit M-5.
- (vi) Copy of Enquiry report in three pages is collectively produced as Exhibit M-6.
- (vii) Copy of second show cause Notice dated 15/20.02.2016 issued by the General Manager, Jhanjra Area in two pages is collectively produced as Exhibit M-7.
- (viii) Copy of reply dated 17/03/2016 submitted by the workman against the second show cause Notice is produced as Exhibit M-8.
- (ix) Copy of office order dated 22/29.03.2016 issued by the General Manager, Jhanjra Area in two pages dismissing the workman from service is collectively produced as Exhibit M-9.
- (x) Copy of order dated 28/29.07.2016 issued by the Director (P) in two pages by which appeal preferred by the dismissed workman was dismissed is collectively produced as Exhibit M-10.

It transpires from the cross-examination of the Management Witness that he was unable to produce documents to show that charge sheet was served upon Habu Bouri. No personal messenger was sent to the address of Habu Bouri to deliver the charge sheet. He also stated that management has not charged Habu Bouri for habitual absence. Witness

has only submitted a paper clip of 'Dainik Jagran' (Exhibit M-4/1) and did not produce copy of publication. Management Witness, however denied that management did not observe the principle of Natural Justice at the time of holding enquiry.

7. Mr. Shabe Alam, authorized representative of the union advanced his argument that the workman did not willfully abandon his duty but due to family problems and due to limited understanding of official procedures he could not communicate with the colliery management and was misconstrued as habitual absentee which is not a misconduct. It is further argued that the management did not serve charge sheet and Notice of enquiry upon the workman except the second show cause Notice dated 20/02/2016. According to the union, applicant was unaware of the departmental enquiry initiated by the management and did not receive any opportunity to defend himself. Further case of Mr. Alam is that the reply to the second show cause Notice was not drafted by the workman and he was made to put signature on a pre-drafted reply without fully understanding its content. Mr. Shabe Alam argued that without proper compliance of the principles of Natural Justice and without following the due procedures of law, dismissal of the workman is invalid and the workman is entitled to be reinstated in service maintaining continuity of service and all consequential benefits. It is strenuously argued that the management violated the procedural norms by non-service of charge sheet and Notice of enquiry. Therefore, dismissal from service for absenteeism is a disproportionate punishment. It is urged that order of dismissal dated 29/03/2016 passed by Jhanjra Project Colliery is liable to be set aside and the workman should be reinstated in service with payment of back wages and consequential benefits, maintaining continuity of service.

8. Mr. P. K. Das, learned advocate for the management argued that the charged employee was a habitual absentee and he was on unauthorized leave for more than ten days for which a charge sheet was issued against him under clauses 26.23 and 26.29 of the Certified Standing Orders of the company. Charge sheet was issued at his home address but he did not reply. Management held enquiry providing ample opportunity to the workman but he did not appear to participate. Workman did not inform the management regarding reasons of his absence and did not produce any document in support of his absence. It is argued that long absence without providing any information to the management is a gross misconduct and amounts to desertion of employment. Mr. P. K. Das, learned advocate argued that the Enquiry Officer made every attempt and provided every opportunity to the workman to participate in the proceeding but he was fully evasive. Notice of enquiry published in the Newspaper "Dainik Jagran" on 05/08/2014 discloses about issuance of charge sheet on 02/12/2013. Management having no alternative had to proceed ex-parte. It is submitted that the principle of Natural Justice was followed by the Enquiry Officer and the Disciplinary Authority at every stage. Ld. Advocate for the management referred the charge sheet which is marked as Exhibit M-2 and argued that charges were levelled on two counts i.e. habitual absence from duty without sufficient cause under clause 26.23 and absence from duty beyond ten days without sanctioned leave under clause 26.29 of Certified Standing Orders of the company. Second show cause Notice was issued by the General Manager, Jhanjra Area and it was sent to the workman at his home address at Village- Chaskunia, PO- Berdidia, PS- Nirsa, Dist- Dhanbad (Jharkhand) along with a copy of Enquiry proceeding (Exhibit M-5) and Enquiry report (Exhibit M-6) inviting his reply. Ld. Advocate for the management referring to the employee's reply against the second show cause Notice on 17/03/2016 argued that the workman admitted his long unauthorized absence from duty on the ground of illness but failed to produce documents. It is argued that charge sheet was issued in the year 2013 but the workman did not make himself available to submit reply nor did he participate in the enquiry for more than two years. Therefore, there is no extenuating circumstance for absolving the employee of the charges which are admitted and established. Ld. Advocate for the management contended that the Industrial Dispute is liable to be dismissed.

9. I have considered contents of the written statement of both parties, evidence adduced by the workman witness and the management witness, documents produced by the management and arguments advanced by both parties. From the materials on record, long absence of the charged employee has become conspicuous. It is true that management did not produce documents in support of service of charge sheet and Notice of Enquiry before holding domestic enquiry. On a perusal of the enquiry proceeding (Exhibit M-5) it transpires that the Enquiry Officer initiated enquiry proceeding on 05/03/2014 but due to absence of workman granted several adjournments until a Notice of Enquiry dated 17/07/2014 was published in a Hindi Newspaper "Dainik Jagran" which is a Dhanbad based publication. The Notice discloses about the charge sheet issued. Workman, however, did not care to participate in the enquiry even after paper publication. Conduct of the workman is evident from the fact that after issuance of charge sheet and admitted absence from duty from 15/11/2013, he did not turn up before the management of the employer company for more than two years. Management Representative have adduced evidence before the Enquiry Officer to prove the charge levelled against the workman. On previous occasions workman appears to have absented from his duty and his attendance during the years 2011 to 2013 was extremely poor. After enquiry, an enquiry report was submitted on 21/01/2015 (Exhibit M-6). Disciplinary Authority issued a second show cause Notice to the workman vividly stating his misconduct and findings of the Enquiry Officer. Second show cause Notice has been produced as Exhibit M-7. Workman in his examination denied receiving second show cause Notice but the union representative in his written argument admitted receipt of the same. It appears from the reply dated 17/03/2016 to the second show cause Notice (Exhibit M-8) that Habu Bouri admitted his long absence on the ground of "heavy illness". However, workman did not produce a single document in support of his illness which prevented him from attending his duty for such a long period. Disciplinary Authority did not find the reply satisfactory and issued an order of dismissal

dated 22/29.03.2016 (Exhibit M-9). From the sequence of events and the procedure undertaken by the management in holding enquiry, I find that the management has provided reasonable opportunity to the workman to participate in the enquiry to defend his case. Workman in a nonchalant manner ignored every move of the management and did not take part in the proceeding. Being an employee of the company, duty is cast upon the workman to keep the management informed about all circumstances related to his attending duty or reasons of his absence from duty. Responsibility to inform the workman is not a one-sided requirement. In a case of **Nav Bharat Industries Vs. Presiding Officer and another [2018 LLR 439]**, Hon'ble High Court of Punjab and Haryana held that if a workman remained absent unauthorizedly for a long time, even due to his illness without informing the management about it, termination of his service by invoking conditions as stipulated in the Certified Standing Orders, is not illegal. It was further held that when the workman does not inform the management about his illness, remaining absent for a long time, presumption drawn by the management that workman has abandoned his job of his own is justified. Borrowing wisdom from the settled position of law, I am inclined to hold that dismissal of the workman by the management due to his long unauthorized and habitual absence is fully justified and there is no extenuating circumstance to extend any relief to the workman. Hence, I hold that there is no reason to interfere with the order of dismissal of the workman. Therefore, the workman is not entitled to the relief of reinstatement or back wages.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. I find no reason to interfere with the order of dismissal passed against the workman dismissing him from service. He is not entitled to any relief of reinstatement or back wages. Management is directed to disburse all legal dues of the dismissed workman due to his past service, if not paid earlier. Let an Award be drawn up in the light of my above discussion. Let copies of Award be communicated to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2302.—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, आसनसोलके पंचाट(संदर्भ-10/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/07/2023-आईआर-(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 2nd January, 2026

S.O. 2302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. 10/2023**) 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 01/01/2026.

[No. L-22012/07/2023- 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. 10 OF 2023

PARTIES: Manoj Hari

Vs

Management of Khas Kajora Colliery, Kajora Area, ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 17/10/2025**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-22012/07/2023-IR(CM-II)** dated 01/02/2023 has been pleased to refer the following dispute between the employer, that is the Management of Khas Kajora Colliery, 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 of M/s. E.C.Ltd. in dismissal from service to Sri Manoj Hadi, Ex-General Mazdoor, U.Man No. 196919 vide order No, ECL/KA/ APM/C-6/2018/20/2510 dated 13/03/2018 is proper, legal and justified? If not, what relief the workman concerned is entitled to and what directions are necessary to the management in this respect?”

1. On receiving Order **No. L-22012/07/2023-IR(CM-II)** dated **01/02/2023** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 10 of 2023** was registered on 01/02/2023 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. Koyala Mazdoor Congress, representative union filed written statement on 05/04/2023 stating therein that Manoj Hari, General Mazdoor, U. Man No. 196919 was a permanent employee of ECL at Khas Kajora Colliery. Due to illness, he could not attend his duty from 14/07/2016. After recovery from illness when he reported for duty, he submitted treatment papers but the management did not allow him to join. A charge sheet bearing No. KKC/P&IR/C-6/CS/17/504 dated 17/04/2017 was issued against him over the charges of unauthorized absence from duty for more than ten days and for his habitual absence. Manoj Hari replied to the charge sheet, stating that he was undergoing medical treatment at Sub-Divisional Hospital, Asansol and in support of his claim, he submitted treatment papers. Management initiated a domestic enquiry and the workman participated in the enquiry proceeding. At the time of enquiry, he once again replied the fact that due to illness, he was unable to attend duty and that he had no intention to remain away from duty. Treatment papers were produced before the Enquiry Officer to show that remaining absent from duty was beyond his control on account of his illness. Enquiry Officer on concluding enquiry submitted his report to the management of the colliery. A second show cause Notice was issued to which the workman replied requesting the management to allow him to join duty. On recommendation of the Agent of the Colliery, General Mazdoor of the Area issued an order of dismissal dated 13/03/2018 dismissing the workman from service of the company.

3. After receiving order of dismissal, Manoj Hari, the dismissed workman submitted a mercy appeal before the Director (Pers), ECL Headquarters under the provision of Certified Standing Orders of the company and also in accordance with the Memorandum of Settlement dated 22/05/2007 which was agreed upon between the management and workmen in presence of RLC (C), Asansol. Workman submitted two mercy appeals dated 20/04/2018 and 25/09/2018 praying for his reinstatement in service. Management of ECL did not reply to the Mercy Appeals. This incident was followed by Covid pandemic. It is submitted by the union that workman was absent from duty for about nine months from 14/07/2016 to 17/04/2017 and for such absence due to illness, Management should not have awarded the highest punishment of dismissal. It is contended that nature of punishment is disproportionate to the alleged misconduct and the union prayed for setting aside the order of dismissal passed against the workman, along with payment of back wages and consequential benefits.

4. Management contested the case by filing written statement on 05/04/2023. According to the management, Manoj Hari, the dismissed workman was posted as a General Mazdoor and his date of birth is 24/10/1983. He was appointed in service of ECL on 31/03/2011 at Khas Kajora Colliery. Workman was a habitual absentee and he was reprimanded on several occasions. Workman was absent from duty from 14/07/2016 and continued his unauthorized absence without providing information to the appropriate authority. Management of ECL issued charge sheet dated 17/04/2017 under clauses 26.23 and 26.29 of Certified Standing Orders applicable to Coal Industries for habitual late

attendance or habitual absence from duty without sufficient cause and absence from duty for more than ten days without sanctioned leave or sufficient cause respectively. A domestic enquiry was initiated against the workman. Three Notice of enquiry were served upon the workman but he did not turn up after first two Notices and finally workman participated in the enquiry held on 26/09/2017. Enquiry Officer followed the principle of Natural Justice and provided opportunity to the charged employee to defend himself. In course of enquiry, the charge of unauthorized absence was proved against the workman beyond doubt. A second show cause Notice was issued on 31/10/2017 and the charged employee submitted his reply to it but the same was not found satisfactory. On the basis of findings of Enquiry Officer, the General Manager, Kajora Area dismissed the workman from service of the company by issuing a letter No. ECL/KA/APM/C-6/2018/10/2510 dated 13/03/2018. Further case of the management is that workman was a habitual absentee and his past record shows that he attended duty for seventy two days in the year 2013, eighty three days in the year 2014, fifty five days in the year 2015 and forty four days in the year 2016 (upto 13/07/2016). It is urged by the management that unauthorized absence from duty is a serious misconduct and it hampers work of the employer and affects the production process. Workman was given ample opportunity to rectify himself but he did not amend his nature. Management relied upon the settled position of law that habitual absence means gross violation of discipline and habitual absence is a factor establishing lack of interest of the employee in work. According to the management workman must not conduct his duty in this negligent manner and perform work responsibly not only for personal excellence but also for collective good of the organization which he serves. Management urged that its action in dismissing the workman is totally lawful, proper and the delinquent is not entitled to any relief.

5. Moot point for consideration in the reference is whether the action of the management in dismissing Manoj Hari, General Mazdoor from service is proper, legal and justified? If not what relief the workman is entitled to?

6. Manoj Hari filed his affidavit-in-chief and examined himself as Workman Witness-I. He produced the following documents in support of his case:

- (i) copy of charge sheet issued to the workman is marked as Exhibit W-1.
- (ii) copy of reply submitted by the workman against the charge sheet is marked as Exhibit W-2.
- (iii) copy of medical documents in support of illness issued from the Asansol District Hospital is marked as Exhibit W-3.
- (iv) copy of OPD treatment card is marked as Exhibit W-4.
- (v) copy of written explanation submitted against the second show cause Notice in two pages is collectively marked as Exhibit W-5.
- (vi) copy of letter issued to the workman by the General Manager, Kajora Area, terminating him from service w.e.f. 08/03/2018 is marked as Exhibit W-6.
- (vii) copy of mercy appeals submitted by the workman on 20/04/2018 and 25/09/2018 for his reinstatement in service are marked as Exhibits W-7 and W-8 respectively.

During cross-examination workman witness stated that he used to attend duty from Andal and did not get medical treatment from the company hospital during his long absence of nine months. It transpires from the testimony of WW-I that he was admitted to Asansol District Hospital and produced documents. Workman stated that he reported for duty one month after he was discharged from the hospital and informed the reason of absence. Workman admitted that he was absent from duty from 14/07/2016 to 14/04/2017. He also admitted that prior to issuance of charge sheet, he could not attend duty on regular basis. In reply to the suggestion he was not suffering from illness, witness denied the same. He further deposed that he did not intentionally remain away from his place of work and stated that he was not dismissed from service on proper ground and for proper reasons. Averments made by the workman that he submitted two mercy petitions dated 20/04/2018 and 25/09/2018 for allowing him to join duty as per Memorandum of Settlement dated 22/05/2007 has not been refuted by the Management.

7. In the instant case management examined Mr. Proloy Dasgupta as Management Witness-I. He filed an affidavit-in-chief where he alleged that the workman was a habitual absentee and was previously reprimanded on several occasions for his habitual absence. MW-I further deposed that the workman participated in the enquiry after third Notice of

Enquiry and was given fully opportunity to defend himself. It is gathered from the testimony of MW-I that charge of unauthorized absence was proved beyond doubt and a second show cause Notice was issued to him on 31/10/2017. It appears from the admission that charged employee submitted reply to the second show cause Notice and the management finally dismissed the workman. In course of examination, witness produced the following documents:

- (i) Copy of charge sheet dated 17/04/2017 issued against the workman is marked as Exhibit M-1
- (ii) Copy of reply to the charge sheet submitted by the workman along with medical certificates from Asansol District Hospital in four pages is collectively marked as Exhibit M-2.

- (iii) Copy of letter of appointment of the Enquiry Officer is marked as Exhibit M-3.
- (iv) Copy of first Notice of Enquiry dated 26/06/2017 is marked as Exhibit M-4 and copy of postal receipt is marked as Exhibit M-4/1.
- (v) Copy of second Notice of Enquiry dated 31/07/2017 is marked as Exhibit M-5 and copy of postal receipt is marked as Exhibit M-5/1.
- (vi) Copy of third Notice of Enquiry dated 12/09/2017 which was received by the workman is marked as Exhibit M-6.
- (vii) Copy of enquiry proceeding dated 26/09/2017 in two pages is collectively marked as Exhibit M-7.
- (viii) Copy of enquiry report is marked as Exhibit M-8.
- (ix) Copy of second show cause Notice served upon the workman is marked as Exhibit M-9.
- (x) Copy of reply submitted by the workman against the second show cause Notice in two pages is collectively marked as Exhibit M-10.
- (xi) Copy of letter of dismissal issued by the General Manager, Kajora Area dated 13/03/2018 is marked as Exhibit M-11.

In cross-examination, Management Witness admitted that medical treatment papers were submitted by the workman in course of enquiry. In respect of earlier enquiries, no order of punishment was filed. He also admitted that mercy appeal submitted by the dismissed workman was not considered. Management Witness denied that punishment imposed upon the workman was disproportionate to the nature of his misconduct.

8. Mr. Rakesh Kumar, union representative arguing the case on behalf of the dismissed workman submitted that the workman participated in the enquiry proceeding and produced documents in support of his illness which have been marked as Exhibit W-3, Exhibit W-4 and Exhibit M-2 which proved beyond doubt that the workman was suffering from illness during the period of his absence for a period of nine months. It is further argued that though the charge was levelled against the employee for his unauthorized absence as well as habitual absence, there is no finding in respect of the charge of habitual absence. It is submitted that the Enquiry Officer on the basis of evidence adduced before him held that the charged employee was guilty for unauthorized absence. According to the union representative a second show cause Notice was issued to the charged workman and he submitted reply addressed to the Agent which has been marked as Exhibit W-5. In reply to the second show cause Notice the workman stated that he was suffering from serious illness from 14/07/2016 to 17/04/2017. He also denied that he was a habitual absentee and late-comer. Mr. Kumar argued that though charge of habitual absence was not proved and allegation in the second show cause Notice was also denied in reply which has been produced as Exhibit W-5/Exhibit M-10, the General Manager issued order of dismissal presuming that the charge of habitual absence has been proved against the workman beyond doubt. It is argued that though the charge of habitual absence was not proved and there is no finding of the Enquiry Officer over such charge, the appropriate authority without consideration of such fact and findings has misplaced his decision by presuming that both charges were proved. Regarding charge of unauthorized absence, Mr. Kumar argued that it is true that the workman did not inform the management about his absence for nine months but there are sufficient reasons for his absence from duty as he was suffering from illness and produced medical documents in support of the same. Union representative contended that the workman was thirty two years of age at the time of his dismissal from service and according to the Memorandum of Settlement date 22/05/2007 management of ECL accepted that if period of absence was within nine months and the workman was within the age of limit of forty five years, the management would consider the mercy appeal praying for reinstatement in service. In the instant case after dismissal, the workman submitted two mercy petitions praying for reinstatement in service but the management admittedly did not consider the same till date. Union representative on such ground prayed for setting aside the order of dismissal and reinstatement of the workman in the service of the company.

9. Mr. P. K. Das, learned advocate for the management of ECL argued that the workman did not inform the management about his suffering from illness and remained absent without any authorization of leave. Referring to the reply submitted by the workman in response to charge sheet (Exhibit W-2/Exhibit M-2), Id. Advocate submitted that the workman admitted guilt of his unauthorized absence. A fair departmental enquiry was held in which the workman participated and was found guilty over the charge of unauthorized absence for more than ten days. It is argued that the management lost confidence on the workman due to his indisciplined nature, which adversely affected the interest of the management. Id. Advocate urged that on earlier occasion the workman habitually remained absent from the year 2013 to 2016 (upto 13/07/2016) for which he was reprimanded but the workman did not rectify himself. It is argued that after considering materials placed before the Disciplinary Authority, final decision was taken for dismissal of the workman from service. It is asserted that the punishment imposed against the workman is proper and proportionate to the nature of misconduct. Therefore, there is no reason to interfere with the finding of the Enquiry Officer and the Industrial Dispute is liable to be dismissed.

10. I have considered the rival arguments of the union as well as of the management and also assessed the evidence on record in the light of fact and circumstances of the case. Admittedly Manoj Hari, a permanent employee of ECL who was appointed in service on 31/03/2011 remained absent from duty without authorization continuously for nine months from 14/07/2016 to 17/04/2017. Management of ECL issued charge sheet against him disclosing the charge under clause 26.29 and 26.23 of the Certified Standing Orders for unauthorized absence from duty for more than ten days without sufficient cause and habitual absence from duty respectively. After issuance of charge sheet the workman submitted reply (Exhibit W-2/Exhibit M-2) where he stated that he was under medical treatment at Asansol District Hospital and enclosed treatment papers in the name of Manoj Hari. Management was not satisfied with the reply and initiated a domestic enquiry against him. It may be derived from evidence of the management that the workman was undergoing medical treatment at Asansol District Hospital on 14/07/2016 as well as on 12/12/2016. Medical certificate issued by the Medical Officer (Exhibit M-2) reveals that Manoj Hari was receiving medical treatment at Asansol District Hospital from 14/07/2016 as OPD patient with various ailments. In my considered view the Enquiry Officer failed to consider the medical papers as there was sufficient cause for absence of workman during the said period. Medical documents have not been challenged in the course of evidence before the Enquiry Officer. Therefore, no shadow of doubt is cast over the union's claim that the workman was suffering from illness. It is apparent from evidence on record that the workman was prevented from attending duty during the period of his absence due to his illness, which was beyond his control. In the instant case, Enquiry Officer did not hold the charged employee guilty over the charge of habitual absence. In the second show cause Notice (Exhibit M-9) Agent, Khas Kajora Colliery directed the charged employee to respond to the charge of habitual absence proved against the workman during the year 2013-2016 despite the fact that the Enquiry Officer did not arrive at any finding on the charge of habitual absence. In the enquiry report (Exhibit M-8), Enquiry Officer held that "in view of the above I found that the charges of unauthorized absence levelled against Sri Manoj Hari, UG General Mazdoor, U. M. No. 196919 of Khas Kajora Colliery as per Certified Standing Order are proved beyond doubt. I submit my enquiry report to the Colliery Manager, Khas Kajora Colliery." In the finding of Enquiry Officer, there is no reference to the charge of habitual absence therefore, in order to find the charged employee guilty over the charge of habitual absence, Disciplinary Authority was required to issue a Notice to show cause to the charged employee informing him that he differed with the finding of the Enquiry Officer on such point and on the basis of evidence on record, he held a different view that the charged employee was found guilty of habitual absence also. In absence of such procedure adopted, the Disciplinary Authority could not have found Manoj Hari guilty of the second charge. I find from the record that the workman was suffering from illness at the relevant time but the finding of the Enquiry Officer was perverse and is not consistent with the evidence on record when he found the workman guilty on the charge of unauthorized absence though there was sufficient ground for absence of the workman from duty. The workman after his dismissal submitted two mercy petitions dated 20/04/2018 and 25/09/2018 for his reinstatement in service. Though the applications were made on the basis of Memorandum of Settlement dated 22/05/2007 and the workman fulfilled pre-conditions that the period of absence should be less than nine months and the workman was below the age of forty five years, management neither considered the same nor did they respond to such representations. From the fact and circumstances of this case and the evidence adduced, I find that the workman is about forty two years of age now and still has several years of work left. It appears to me that the order of dismissal dismissing the workman from service due to absence during his illness is a clear violation of the principle of Natural Justice. Management ought to have consider the reason for which the workman could not attend duty. Evidence produced by the workman cannot be overlooked, especially when such documents and evidence have not been challenged at the time of cross-examination of the witness. In such view of matter, order of dismissal passed against the workman is arbitrary, improper and not sustainable under law. Accordingly order of dismissal dated 13/03/2018 issued by the General Manager, Kajora Area terminating the service of Manoj Hari, General Mazdoor is set aside. Management is directed to reinstate the workman in his employment under ECL within two months from the date of communication of this order. Management shall also pay thirty percent of back wages to the workman from the date of his dismissal till his reinstatement in service.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest. Order of dismissal dated 13/03/2018 passed by the General Manager, Kajora Area dismissing Manoj Hari from service of the company is set aside. Management is directed to reinstate the workman within two months from the communication of this order, maintaining continuity of service of the workman. Management shall also pay thirty percent of back wages to the workman from the date of his dismissal i.e. 08/03/2018 till his reinstatement in service and he shall also be entitled to the consequential benefits. Let an Award be drawn up in the light of my above discussion. Let copies of Award be communicated to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2303.—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 केपंचाट(संदर्भ संख्या-45/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/11/2020-आईआर-(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 2nd January, 2026

S.O. 2303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. 45/2023**) 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 01/01/2026.

[No. L-22012/11/2020- 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. 45 OF 2023

PARTIES: Rajesh Kumar Singh
(dependent son of Late Binod Kumar Singh)
Vs.
Management of Kumardihi 'B' Colliery, ECL

REPRESENTATIVES:

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

INDUSTRY: Coal**STATE:** West Bengal.**Dated:** 28.10.2025**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 **L-22012/11/2020-IR(CM-II)** dated 09.06.2020 has been pleased to refer the following dispute between the employer, that is the Management of Kumardihi 'B' Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Kumardihi-B Colliery, Bankola Area, M/s. E.C.Ltd. in not providing employment on compassionate ground to Sri Rajesh Kumar Singh, S/O Late Binod Kumar Singh, Ex-employee of Kumardihi-B Colliery is justified? If not, what relief the dependent son of deceased workman is entitled to ? ”

1. On receiving Order **No. L-22025/01/2022-IR(CM-I)** dated 11.09.2023 from the Government of India, Ministry of Labour, New Delhi enclosing copy of Order No. **L-22012/11/2020-IR(CM-II)** dated 09.06.2020 a Reference case was registered on 25.09.2023. It appears that on earlier occasion the Order of Reference issued by the Government of India dated 09.06.2020 was not received by this office, hence this delay. Notice was issued 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 on 01.11.2023. Fact of the case which unfolds from in the written statement is that Binod Kumar Singh was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL). He was posted as a Driver at Kumardihi 'B' Colliery under Bahula Area of ECL and died in harness on 18.10.2016 leaving behind Rajesh Kumar Singh as his dependent son and Binda Kora as his widow. Rajesh Kumar Singh informed the management about death of his father and prayed for his employment as per provisions of National Coal Wage Agreement (hereinafter referred to as NCWA). The management held medical examination of the dependent son at Central Hospital, Kalla on 03.05.2017 and report was submitted in Form 'O'. The dependent submitted his Transfer Certificate issued by the School, Aadhaar Card, PAN Card, Voter ID Card, Ration Card where his date of birth was recorded as 04.05.1983. According to Service Record Excerpt of his father his age was ten years on 11.03.1991. The contention of the union is that Rajesh Kumar Singh was thirty-three years five months and fourteen days on the date of death of his father and being below thirty-five years of age on the date of death of his father he is entitled to employment under ECL as per provisions of Clause 9.3.4 of NCWA union prayed for directing the management to provide employment to the dependent son, being the only son of the deceased employee and his mother having expired earlier.

3. Management contested the case by filing their written statement on 04.12.2023. According to the management Rajesh Kumar Singh submitted an application for employment under the provision of NCWA. Due to absence of authentic documents in support of his age Rajesh Kumar Singh was referred to the Medical Board for his medical examination at Central Hospital, Kalla. On 03.05.2017, after examination a report was submitted where the age of Rajesh Kumar Singh was assessed between 35 to 40 years. According to the management the mid-point of age is considered as age of the applicant on the date. Accordingly, the age of Rajesh Kumar Singh is calculated as thirty-seven years and six months on 03.05.2017 and he was found to be above the age of thirty-five years on the date of death of his father and therefore he is not eligible for employment as per provisions of 9.3.4 of NCWA.

4. Union examined Rajesh Kumar Singh as Workman Witness No. 1. The witness filed his affidavit-in-chief where he stated that his father died on 18.10.2016 while he was in the service of the company. As a dependent he filed an application for providing employment to him as per provisions of NCWA. After proper screening at the Colliery and Area Level he appeared for his Initial Medical Examination (hereinafter referred to as IME) before the IME Board at Central Hospital, Kalla. After medical examination the assessed age was not disclosed to him and the proposal for his employment was not processed on the ground that he was over-age. It is further stated that the management served a copy of letter addressed to the Personnel Manager (IC) where it was communicated to him that Rajesh Kumar Singh was over-age and he was not entitled to employment. The union stated that according to various documents his date of birth appeared as 04.05.1983. As per Service Records of his father management recorded the age of Rajesh Kumar Singh as ten years on 11.03.1991. Even his Birth Certificate disclosed that his date of birth is 04.05.1983. According to the workman witness his age was 33 years 5 months and 14 days on the date of death of his father and being below 35 years, he stood eligible for employment. According to the witness IME Board deliberately decided his age above 35 years on the date of assessment without considering the Service Record and other documents. The witness asserted that his date of birth appearing in the Transfer Certificate issued by his School and Birth Certificate as well as the age recorded in the Service Record of his father should be accepted for providing employment to him. The workman witness produced the following documents in support of his case :

- (i) Copy of the Death Registration Certificate of Binod Kumar Singh is produced as Exhibit W-1.
- (ii) Copy of application of Rajesh Kumar Singh addressed to the Agent, Kumardihi 'B' Colliery, informing his father's death, as Exhibit W-2.
- (iii) Copy of the Service Book of Binod Kumar Singh, as Exhibit W-3.
- (iv) Copy of the letter of Assistant Manager (Personnel), Kumardihi 'B' Colliery addressed to the Chief Manager (Personnel), Bankola Area, for IME of Rajesh Kumar Singh, as Exhibit W-4.
- (v) Copy of the No objection certificate in respect of Rajesh Kumar Singh, as Exhibit W-5.
- (vi) Copy of the Birth Registration Certificate of Rajesh Kumar Singh, as Exhibit W-6.
- (vii) Copy of the Aadhaar Card of Rajesh Kumar Singh, as Exhibit W-7.
- (viii) Copy of the letter of the Sr. Manager (Personnel) Empl/ED addressed to the Sr. Manager (Personnel)/IC, Bankola Area for re-assessment of age of Rajesh Kumar Singh, as Exhibit W-8.
- (ix) Copy of the Transfer Certificate of Rajesh Kumar Singh issued by Fuleshwari Devi Memorial High School, as Exhibit W-9.

5. In cross-examination the witness admitted his signature on Exhibit M-1, a letter dated 05/11.08.2017 issued by the Sr. Manager (Personnel)/IC, Bankola Area addressed to the Agent, Kumardihi 'B' Colliery wherein it was communicated that the Apex Medical Board assessed the age of Rajesh Kumar Singh on the date of death of Binod Kumar Singh as 36 years 11 months and 15 days, as such he is not eligible for employment as per NCWA. The age assessment report of Rajesh Kumar Singh has been marked as Exhibit M-2. It appears from the said document that his

age was assessed as 35 to 40 years as on 03.05.2017 by way of holding X-Ray of the Lateral Spinal Cord, Mandible, Laryngeal Cartilage and Skull. Witness denied the suggestion that his claim for employment is not maintainable.

6. Management examined Mr. Anuj Lakra, Manager (Personnel), Narakonda – Kumardihi 'B' Collieries as Management Witness No. 1. The witness in his affidavit-in-chief has reiterated the case disclosed by the management in their written statement. According to the witness the age of Rajesh Kumar Singh on 03.05.2017 was assessed between 35 to 40 years and it was communicated to him that he was disqualified for his employment due to over-age. In his evidence-in-chief Management Witness No. 1 deposed that Rajesh Kumar Singh exceeded the age for employment and for such reason his prayer for employment was regretted. The witness further deposed that Rajesh Kumar Singh was 36 years 11 months and 15 days of age at the time of death of his father and was not eligible for employment.

7. In cross-examination the witness deposed that the age of Rajesh Kumar Singh was assessed in proper manner. The witness denied that the documents produced by Rajesh Kumar Singh showed that his age was below 35 years on the date of death of his father.

8. The point of contention in this case is whether the management of Kumardihi 'B' Colliery, Bahula Area, ECL is justified in not providing employment to Rajesh Kumar Singh on compassionate ground and what relief the dependent son of the deceased is entitled to.

9. Mr. Rakesh Kumar, union representative advancing his argument submitted that according to the provisions of Clause 9.3.2 of NCWA the dependent son of the deceased employee is entitled to compassionate appointment on the death of his father. Clause 9.3.4 prescribes that for grant of compassionate appointment the concerned dependent should be physically fit and suitable for employment with age not more than 35 years. It is submitted that the dependent son by his letter dated 21.10.2016 informed the Agent / Manager, Kumardihi 'B' Colliery about the death of his father on 18.10.2016 and prayed for employment. A copy of letter is produced as Exhibit W-2. The dependent son was asked to appear before the screening committee of the management and thereafter his medical examination was held on 03.05.2017 where his age was assessed as 35 to 40 years. It is argued that as per Service Record the age of the dependent son was 33 years and 6 months on the date of death of his father. Mr. Rakesh Kumar heavily relied upon the Birth Certificate and School Leaving Certificate of Rajesh Kumar Singh which have been produced as Exhibit W-6 and W-9 respectively, where the date of birth is recorded as 04.05.1983. It is submitted that the deceased employee left behind Sarita Devi, a married daughter who had submitted her no objection in favour of his brother and the same is produced as Exhibit W-5. The union representative strenuously argued that when the School Leaving Certificate and Birth Registration Certificate were produced the management should have considered the same for determination of age and management should consider the guidelines laid down in Annexure-I of Implementation Instruction No. 76 of NCWA, relating to procedure for determination and verification of age. It is submitted that in case of non-matriculate but educated candidates where the candidate pursued studies in a recognized educational institution, the date of birth recorded in the School Leaving Certificate should be treated as correct date of birth and the same will not be altered under any circumstances. It is argued that in the instant case Rajesh Kumar Singh studied up to Class-IX at Fuleshwari Devi Memorial High School at Ukhra, Burdwan and is a literate person. Therefore, management should consider his date of birth as 04.05.1983 appearing in the Transfer Certificate / School Leaving Certificate for the purpose of his employment. It is argued that the dependent son is entitled to employment.

10. Mr. P. K. Goswami, learned advocate for the management of ECL argued that according to the Service Book of the deceased employee (Exhibit W-3), the age of Rajesh Kumar Singh was recorded as 10 years as on 11.03.1991. Therefore, his age may be computed as 35 years and 7 months on the date of death of his father on 18.10.2016. Learned advocate referred to the IME report (Exhibit M-2), where after holding X-ray examination of various parts of body the IME Board assessed the age of Rajesh Kumar Singh as 35 to 40 years on the date of examination i.e., 03.05.2017. It is argued that as per rules the mid-point of the assessed age is considered to be the age of the person on the date of examination and it is abundantly clear that the dependent son of the deceased employee is more than 35 years of age on the date of death of his father and he was not eligible for employment as per Clause 9.3.4 of NCWA. Learned advocate argued that the Birth Certificate (Exhibit W-6) and Transfer Certificate (Exhibit W-9) are not reliable documents as the Birth Certificate was obtained in the year 2014 and it is not a contemporaneous document. The union has not examined the Headmaster of the School to establish the date of birth appearing in the Transfer Certificate based upon the date appearing in the Admission Register. It is further argued that Annexure-I of the Implementation Instruction No. 76 of NCWA is applicable to the employees of the company for determining any dispute regarding their age and the same terms do not apply to the person claiming employment for the first time. Learned advocate submitted that the candidate claiming employment was informed by the management by letter dated 05/11.08.2017 (Exhibit M-1) and 09.07.2018 (Exhibit W-8) that the age of Rajesh Kumar Singh was assessed by Central Hospital, Kalla and his proposal for employment is regretted for being over-age. It is argued that the dependent is not entitled for any employment.

11. Perused the pleadings of the parties, evidence adduced and rival arguments advanced on behalf of the union and management. The bone of contention is whether the dependent son had already attained the age of 35 years on the date of death of his father, on 18.10.2016 and he is entitled to compassionate appointment under Clause 9.3.4 of

NCWA. It is a well settled law that NCWA is a settlement under Section 2(p) of Industrial Disputes Act, 1947 and is binding upon the employer and employees under Section 18(3) of Industrial Disputes Act, 1947. The binding effect of NCWA has been discussed and clearly spelt out by the Hon'ble High Court at Calcutta in the cases of **Eastern Coalfields Limited Vs. Kumari Kiran Singh and Others** [AIRONLINE 2018 CAL 1593] and **Sukumoni Hembram alias Sukumoni Mejhan Vs. Union of India and Others** [MAT 27 of 2024]. Since the terms and conditions for granting employment to the dependent has been specified in the provisions of NCWA, any deviating from such terms is permissible for the purpose of granting employment to a person claiming for employment as a dependent. In the instant case initiating the process for employment of Rajesh Kumar Singh, management held age assessment through the Medical Board on 03.05.2017. The concerned dependent did not raise any objection against holding of age assessment examination by the Medical Board of the employer company. It appears from Exhibit M-2 that scientific investigation was carried out for the purpose of assessing the age according to medical jurisprudence and his age was assessed between 35 to 40 years. The accepted position is that the midpoint of the range of age is accepted to be the age of a person for all functional purpose. Accordingly, it transpires that Rajesh Kumar Singh was 36 years and 11 months on the date of death. From the Service Book of the deceased employee (Exhibit W-3) it is gathered that the age of Rajesh Kumar Singh was recorded as 10 years as on 11.03.1991, therefore his age on the date of death of his father can be assessed as 35 years, 7 months and 7 days and he is therefore found over-age for his employment. The union has produced two other relevant documents in support of the age of the claimant. A Birth Registration Certificate issued by Munger District Gram Panchayet Office, Government of Bihar dated 11.08.2014 where the registration appears to have been made on 09.08.2014. The date of birth recorded in the certificate as 04.05.1983 cannot be considered as sacrosanct as the registration has been made after a lapse of thirty-one years and the contents of such certificate which is not contemporaneous is only based upon hearsay material. The Transfer Certificate which is heavily relied upon by the union has been admitted in the evidence as Exhibit W-9. The document reveals that at the time of leaving the school on 30.04.1997 he was studying in Class-VIII and was promoted to Class-IX. The Headmaster of the School was not summoned by the union for proving the contents of the Transfer Certificate. The Admission Register was not produced for verification of such certificate. Under such circumstances I am not inclined to place reliance upon the Transfer Certificate for the purpose of accepting 04.05.1983 as the date of birth of Rajesh Kumar Singh.

12. The union representative argued that Clause A (ii) of Annexure-I of the Implementation Instruction No. 76 of NCWA has to be followed for determining the age of non-matriculate but literate candidate by accepting the date of birth of the candidate appearing in the School Leaving Certificate. On a careful consideration I find that Implementation Instruction No. 76 is a part of NCWA and provides procedure for resolving age dispute of the employees and it also deals with various situation where the appointee is a matriculate, non-matriculate but educated, ex-serviceman, or an illiterate person. In my considered view such provisions are not applicable to persons who claim compassionate appointment. A claimant in order to succeed must strictly prove that he has fulfilled all the required terms and conditions for compassionate employment. In the present case the union has failed to prove that the dependent son was below 35 years of age on the date of death of his father. Therefore, I hold that Rajesh Kumar Singh is not entitled to compassionate employment under Clause 9.3.4 of NCWA. The management's case is fortified by the report of IME as well as Service Book which prove that the claimant was over-age on 18.10.2016. The decision of the management of Kumardihi 'B' Colliery, Bankola Area, ECL in not providing employment to Rajesh Kumar Singh on compassionate ground is consistent with the facts and circumstances of the case and the provisions of NCWA binding the parties. The dependent son is consequently not entitled to any relief in this case. The Industrial Dispute is liable to be dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. Rajesh Kumar Singh, dependent son of the deceased employee, Binod Kumar Singh is not entitled to any relief and I find no illegality in the action of management of Eastern Coalfields Limited in not providing employment to the son. 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, 2 जनवरी, 2026

का.आ. 2304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएलके प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-19/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/166/2018-आईआर-(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 2nd January, 2026

S.O. 2304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/19/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL and their workmen, received by the Central Government on **01/01/2026**.

[No. L-22012/166/2018– IR (CM-II)]

SALONI, Dy Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/19/2019

Present: P.K. Srivastava

H.J.S.(Retd.)

Shri D.P. Saraf

Join Secretary, Rashtriya Colliery Mazdoor Congre

Address – Qtr. No. E-22, 15 Block SECL

Colony Korba, Tahsil – Korba (C.G.)

Workman

Versues

The Sub Area Manager,

SECL, Rajgamar Sub Area,

Po- Rajgamar,

Distt. Korba (C.G.)

Management

(JUDGMENT)

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

As per letter dated 10/01/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/166/2018 (IR(CM-II))** dt. 10/01/2019. The dispute under reference relates to:

“WHETHER THE ACTION ON THE PART OF SUB AREA MANAGER SECL, RAJGAMAR COLLIERY IN NOT MAKING O.T PAYMENT ON THE BASIS OF O.T SLIP PERFORMED BY SHRI D.P. SARAF, EX- CHIEF STORE KEEPER AND JOINT SECRETARY OF RASTRIYA COLLIERY MAZDOOR CONGRESS AS PER THE ACTUAL O.T HOURS PERFORMED DURING THE PERIOD FROM 13-05-2013 TO 30-07-2017 IS APPROPRIATE AND JUSTIFIED? IF NOT, WHAT RELIEF SHRI D.P.SARAF, EX- CHIEF STORE KEEPER AND JOINT GENERAL SECRETARY OF RCMC 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 has been appointed as Chief Storekeeper with the Management from 13.05.2013 to 30.06.2017 and has superannuated on 30.06.2017 after completing the age for superannuation. While in his posting he was instructed by Management to collect different articles from Regional Store Korba Area,

Central Warehouse Korba and Central Store which were about 17 to 18 kilometers from the place of his posting in Rajgamar. He was not provided any vehicle for this purpose. As per rules he is required to work only for six and half hours a day and is entitled to overtime for any hour in excess of this six and half hours period. He had to work for more than six and half hours prescribed for execution of the directions of Management to fetch the articles from these stores, and deposit them with Rajgamar store. He used to mention the time when he proceed to these stores and returned back to Rajgamar as well remained in the Rajgamar Office, which has been destroyed by Management. He had prepared worksheet mentioning the hours he worked, which was not counter signed by the Office of Management and when he claimed over time dues for the work he did in cases of his prescribed working hours, his this demand was also refused by the Management which is unjust, illegal and arbitrary. Thus, he has claimed that Management be directed to pay him the amount calculated by him as overtime with interest and fine.

Case of Management is that, the Management used to send the Workman from Rajgamar Colliery to different stores mentioned by him for collecting articles for which he produced his TA bills and his expenses were reimbursed on the basis of his TA bills. It is further the case of the Management that, when a person is sent to another place for official job, he is required to be paid his travelling expenses and DA for the job date. There is no provision of payment of overtime allowances in such cases. Management has thus prayed that reference be answered against the Workman.

Both the sides have filed affidavits and documents, which are different orders of Management directing him to visit the stores and collect the articles, TA Bills of the Workman.

I have heard the Workman in person and Learned Senior Counsel Mr. Anoop Nair for the Management assisted by Learned Counsel Mr. Neeraj Kewat. I have gone through the record as well.

The main argument from the side of Management is that, there is no provision for payment of overtime to a workman who is sent to a place different than the place where he is posted. In such cases, as per Rules the Workman is reimbursed his travelling expenses and TA for the date subject to Rules.

Coal India Travelling Allowances Rules, 2010

Para 10.2.2 & 10.2.5 requires to be referred in this respect and is being reproduced as follows:

10.2.2 When the distance between the two places is 32 kilometers or less :-

The amount reimbursable shall be the actual fare, by stage carriage (e.g. a bus) for non-executive cadre employees drawing pay less than Rs. 23479.55/- per month and in cases of other non-executive & executive cadre employees including Management Trainees, the actual fare provided that the journey is performed by taxi, auto-rickshaws, deluxe buses, AC buses etc.

Note: Non-executive cadre employees drawing pay Rs.22149.01/- per month and above will be entitled to travel by the upper class in a stage carriage where more than one class is provided. They will be entitled to travel by deluxe buses also. (Authority: No. CIL/C-5A(PC)/ TA-2010/164 Date: 03.10.2012)

Perusal of these Rules, makes it clear that there is no provision of payment of overtime in such situation.

10.2.5 Reimbursement of local traveling expenses (RLTE) to employees for attending duties on Sundays/Holidays or during odd hours on working days:

Reimbursement at the rate specified in Rule 10.2.1/10.2.2 from residence to place of duty and back, will be allowed subject to following conditions:

- a) No such reimbursement will be allowed if Over Time Allowance has been paid or compensatory leave is allowed for duties performed.*
- b) Odd hours for this purpose will be reckoned from 8-00 p.m. to 8-00 a.m.*
- c) Where the journey by train is involved, reimbursement of Taxi/Auto fare or stage carriage charges will be limited to connecting distances between place of duty/place of residence and Railway station besides the Railway fare as per entitled class.*
- (d) No employees will be entitled for reimbursement of local travelling expenses (RLTE) for attending duties on Sundays, Holidays or during odd hours on working days from residence to office and back. However, Executives will be reimbursed RLTE if they are on official duty from office to any other place.*

Hence, in the light of above discussion, holding the action of Management in not granting the Workman overtime for the extra hours on work since he was paid travelling allowances when he was sent to some other places for collection of materials by Management is held just, legal and proper and the reference stands answered accordingly.

DATE:- 17/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एसईसीएलके प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर-126/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/136/2012-आईआर (सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 2nd January, 2026

S.O. 2305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. LC/R/126/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL and their workmen, received by the Central Government on **01/01/2026**.

[No. L-22012/136/2012- IR (CM-II)]

SALONI, Dy Director/Link officer

ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/126/2012**Present: P.K.Srivastava****H.J.S.(Retd.)****The General Secretary,****Koyla Mazdoor Sabha (HMS),****Qtr. No. M/91, Vikas Nagar,****Post – Kusmunda,****District – Korba (C.G.)****Workman****Versues****The General Manager,****SECL Kusmunda Area,****Post- Kusmunda,****District – Korba (C.G.)****Management****(JUDGMENT)****(Passed on this 13th day of November - 2025)**

As per letter dated 05/11/2012 of the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/136/2012 (IR(CM-II))** dt. 05/11/2012. The dispute under reference relates to:

“Whether the action of the management of General Manager, Kusmunda Area of SECL, District Korba (CG) not given the notional seniority in EP Fitter cum Mechanic Grade-I, in Category-‘B’ to Shri S.R. Maneshwar of Kusmunda Area as per the Arbitration award with effect from 23.12.1988 at par as given to their after workmen in SECL Gevra Area was legal and justified? What relief the said workman is entitled to and from what date?”

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

The undisputed facts are that, the Applicant Workman Shesh Ram Maneshwar was appointed in the Korba West Area of SECL as Mechanic (trainee) along with three other workers namely Dhani Ram Patle, L.P. Rahangdale and Lakhan Lal Jhothe vide appointment letter dated SECL/GM/KB(W)/PM/APPMNT/87/3977 dated 12.11.1987. Later on, the Korba West Area was split into three different areas viz; Gevra, Kusmunda and Korba. The three Workmen i.e. Dhani Ram Patle, L.P. Rahangdale and Lakhan Lal Jhothe were posted in Gevra Area whereas the Applicant Workman was posted in Kusmunda Area. Dhani Ram Patle claimed notional seniority before the Management and his case was sent for joint arbitration. Award dated 23.12.1992 was passed by the Arbitrators holding the Workman Dhani Ram Patle entitled to be regularized as Fitter cum Mechanic Grade-I in Group – B on completion of his successful one year training. The remaining two workers i.e. L.P. Rahangdale and Lakhan Lal Jhothe also claimed the same regularization on the basis of Arbitration Award and they were promoted notionally in seniority in Grade – I Group - B w.e.f. 23.12.1988 vide Office order No. SECL/DGM/GBR/95/4021. The Management refused same benefit to the Applicant Workman on the ground that he was posted in Kusmunda Area of the Company and not in the Gevra Area where other workmen, who were benefited, were posted. The Management further took the ground that, the Award was with respect to Workman D.R. Patle only posted in Gevra Area and because it will disturb the settled seniority list in the Kusmunda where the applicant workman is posted. Another case of Management is that, the claim is barred by unexplained delay and laches.

The Workman side has filed Office Order dated 10.11.1995/12.12.1995 regarding promotion of L.P. Rahangdale and Lakhan Lal Jhothe w.e.f. 23.12.1986 with D.R. Patle as per arbitration Award, Copy of petition before Labour Commissioner, reply of Management, Rejoinder of Union, Failure report which are Exhibit W-1 to W-6. Management has filed the memorandum of settlement with regard to promotion of L.P. Rahangdale and Lakhan Lal Jhothe in the light of Award with respect to D.R. Patle. An Office Order dated 10.11.1995/12.12.1995 which have been filed by the Workman Union also.

Both the sides have filed affidavit with respect to their claims and defense. It also appears that, the Workman died during the pendency of the Case but since the case is espoused by the Union and Act specifically provides that no reference was abated on the basis of Claimant Workman. This reference will also not abate.

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

From perusal of record, it establishes that four persons including the claimant workman were appointed on one day in Korba West Area and worked together in the same area, later on this Korba Area was divided into three areas. Three employees went to Gevra Area and the claimant Workman was absorbed in the Kusmunda Area. Three co-workers of the Claimant Workman with identical claims were granted their claims by the Management were else the claimant workman was refused the relief on the ground that he was in a different area. It is not disputed all these areas are controlled and managed as well governed by the one Company South Eastern Coal Field Limited which is itself a subsidiary of Coal India. In these circumstances, refusal of relief of promotion as claimed by the Claimant Workman in parity with other beneficiaries, who had identical claims, only on the ground that it will disturb the settled seniority list in the area is nothing but arbitrary and is in violation of Article 14 of the Constitution of India.

Hence, in the light of above discussion and findings the Claimant Workman Shesh Ram Maneshwar is also held entitled to be promoted from Fitter cum Mechanic Grade-I Category-C to Category-B after completion of his successful training of one year i.e. from 23.12.1988 in parity with the Workman Dhani Ram Patle, L.P. Rahangdale and Lakhan Lal Jhothe and is held entitled to get all benefits in this respect from Management accordingly treating him to be notionally promoted from 23.12.1988. However, the mandatory benefits could be given from 12.12.1995 i.e. the date of promotion of other co-workers mentioned above.

The reference stands answered accordingly.

AWARD

Holding the action of the management of General Manager, Kusmunda Area of SECL, District Korba (CG) not given the notional seniority in EP Fitter cum Mechanic Grade-I, in Category-'B' to Shri S.R. Maneshwar of Kusmunda Area as per the Arbitration award with effect from 23.12.1988 at par as given to their after workmen in SECL Gevra Area illegal, arbitrary and unjustified, he is held entitled to get all benefits in this respect from Management accordingly treating him to be notionally promoted from 23.12.1988. However, the mandatory benefits could be given from 12.12.1995 i.e. the date of promotion of other co-workers mentioned above.

No order as to cost.

DATE:- 13/11/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 2 जनवरी, 2026

का.आ. 2306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-86/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/86/2012-आईआर (सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 2nd January, 2026

S.O. 2306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/86/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of NCL and their workmen, received by the Central Government on **01/01/2026**.

[No. L-22012/86/2012- IR (CM-II)]

SALONI, Dy Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/ R/86/2012Present: P.K.SrivastavaH.J.S.(Retd.)

1. The General Manager,
Coalfields Labour Union, M-269, Bina Project,
Po-Bina, Distt-Sonebhadra,
Uttar Pradesh

Workman

Vs

1. The General Manager,
Central Workshop, Jayant Project of NCL,
Po/Distt- Singrauli,
Madhya Pradesh
2. The General Manager (Personnel),
Northern Coalfields Limited,
Po/Distt- Singrauli,
Madhya Pradesh

Management

(JUDGMENT)(Passed on this 10th day of November, 2025)

As per letter dated 25/07/2012 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification **No. L-22012/86/2012(IR(CM-II))** dt. 25/07/2012. The dispute under reference relates to:-

“Whether the action of the General Manager, Central Workshop, Jayant Project of NCL, in imposing punishment of Suspension, Stoppage of increment & Penal rent, on an alleged misconduct of illegal occupying of the quarter by Shri J.P. Singh, Fitter (vacated during the course of enquiry proceedings), is legal and justified? To what relief the claimant is entitled for, and from which date?”

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

The case of the workman is mainly that while he was working as Fitter with the management, he was issued a charge sheet alleging misconduct under clause 26.14 of certified standing orders on his part by way of illegally and unauthorizedly breaking open residential accommodation MQ-463 of management and occupying it illegally without any allotment in his favour. This charge sheet dated 11.09.2000 was replied by him but ignoring his reply, the management conducted an enquiry with respect to the allegations arbitrarily and without observing principles of natural justice. Charges were wrongly held proved and the punishment in form of stoppage of one increment with cumulative effect as well penal rent imposed on the workman is also excessive to the misconduct.

The workman has prayed that holding this action of management against law and unjustified, the punishment be set aside.

Case of the management is that the workman has been in habit of committing misconduct, he was issued a charge sheet on 12.07.1995 alleging misconduct as defined under clause 26.3, 26.5, 26.16 and 26.22 of certified standing orders, which were enquired into and after the charges were proved in enquiry he was punished. He did not improve himself and repeated the misconduct in the year 2000 by way of unauthorizedly and illegally breaking open the company's accommodation No. 459-Q forcibly and taking illegal possession in the said residence which is misconduct under clause 26.14 of certified standing orders, after his reply was found in sufficient, an enquiry was conducted, as per rules the workman was found guilty of misconduct in the enquiry and he was punished, which is not excessive to the misconduct proved and keeping in view the fact that he is a habitual offender; management has requested that the reference be answered against the workman.

Following Preliminary Issue was framed on the basis of pleadings:-

Whether the departmental enquiry conducted is legal and proper?

On the basis of evidence, this issue was answered vide order dated 23.02.2024, the departmental enquiry was held vitiated in law, management was granted opportunity to prove the charge before this Tribunal. This order is part of this judgment and award.

The management filed affidavit of its witness Anand Murti, General Manager in support of charge as his Examination-in-chief. He was cross-examined by workman side, he has proved the documents which were proved during the hearing of preliminary issue.

No evidence in rebuttal was filed by workman.

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

On perusal of record in light of rival arguments, following Issues came up for determination:-

- 1) ***Whether the charges are proved from the evidence before this Tribunal?***
- 2) ***Whether the punishment is proportionate to the charges proved?***

Issue No.1.

Charges have been elaborated earlier, the management witness has stated that the workman entered in quarter No. MQ-463 illegally after breaking lock, inspite of the fact that he was allotted quarter No. MQ-458 and occupied the said quarter No. MQ-463 illegally. He referred to document M-E/9 entry dated 16.03.1989 in this respect which is handing over or taking over register. This witness also states that later on the workman vacated the MQ-463 which he had illegally occupied after breaking open its lock. An enquiry was conducted in this respect and was punished with permanent stoppage of one increment and deduction of penal rent for illegally occupying for the period he had illegally occupied the accommodation.

There is nothing in his cross-examination to discredit this witness.

The case of the workman is that he was entitled to one accommodation from the company residence which was vacant, it has been the practice and it is usual for the employees who break open the vacant residence and enter. Thereafter, the company allots the residence to the workman. Learned counsel for workman has submitted that since the workman was entitled to one accommodation which was not being provided by the management inspite of the fact that there were vacant accommodations available and there were incidences of such nature earlier also, in which the workers broke open the vacant accommodation and took possession of the accommodations without allotment, the workman could not be held guilty of the misconduct.

I am not inclined to accept this argument on the ground that if the workman was not allotted any accommodation, he would be getting house rent allowances and only entitlement does not gave anyone license to commit illegality. Thus, when there is clear evidence that the workman illegally occupied the accommodation without

allotment, he cannot be exonerated from the charge only on the ground that he was entitled to get one accommodation and accommodations were vacant. Hence, in light of above discussion, the charge of misconduct is held proved against the workman.

Issue No. 1 is answered accordingly.

Issue No. 2,

Workman has been awarded punishment of permanent stoppage of one increment and recovery of penal rent from him as well pay of suspension period has also not been given to him by way of punishment. Learned counsel for workman has submitted that this is an excessive punishment compared to the charges. His main grievance is with respect to permanent stoppage of one increment in the punishment order which is its replicating effect.

On the other hand, it has been submitted by learned counsel for management that the workman is a habitual offender, he has committed misconduct earlier also for which he has been punished. Hence, keeping in view these facts the punishment order cannot be said to be an excessive one. He further submits that the punishment order does not warrant any interference.

Settled proposition of law is that the punishment is domain of Executive and Courts and Tribunals, who be hesitant in interfering with the punishment orders until and unless they are satisfied, it is so disproportionate that it shocks the conscious of the Court or Tribunal.

To consider whether the punishment order is shockingly disproportionate to the charge, the nature and effect of the misconduct proved, previous conduct will entirely be the factors to be considered.

In the case in hand, undisputedly, the workman has a history of misconduct. Permanent stoppage of increment has its replicating effect and it harms the workman till his superannuation and also thereafter. The workman was entitled to accommodation from the management which were vacated at the time of misconduct but the process adopted by workman was not a correct way of enforcing his rights. This fact that after another accommodation was allotted to him, the workman vacated the said accommodation which he had occupied forcibly, the punishment of cumulative stoppage appears too harsh. Hence, keeping in this fact, the sentence of cumulative stoppage of one increment is converted into stoppage of one increment for five years and the punishment stands modified accordingly.

Issue No. 2 stands answered accordingly.

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

AWARD

“Holding the action of the General Manager, Central Workshop, Jayant Project of NCL, in imposing punishment of Suspension, Stoppage of increment & Penal rent, on an alleged misconduct of illegal occupying of the quarter by Shri J.P. Singh, Fitter (vacated during the course of enquiry proceedings), excessive, the stoppage of one increment with cumulative effect is converted into stoppage of one increment for five years.”

No order as to cost.

DATE:- 10-11-2025

P.K. SRIVASTAVA, Presiding Officer