



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 6] नई दिल्ली, फरवरी 15—फरवरी 21, 2026, शनिवार/माघ 26—फाल्गुन 2, 1947
No. 6] NEW DELHI, FEBRUARY 15—FEBRUARY 21, 2026, SATURDAY/MAGHA 26—PHALGUNA 2, 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
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 11 फरवरी, 2026

का.आ. 150.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप-धारा (1) के खंड (ड.) के उप-खंड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री सिद्धार्थ महाजन के स्थान पर श्री सुचीन्द्र मिश्र, विशेष सचिव, वाणिज्य विभाग को तत्काल प्रभाव से और अगले आदेशों तक भारतीय निर्यात-आयात बैंक (एक्जिम बैंक) के निदेशक मण्डल में निदेशक के पद पर नामित करती है।

[फा. सं. 9/1/2022-आईएफ-1]

गोपी नाथ, अवर सचिव

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 11th February, 2026

S.O. 150.—In exercise of the powers conferred by sub-clause (i) of clause (e) of sub-section (1) of section 6 of the Export-Import Bank of India Act, 1981 (No. 28 of 1981), the Central Government hereby nominates Shri Suchindra Misra, Special Secretary, Department of Commerce as Director on the Board of Directors of Export-Import Bank of India (Exim Bank) vice Shri Siddharth Mahajan, with immediate effect and until further orders.

[F. No. 9/1/2022-IF-I]

GOPI NATH, Under Secy.

विदेश मन्त्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 9 फरवरी, 2026

का.आ. 151.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, फरवरी 09, 2026 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशन/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के निम्नलिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन पोस्ट जिसमें/सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री बलवंत सिंह बिष्ट, निजी सहायक	भारत के प्रधान कौंसलावास, जेद्दा
2	श्री सुभाष चंद, सहायक अनुभाग अधिकारी	
3	श्री नीरज, सहायक अनुभाग अधिकारी	भारतीय दूतावास, रियाद
4	श्री प्रियांशु यादव, सहायक अनुभाग अधिकारी	
5	श्री अपूर्व रस्तोगी, सहायक अनुभाग अधिकारी	
6	श्री मुकेश कुमार सिंह, सहायक अनुभाग अधिकारी	भारतीय दूतावास, सैंटियागो
7	श्री धीरज कुमार मीणा, सहायक अनुभाग अधिकारी	भारत के प्रधान कौंसलावास, पर्थ

[फा. सं. टी.4330/01/2026(01)]

तरुण कुमार, अवर सचिव [सीपीवी-II]

MINISTRY OF EXTERNAL AFFAIRS**(CPV Division)**

New Delhi, the 9th February, 2026

S.O. 151.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from February 09, 2026:

S. No	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Balwant Singh Bisht, Personal Assistant	Consulate General of India, Jeddah
2	Mr. Subhash Chand, Assistant Section Officer	

3	Mr. Neeraj, Assistant Section Officer	Embassy of India, Riyadh
4	Mr. Priyanshu Yadav, Assistant Section Officer	
5	Mr. Apoorv Rastogi, Assistant Section Officer	
6	Mr. Mukesh Kumar Singh, Assistant Section Officer	Embassy of India, Santiago
7	Mr. Dheeraj Kumar Meena, Assistant Section Officer	Consulate General of India, Perth

[F. No. T.4330/01/2026 (01)]

TARUN KUMAR, Under Secy. (CPV-II)

नई दिल्ली, 11 फरवरी, 2026

का.आ. 152.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, फरवरी 11, 2026 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशनों पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के/निम्नलिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन पोस्ट जिसमें /सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री योगेश कुमार शर्मा, सहायक अनुभाग अधिकारी	भारतीय दूतावास, रियाद
2	श्री महेश कुमार, सहायक अनुभाग अधिकारी	भारतीय उच्चायोग, माल्टा
3	श्री स्वाग्रिक विश्वास, सहायक अनुभाग अधिकारी	भारतीय दूतावास, पनामा

[फा. सं. टी.4330/01/2026(02)]

तरुण कुमार, अवर सचिव [सीपीवी-II]

New Delhi, the 11th February, 2026

S.O. 152.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from February 11, 2026:

S. No.	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Yogesh Kumar Sharma, Assistant Section Officer	Embassy of India, Riyadh
2	Mr. Mahesh Kumar, Assistant Section Officer	High Commission of India, Malta
3	Mr. Swagnick Biswas, Assistant Section Officer	Embassy of India, Panama

[F. No. T.4330/01/2026 (02)]

TARUN KUMAR, Under Secy. (CPV-II)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 9 फरवरी, 2026

का.आ. 153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-2, के पंचाट (41/2017) प्रकाशित करती है।

[सं. एल-31011/02/2017-आई आर(बी- II)]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 9th February, 2026

S.O. 153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 41/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -2* as shown in the Annexure, in the industrial dispute between the management of Mumbai Port Trust and their workmen.

[No. L-31011/02/2017– IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD

PRESIDING OFFICER/LINK OFFICER

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/41 of 2017

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

Party No. 1 M/s. Mumbai Port Trust

The Chairman,
Mumbai Port Trust,
General Admn. Department,
Port House, 2nd Floor,
S. V. Marg,
Ballard Estate,
Mumbai 400 001.

AND

THEIR WORKMEN.

Party No.2 (Mumbai Port Trust General Workers` Union)

The General Secretary,
Mumbai Port Trust General Workers` Union
Kavarana Building,
1st Floor, 26/4,
P.D`Mello Road,
Opp. Mangatram Weigh Bridge,

Wadibunder, Masjid (E),
Mumbai- 400 009,
Mumbai.

APPEARANCES:

Management : No appearance.
Workmen : No appearance.

AWARD

(Delivered on 19-12-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-31011/02/2017 (IR(B-II) dated 19.09.2017. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Mumbai Port Trust in imposing penalty of reduction of pay by one stage for two years to Mr. V.P. Natrajan, Junior Engineer, Gr. III in CME Department, is fair, just and legal? If not, what relief the workman is entitled to?”

2. The case is called out today. Both parties are absent. From perusal of record, it is apparent that, the petitioner is not responding and attending the Court since 22.11.2022 long back. Although, Statement of Claim & Written Statements have been filed by the parties respectively. The petitioner has also filed his affidavit and his evidence but the petitioner is not coming to the court to prove the contents of his affidavit as well as the contents of the Statement of Claim. No other evidence has been filed by the petitioner to prove his case. The petitioner is not coming to the Court since long back. It appears that, the petitioner is not interested to contest the case furthermore. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The action of the management of Mumbai Port Trust in imposing penalty of reduction of pay by one stage for two years to Mr. V.P. Natrajan, Junior Engineer, Gr. III in CME Department, is fair, just and legal. The concerned workman is not entitled to any relief.

Date: 19-12-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 9 फरवरी, 2026

का.आ. 154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-2, के पंचाट (23/2013) प्रकाशित करती है।

[सं. एल-31011/6/2012-आई आर(बी- II)]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2026

S.O. 154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 23/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -2* as shown in the Annexure, in the industrial dispute between the management of Mumbai Port Trust and their workmen.

[No. L-31011/6/2012– IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD

PRESIDING OFFICER/LINK OFFICER

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/23 of 2013

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

Party No.1 M/s. Mumbai Port Trust

The Chairman,
Mumbai Port Trust,
Mumbai,
Port Bhavan,
S. V. Marg,
Mumbai-I
Mumbai 400 001.

AND

THEIR WORKMEN.

Party No.2 (Transport & Dock Workers Union)

The President,
Transport & Dock Workers Union
P.D`Mello Bhavan,
P.D`Mello Road,
Carnac Bunder,
Mumbai- 400 038,
Mumbai.

APPEARANCES:

Management : No appearance.

Workmen : No appearance.

AWARD

(Delivered on 19-12-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-31011/6/2012 (IR(B-II) dated 05.03.2013. The terms of reference given in the schedule are as follows:

“ Whether the action of the Management of Mumbai Port Trust, Mumbai withdrawing the 2nd ACP and recovering the amount paid towards ACP benefit w.e.f. date of ACP shown against each workmen i.e. Mr. B.M. Yadav & 08 others as per Exhibit-I, is legal, just and proper?” What relief the workmen concerned are entitled to?”

Sl. No.

Workmen

1 **Mr. B. M. Yadav**

2 **Mr. A. S. Kubal**

3	Mr. G. S. Malandkar
4	Mr. A. V. Bagwe
5	Mr. S. S. Gawde
6	Mr. N. M. Solanki
7	Mr. B. N. Sanaye
8	Mr. G. V. Chavan
9	Mr. S. A. Pimple

2. The case is called out today. Both parties are absent. Both parties are not responding and attending the Court since long back. From perusal of record, it is apparent that, the petitioner is not coming to the Court since 17.04.2024. Although, Statement of Claim and Written Statements have been filed by the parties respectively, but no other evidence has been filed by the petitioner to prove his case. The petitioner is not coming to the Court since long back. It appears that, the petitioner is not interested to contest the case furthermore. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The action of the Management of Mumbai Port Trust, Mumbai withdrawing the 2nd ACP and recovering the amount paid towards ACP benefit w.e.f. date of ACP shown against each workmen i.e. Mr. B. M. Yadav & 08 others as per Exhibit-I, is legal, just and proper. The concerned workmen are not entitled to any relief.

Date: 19-12-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 9 फरवरी, 2026

का.आ. 155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन, संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-2, के पंचाट (9/2022) प्रकाशित करती है।

[सं. एल-12011/29/2022-आई आर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2026

S.O. 155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 9/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -2* as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen.

[No. L-12011/29/2022– IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD

PRESIDING OFFICER/LINK OFFICER

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/9 of 2022

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

Party No.1

M/s. Bank of Maharashtra

The Managing Director,

Bank of Maharashtra

Central Office, 1501 Lokmangal,

Shivajinagar,

Pune 411005.

**AND
THEIR WORKMEN.**

Party No.2 (Mahabank Navnirman Sena)

The President,
Mahabank Navnirman Sena
Yashoda Co-operative Society,
Ranade Road, Vishtar, Dadar
Mumbai- 400 028.

(Bank of Maharashtra Employees Union Kolhapur)

The General Secretary,
Bank of Maharashtra Employees Union Kolhapur
507, D-ward, Sudhakar Chambers,
Opp. to Ganges Petrol Pump
Kolhapur - 416012.

APPEARANCES:

Management : Mr. T. Vijay Kumar
Advocate
Workmen : No appearance.

AWARD

(Delivered on 18-12-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-12011/29/2022 (IR(B-II) dated 23.03.2022. The terms of reference given in the schedule are as follows:

“Whether the demand raised by Unions (i) Mahabank Navnirman Sena, Mumbai (Maharashtra) (ii) Bank of Maharashtra Employees Union, Kolhapur (Maharashtra) to regularize the services of 35 workers (List enclosed as Annexure -`A`) in the permanent post against Temporary Part-Time Sub Staff from retrospective date under various branches of Bank of Maharashtra at Goa, Ratnagiri and Sindhudurg region is legal, proper and justified? If yes, to what relief the concerned workmen are entitled and from which date?”

<u>Sl. No.</u>	<u>Workmen</u>
1	Mr. Laxman Suresh Gawas
2	Mr. Ramdas Baliram Chavan
3	Mr. Amol Shivaji Indap
4	Mr. Shanta Ram Dalvi
5	Mr. Arjun Namdev Dhabolkar
6	Mr. Ragunath Shivaji Sawant
7	Mr. Swapnil Ramdas Jadhav
8	Mr. Chandrakanth Anil Jadhav
9	Mr. Umesh Sitara Cheulkar
10	Mr. Sushil Ramchandra Naringrekar
11	Mr. Akshay Ulhas Mayekar
12	Mr. Gangaram Rajendra Gaonkar
13	Mr. Amol Dasharam Gurav

14	Mr. Gunaji Sagun Satoskar
15	Mr. Vittal Krishna Jadhav
16	Ms. Sunita Madhu Varak
17	Mr. Sachin Anant Kamble
18	Mr. Srykant Sudam Natekar
19	Mr. Aniket Ajay Zepale
20	Mr. Akshay Purendra Bagkar
21	Mr. Rajesh Shankar Jangam
22	Mr. Dilip Babu Bapardekar
23	Mr. Vikas Banu Mahadkar
24	Mr. Virendra Vasant Shinde
25	Mr. Prathamesh Prakash Nagale
26	Mr. Sushant Mahendra Powar
27	Mr. Sudhir Mahadeo Khedekar
28	Mr. Sachin Narayan Pawar
29	Mr. Chandrakanth Pandurang Chile
30	Mr. Ajay Vidur Sjere
31	Mr. Vishal Kashinath Khedekar
32	Mr. Manoj G. Kalekar
33	Mr. Rajkumar Mahadik
34	Mr. Bhiwaji Kamble
35	Mr. Mandar Ashok Ambekar

2. The case is called out today. Mr. T. Vijay Kumar the learned counsel for the respondent is present before the court but no one is present on behalf of the petitioners. From perusal of record, it is apparent that, the petitioners are not responding and attending the Court since long back despite service of notices. No Statement of Claims have been filed by the petitioners till today. No other evidence has been filed by the petitioners to prove their claim. The petitioners are not coming to the court since long back. It appears that, the petitioners are not interested to contest the case furthermore. The claim of the petitioners is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The demand raised by Unions (i) Mahabank Navnirman Sena, Mumbai (Maharashtra) (ii) Bank of Maharashtra Employees Union, Kolhapur (Maharashtra) to regularize the services of 35 workers (List enclosed as Annexure - `A`) in the permanent post against Temporary Part-Time Sub Staff from retrospective date under various branches of Bank of Maharashtra at Goa, Ratnagiri and Sindhudurg region is not legal, proper and justified. The concerned workmen are not entitled to any relief.

Date: 18-12-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 9 फरवरी, 2026

का.आ. 156.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसबीआई इन्फ्रा मैनेजमेंट सॉल्यूशन प्राइवेट लिमिटेड के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-1 के पंचाट (17/2023) प्रकाशित करती है।

[सं. एल-12025/01/2026-आई आर(बी- I)-40]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2026

S.O. 156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 17/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1* as shown in the Annexure, in the industrial dispute between the management of SBI Infra Management Soluction Pvt. Ltd. and their workmen.

[No. L-12025/01/2026- IR (B-I)-40]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,

MUMBAI

Present

JUSTICE ARVIND KUMAR MISHRA

Presiding Officer

REFERENCE NO.CGIT-17 of 2023

Parties: Employers in relation to the management of

SBI Infra Management Solutions Pvt. Ltd,

Raheja Chambers, Ground Floor,

Free Press Journal Marg, Nariman Point,

Mumbai-400 021.

V/s.

Ms. Supriya R. Rane,

302, Shreya Bldg., Shankeshwar Krupa Complex,

Chikanghar, Kalyan(West),

Thane, Maharashtra-421301.

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Mumbai, dated the 6th day of January, 2026.

AWARD

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

“Whether Central Government is the appropriate Government Under Section 2(A) of the Industrial Dispute Act, 1947 and the Industrial Dispute raised by the applicant Ms. Supriya Rane is maintainable or not?

Whether Ms. Supriya Rane is a workman or not as per the definition of workman under section 2(s) of the Industrial Disputes Act, 1947?

Whether the termination of Ms. Supriya Rane is legal, fair and justifiable? If not, what relief she is entitled to?”

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

Since no statement of claim has been filed by the workmen in support of his case, the claim is liable to be dismissed.

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

Accordingly, the reference stands answered in terms aforesaid.

Award as above.

Justice ARVIND KUMAR MISHRA, Presiding Officer

नई दिल्ली, 9 फरवरी, 2026

का.आ. 157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जेएनपीटी के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई- 1 के पंचाट (04/2025) प्रकाशित करती है।

[सं. एल-39025/01/2026-आई आर(बी- II)-19]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2026

S.O. 157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 04/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1* as shown in the Annexure, in the industrial dispute between the management of JNPT and their workmen.

[No. L-39025/01/2026- IR (B-II)-19]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,

MUMBAI

Present

JUSTICE ARVIND KUMAR MISHRA

Presiding Officer

REFERENCE NO.CGIT-04 of 2025

Parties: Employers in relation to the management of

1. M/s. Ameya Logistics Pvt. Ltd,

Dhasakhoshi Khoptate Village,

Post Koproli, The Uran,

Raigad-410212.

2. M/s. Prism Logistics Solutions Pvt. Ltd,

207, 2nd Floor,

Forwarder Build Plot No.5, Sector 1,

Navghar, Talh-Uran,

Raigad-400707.

3. The CE/ Director, Bharat Mumbai Container Terminals Pvt. Ltd.,

The Galaxy Building, Jawaharlal Nehru Port, Sheva, Navi Mumbai.

4. The Chairman, JNPT,

Administrative Building, Sheva,

Navi Mumbai-400 707.

And

The President, Rastriya Mulnivasi Bahujan Karmachar Sangh,

Shevanta Rohidas Gharat Niwas, Shop No.1, Kranti maidan,

A/P Jasai, Uran, Panvel, Raigad-410206.

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Mumbai, dated the 6th day of January, 2026.

AWARD

The present reference has been made by the Central Government by its order No. B.ALC©-II/8/(11)/2022-B-3 dated 3/12/2024 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act 1947. The terms of reference as per the schedule to the said order are as under:

“Whether the action of the management I.e. termination of contract workers is legal and justified? If so, then for what relief the contract workers are entitled to?”

In view of the above said facts the claimant/workman has not filed any statement of claim/ evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service it 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;**

Since no statement of claim has been filed by the union in support of his case, the claim is liable to be dismissed.

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

Accordingly, the reference stands answered in terms aforesaid.

Award as above.

Justice ARVIND KUMAR MISHRA, Presiding Officer

नई दिल्ली, 9 फरवरी, 2026

का.आ. 158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओरियन सिक्योरिटी सॉल्यूशन प्राइवेट लिमिटेडके प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-1 के पंचाट (08/2024) प्रकाशित करती है।

[सं. एल-12025/01/2026-आई आर(बी-1)-39]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2026

S.O. 158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 08/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1* as shown in the Annexure, in the industrial dispute between the management of M/s Orion Security Solution Pvt. Ltd. and their workmen.

[No. L-12025/01/2026- IR (B-I)-39]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,

MUMBAI

Present

JUSTICE ARVIND KUMAR MISHRA

Presiding Officer

REFERENCE NO.CGIT- 08 of 2024

Parties: Employers in relation to the management of

M/s. Orion Security Solution Pvt. Ltd,

No. 5E, 1st Floor, Jungi House, Street No.5,

Shahpur Jat, New Delhi-110049.

And

Shri Suresh Barik,

88/B, Jagula Damara,

Bansada, Bhadrak,

Orissa-756171.

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Mumbai, dated the 6th day of January, 2026.

AWARD

The present reference has been made by the Central Government by its order No. RV-8(22)2021 dated 28/12/2023 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act 1947. The terms of reference as per the schedule to the said order are as under:

“Whether demand of Shri Suresh Barik for wages from April 2020 to March 2021 in which he has not worked but he was struck in covid lockdown is legal or illegal?”

In view of the above said facts the claimant/workman has not filed any statement of claim/ evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service it 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**;

Since no statement of claim has been filed by the union in support of his case, the claim is liable to be dismissed.

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

Accordingly, the reference stands answered in terms aforesaid.

Award as above.

Justice ARVIND KUMAR MISHRA, Presiding Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (07/2012, सी आर नं 05/2013) प्रकाशित करती है।

[सं. एल-12012/55/2012-आई आर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 07/2012, CR No.05/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Karnataka Grameena Bank and their workmen.

[No. L-12012/55/2012- IR (B-II)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
BENGALURU

DATED : 22nd JANUARY 2026

PRESENT : **Smt. K P INDIRA**
Presiding Officer

I D No. 07/2012

I Party

Sh. H Devaraju,
C/o Hanumantharayappa, Behind Vidya
Samskara Internation Public School,
Machohalli Gate, Magadi Road,
BANGALORE.

II Party

1. The General Manager (Personal Wing), Canara Bank, H O, J C Road, Bangalore -2.
2. Disciplinary Authority of Deputy General manager, DA Cell, Canara Bank, C O, No. 86, M G road, Bangalore – 1.
3. The Branch manager, Canara Bank, Hittanahalli Branch, Malvalli Taluk, Mandya District.

CR No. 05/2013

I Party

Sh. H Devaraju,
s/o late Hanumaiah, C/o
Jayaramaiah, Doddahullikatta,
Jiliyalur, Kanchanalli Post,
Durga Hobli, Kunigal Taluk,
Taluk dist. TUMKUR DIST.

II Party

The General Manager (P),
Canara Bank,
Circle Office, Bangalore Metro,
No. 86, Spencer's Towers, M G Road,
BANGALORE – 560 001.

Appearances

I Party : **Sri G S Rajesh**
Advocate

II Party : **Sri P Udaya Shankar Rai**
Advocate

CR No. 05/2013

The Government of India, Ministry of Labour vide order No. L-12012/55/2012 IR(B-II) dated 01.02.2013 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the action of the management of Canara Bank circle Office, Bangalore, Karnataka represented by its deputy General manager, is justified in awarding the punishment of dismissal from service w.e.f. 13/08/2002 to Shri H. Devaraju sub Staff? What relief the said workman is entitled to?”

1. Initially a Petition is filed under Sec 2-A(2) of the Industrial Disputes (Amendment) Act, 2010 (for brevity ‘the Act’) by the 1st Party workman / former employee of the Canara Bank who was Dismissed from Service eventual to a Disciplinary Enquiry held by the II Party on the Charge of misconduct

2. The Petition was registered as ID NO. 07/2012 and the date of hearing was fixed as 13.09.2012. Notices were issued to both the parties. I Party appeared through his Counsel and II Party through their Counsel P Udaya Shankar Rai and filed their counter statement on 06.02.2013.

3. After filing of the Petition and Objection Statement in ID No. 07/2012, this Office has received Central Reference referred by the Central Government and the same is Registered as CR No. 05/2013 and notices were issued to both the parties to appear on 18.03.2013. On 01.07.2013 when the matter was called, Counsel for the I party filed a Memo that since the pleadings have been completed in ID no. 07/2012 and CR no. 05/2013 being identical in nature and as the same parties are involved, a common trial may be conducted and both matters be disposed off on merit by a common Award. The same was accepted and the matters were clubbed as per the proceeding dated 01.07.2013.

4. The I Party in his Petition filed in Industrial Dispute ID No. 07/2012 has pleaded that he was sponsored by the Employment Exchange, Mandya to work as Daily Wager or coolie with the II Party w.e.f. 17.12.1981 and later was absorbed as Probationary Peon on 28.04.1987; that he was deputed lastly as Peon at Hittanahalli Branch, Mandya; that two Gold loans bearing Account No. 58/1999 and 79/1999 were taken by Sri M A Shivashankar and Sri B V Nagaraju and they were kept in safe locker keys and the keys were in the custody of the Manager; that on 19.04.2001, the Manager who is the custodian of the keys has found that two gold loan packets were missing from the double key safe locker; the manager did not report the same to the Regional Office and they themselves have traced those missing articles at the Pawn Brokers M/s. Udaya Ranga Pawn Borkers as having been pledged through one H K Chandrahasa and One N Nanjunda between 19.04.2001 and 25.04.2001; the II Party conducted investigation and recorded the statement of the I Party and thereafter dismissed him from service keeping him under suspension on 13.08.2002; that he was victimized to the extent of losing the job and though he had appealed to hierarchy but he failed; that by wrongly representing himself as an Officer approached the Hon'ble High Court of Karnataka in WP No. 31405/2004 which came to be allowed and the II Party challenged the same in WA No. 4297/2009, the verdict in which went against him and the I Party preferred SLP no. 12206/2011 which came to be dismissed. As he suffered from injustice at the hands of the II Party in the Writ Jurisdiction without approaching this court at the first instance, he filed an Application for Conciliation before the Conciliation Officer and the II Party has raised a contention of res judicata pursuant to which the Conciliation ended up in failure and hence filed this Petition before this Tribunal requesting to call for records on the file of Assistant Labour Commissioner (C), Bangalore No. 7(1)2012-B3; to hold an enquiry and to make a finding that the investigation and the subsequent enquiry held by the II Party based on the confession statement of the I Party is not fair and proper; to direct the II Party to reinstate the I party with 50% back wages and consequential benefits and pass such other orders to meet the ends of justice.

5. The II Party in its Statement of Objection contended that the I Party himself had chosen to contest the matter before the Hon'ble High Court of Karnataka which involved the same issue, which ultimately reached the Hon'ble Supreme Court to attain finality; the punishment order imposed by the II Party is upheld by the highest Court of the Country and the present claim filed by the I party is badly hit by the principle of res judicata on the count of Doctrine of Election and requested this tribunal to take up the issue of maintainability of the dispute as preliminary issue before proceedings into trial; that the dispute raised by the I party is hit by delay and latches; that the I Party joined the services of the II Party on 29.07.1989 and was confirmed on 29.01.1990; that he was suspended from the service of the II Party w.e.f. 12.05.2001 in connection with missing of two packets containing Gold Ornaments; that in the initial investigation he has admitted having unauthorisedly removed two packets of gold ornaments, the one under Gold Loan No. 58/1999 one Mr. M A Shivashankar containing one pair of Stone Bangles, One Jade bille (Big), Two Jade billies (Small) and one Paid Kaddi Bangles and Gold Loan No. 79/1999 of Mr. B V Nagaraju containing One three rows coffee beeja chain and pledged those jewels with the Pawn Brokers M/s. Udayaranga Pawn Brokers, Malavalli and with Sri Venkatagowda at Hanchipura Village; though explanation was called for he failed to submit reply even after having acknowledged the receipt of the letter dated 09.05.2001 and since the above act amounts to gross misconduct within the meaning of Chapter XI Regulation 3, clause (m) of Canara Bank Service Code, a departmental enquiry was conducted by the II Party by appointing Enquiry Officer and Presenting Officer. During the enquiry the I party admitted the charges unconditionally at the preliminary stage itself. When opportunity was offered to him by the Enquiry Officer to defend himself or by availing the facility of Defence Representative, he again went on admitting the charge on his part and requested the Enquiry Officer to dispense with the Enquiry. In the sitting held on 11.03.2002 the documents placed in evidence by the II Party were recorded with the consent of the I Party and at the stage when he was asked to make his say in the matter, again he confirmed that he is admitting the guilt and allowed MEx-15, the statement given by him before the Investigating Officer to be accepted in evidence and requested for dispensing with the enquiry and submitted that he had to incur a lot of expenditure for treatment of his wife and was hard pressed for money to meet her medical expenses. Based on the admission of the I Party and the material evidence on record, the Enquiry Officer held the 1st Party as guilty of the Charges leveled against him in his report dated 13.03.2002 and the Disciplinary Authority ordered punishment of Dismissal from Service and the said order is upheld by the Appellate Authority; the contention raised by the I Party that there was no corroboration of Charges and only on the basis of the confession statement, the charges were held as proved is paradoxical and that the punishment order does not call for any interference and that the punishment imposed is commensurate to the gravity of the misconduct committed by the I Party and for the reasons prayed rejection of the Petition filed by the I party.

6. In CR No. 05/2013 no separate Claim Statement is filed by the I Party. Conversely also no counter had to be submitted by the II Party.

7. Based on the rival contentions raised by both the parties this court framed the following issues for trail in ID No. 07/2012 :

1. **“Whether the Domestic Enquiry conducted against the Applicant is fair and proper?**
2. **“Whether the dispute is barred by principle of res judicata as contended by the Respondent?**
3. **Whether the Application is liable for rejection by delay as contended by the Respondent?**
4. **Whether the Applicant proves that the finding of the Enquiry Officer is perverse?**
5. **Whether the Applicant proves that he has been victimized and being not gainfully employed after his dismissal?**
6. **What order / award ?**

From the above, Issues No. 1 and 2 were ordered to heard as preliminary issues as per the proceedings of this Tribunal dated 04.12.2013.

8. Accordingly, the II Party has adduced evidence by examining MW 1 and by getting Ex M-1 to M-5 marked on its side.

9. The I Party workman has adduced rebuttal evidence by getting himself as examined as WW 1 and got Ex W-1 to Ex W-3 marked on his side.

10. Heard the arguments advanced in detail by both sides.

11. **Preliminary Issues No. 1 and 2 :** The main argument advanced by the II Party that the issue raised in the given case has already been heard and decided by the Hon’ble High Court of Karnataka, Bangalore in WA No. 4297/2009 (S-DIS) as per order dated 24.08.2010 (Ex M-4) by quashing the order passed by the Hon’ble High Court of Karnataka in WP No. 31405/2004 (S-DIS) as per judgement dated 25.08.2009 (Ex M-2).

12. Ex M-1 is the copy of the Writ Petition filed by the I party herein challenging Ex M-12 Order of Dismissal imposed by the Disciplinary Authority dated 13.08.2002 on the I Party pursuant to Ex M-11 finding of the Enquiry Officer dated 13.03.2002 and also Ex M-13, the Order of Dismissal of his Appeal by the Appellate Authority dated 24.12.2003. The I Party was put under suspension as per the proceedings of the II Party dated 12.05.2001 and was furnished with a charge sheet Ex M-6 by the II Party management alleging that while he was working as sub-staff at Hittanahalli Branch of the II Party from 29.07.1989 till the date of his suspension i.e., 12.05.2001, he has illegally / unauthoriseldy removed two packets containing Gold Loan Packets found missing One Pair of stone Bangles, One Jade Bille (Big), Two Jade Billes (Small) and one pair of Kaddi Bangles, pledged by one Mr. M A Shivashankar under Gold Loan No. 58/1999 and another packet containing one three rose coffee beeja chain from the branch pertaining to pledged by Mr. B V Nagaraju under Gold Loan No. 79/1999. It is equally alleged that he has pledged the stolen items viz., One Stone Bangle, One Big Jade Bille and Two Small Jade Bille with M/s. Udayaranga Pawn Brokers, Malavalli for Rs. 25,000.00 and One three rose chain, one pair of Kaddi Bangles and one Stone Bangle with Sri Venkate Gowda for Rs. 25,000.00.

13. In the enquiry held by the Enquiry Officer R Guruprasad, Manager, Bedadi Branch, the I Party has admitted having unauthorisedly removed the above items from the Branch covered under the afore mentioned Gold Loans and also admitted having taken the staff members of the II Party Bank Hittanahalli Branch to Malavahalli and in retrieving the Gold Ornaments pledged to the Pawn Brokers to M Nagaraju after conducting detailed enquiry in respect of the charge put forth by the management through Sri G S Ravi Sudhakar, Officer, Canara Bank as the Presenting Officer. During the enquiry the I Party has admitted the Charges in the Proceedings held on 11.03.2002 (Ex M-10) when the charge was read over to him. He also stated that he committed the mistake cited in the charge sheet purely because of the ill health of himself and his family and to meet the medical expenses. In the enquiry, the Enquiry Officer has marked Exhibits MEx-1 to MEx-20 submitted by the II Party. Though opportunity was given, the I Party did not take the assistance of a Defence Representative or Co-employee and instead relinquished the same which is recorded in the proceedings dated 15.02.2002. Based on the inputs made available in the Enquiry, the Enquiry officer has drawn his findings under Ex M-11 dated 13.03.2002 holding the charges as proved which amounts to gross misconduct within the meaning of Chapter XI Regulation 3 clause (m), (j) of Canara Bank Service Code and also acted without honesty and integrity and thereby contravened Regulation 2(A) (i) of Chapter XI of Canara Bank Service Code. It is equally held that the above action of the I Party being prejudicial to the interest of the Bank he has also committed gross misconduct within the Chapter XI Regulation 3 Clause (m) of Canara Bank Service Code.

14. Based on Ex M-11 report of the Enquiry Officer, the Disciplinary Authority, the Deputy General Manager issued the proposed punishment and called upon the I Party for a personal hearing. In consideration of the finding of the Enquiry Officer, analyzing the relevant records and circumstances of the case and also the submissions made by

the I Party during the personal hearing, a punishment of dismissal was imposed by the disciplinary authority on the I Party as per Ex M-12 Order dated 13.08.2002.

15. The I Party preferred an Appeal before the Appellate Authority challenging Ex M-12 order. After conducting a personal hearing of the I Party on 12.12.2003, the Appellate Authority has passed Ex M-13 order dated 24.12.2003 Dismissing the Appeal, confirming the punishment imposed by the Disciplinary Authority.

16. The I party then directly approached the Hon'ble High Court of Karnataka, Bangalore, by filing Ex M-1 WP No. 31405/2004. The Respondents /Canara Bank in the Writ Petition adopted strong contentions in Ex M-3 Statement of Objection. The Hon'ble High Court as per Annexure-M2 order dated 25.08.2009 allowed the Writ Petition in his favour. The said order was challenged by the II Party Canara Bank before the Hon'ble High Court of Karnataka, Bengaluru, by filing WA No. 4297/2009 (S--DIS). As per the order dated 24.08.2010, the Hon'ble High Court allowed the Writ Appeal setting aside the Order passed in WP No. 31405/2004 and upheld conducted by the Enquiry Officer which led to the punishment of dismissal from service on the Respondent and also accepted the aforesaid punishment imposed by the Disciplinary Authority and upheld by the Appellate Authority.

17. Challenging the Judgement in the Writ Appeal, the I Party has preferred as Special Leave to Appeal (Civil) CC No. 12206/2011 before the Hon'ble Supreme Court. As per annexure Ex M-5 order dated 01.08.2011 the Special Leave Petition was dismissed by the Hon'ble Apex Court after condoning the delay. Thus, the finding of the Enquiry Officer which lead to the punishment of dismissal of the I Party from the Service under the II Party which stood confirmed by the Hon'ble High Court of Karnataka at Bangalore in WA No. 4297/2009 became final and conclusive as per Ex M-5 Order of dismissal of the Special Leave Petition by the Hon'ble Apex Court.

18. However, thereafter the I Party approached the Conciliation Officer with a request for conciliation. On failure of the conciliation attempt the matter was reported to the Central Government by the Conciliation Officer whereon the case was referred to this Tribunal with the schedule afore quoted and Registered as CR No. 05/2013 before this Tribunal.

19. In the meanwhile, the I party has filed an Application U/s 2(a)(2) of Industrial Dispute Act which is numbered as ID No. 07/2012 challenging the whole actions initiated against him by the II Party and the Orders ensued there under.

20. The learned counsel for the II Party emphatically urged that the legality, validity and sanctity of the proceedings of the Domestic Enquiry and the eventual finding of the Enquiry Officer accepted by the Disciplinary Authority based on which punishment was imposed, further accepted by the Appellate Authority are all affirmed and upheld by the Hon'ble High Court of Karnataka in WA No. 4297/2009 (S-DIS) under Ex M-4 Order and the same having been accepted and reaffirmed by the Hon'ble Apex Court under Ex M-5 order, the I party is factually and legally debarred from raising a further challenge upon the same by operation of the principle of res judicata envisaged under Section 11 of the Code of Civil Procedure and the Doctrine of Estoppel. In support of the argument, the learned Counsel for the II Party relied upon the ruling of the Hon'ble Apex Court in **RC Tiwari vs. MP State Co-operative Society (AIR 1997 SC 2652)**. There it is held that :

“admittedly, there is a finding recorded by the Dy. Registrar upholding the misconduct of the Petitioner. That constitutes resjudicata. No doubt, Section 11 CPC does not in term apply because it is not a court, but a tribunal, constituted under the Societies Act is given special jurisdiction. So, the principle laid down there under mutatis – mutandis squarely applies to the procedure provided under the Act. It operates as resjudicata. Thus we find that the High Court is well justified to that the labour court has no jurisdiction to decide the dispute once over and the reference itself is bad in law”.

The learned counsel equally relied upon the decision of the Hon'ble Supreme Court in **Eswar Dutt vs. Land Acquisition Collector and another (2005 AIR SCW 3578)** in which the following observation from **Swamy Atmananda and others vs. Sri Ramakrishna Tapovanam and others (JT 2005 (4) SC 472)** is quoted which reads :

“the object and purport of principle of res judicata as contained in Section 11 of Code Of Civil Procedure is to uphold the rule of conclusiveness of judgement. As to the points decided earlier of fact, or of law, or of fact and law, in every subsequent suit between the same parties. Once the matter which was the subject matter of list stood determined by a competent court, no party thereafter can be permitted to re-open it in a subsequent litigation. Such a rule was brought into the statute book with a view to bring the litigation to an end so that the otherside may not be put to harassment.

The Principle of res judicata that a judgement of a court of concurrent jurisdiction directly upon a point would create a bar as regards a plea, between the same parties in some other matter in another court, where the said plea seeks to raise afresh the very point that was determined in the earlier judgement.”

In **Gulab Chand Chotalal Parikh vs. State of Gujarat (AIR 1965 SC 1153)**, the constitution bench of the Hon'ble Apex Court held that the principles of res judicata is also applicable to subsequent suits where the same issues between the same parties had been decided in an earlier proceeding under Article 226 of the Constitution.

21. It is a settled principle of law that a decision by the Hon'ble High Court in Writ Petitions under Article 226 are subjected to res judicata and binding the parties in later litigation reinforcing Section 11 of the Code of Civil Procedure. In essence, a binding decision of Hon'ble High Court brings closure to that specific dispute fostering judicial efficiency and preventing endless litigation.

22. The Hon'ble Apex Court in **Pooja Ferro Alloys Pvt. Ltd vs. State of Goa c/w others (2025 INSC 217)** concurrently quoted the following principle from **Satyadhyan Ghosal vs. Deorajin Debi (1960 3 SCR 590)**

“The principle of res judicata is based on the need of giving a finality to judicial decisions. What it says is that once a res is judicata, it shall not be adjudged again. Primarily it applies as between past litigation and future litigation. When a matter — whether on a question of fact or a question of law — has been decided between two parties in one suit or proceeding and the decision is final, either because no appeal was taken to a higher court or because the appeal was dismissed, or no appeal lies, neither party will be allowed in a future suit or proceeding between the same parties to canvass the matter again. This principle of res judicata is embodied in relation to suits in Section 11 of the Code of Civil Procedure; but even where Section 11 does not apply, the principle of res judicata has been applied by courts for the purpose of achieving finality in litigation. The result of this is that the original court as well as any higher court must in any future litigation proceed on the basis that the previous decision was correct.

The principle of res judicata applies also as between two stages in the same litigation to this extent that a court, whether the trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-agitate the matter again at a subsequent stage of the same proceedings. ...”

In Pooja Ferro case supra, the Hon'ble Apex Court with reference to the verdict of the Hon'ble High Court of Kerala in **T P Moideen Koya vs. State of Kerala (2004 8 SCC 106)** held that the principle of res judicata applies even to the petitions arising for decision in the writ jurisdiction under Article 226 of the constitution.

23. The I Party relied upon the ruling of the Hon'ble High Court of Calcutta in **M/s. Supreme and Co. vs. Netaji Bhaduri and another in WP No. 13544/2002 with CAN 2334/2014** and also **Ms. Anita vs. The Presiding Officer, Labour Court, Ambala and another (CWP No. 21825/2016)** dated 13.05.2024. The first ruling M/s. Supreme cited supra is on the subject of an Award passed by the Industrial Tribunal, West Bengal. The said ruling directly is not of any help to the Appellant herein as, the question of res judicata under consideration herein is in view of the findings of the higher courts. In the second citation Ms. Anita Case supra ofcourse, the finding rendered by the Central Administrative Tribunal in a service matter of an Employee is rendered as nullity holding that the issue is beyond the jurisdictional competence of the CAT, whereas in the given case the fairness of the Domestic Enquiry proceedings and the eventual punishment imposed by the Disciplinary Authority were directly put under challenge before the Hon'ble High Court of Karnataka invoking the provisions of Article 226 of the Constitution of India. Though initially succeeded in the Writ Petition, the case of the I Party was turned down by the successive verdicts in the Writ Appeal and the Special Leave Petition. Since the verdict passed by the Hon'ble High Court invoking Article 226 and 227 has a binding effect on the Principle of Res judicata, those verdicts are binding on the parties to the litigations, conclusively putting an end to the dispute raised and prohibiting a further re-agitation of the same issue. Therefore, I am of the considered view that the present industrial dispute raised by the I Party is barred by the Principle of res judicata. With this view, Preliminary Issue No. 2 is answered against the I Party.

24. **Preliminary Issue No. 1:** At the risk of repetition I say that a rowing enquiry has been done in the matter by the Hon'ble High Court of Karnataka in respect of the fairness and propriety of the Domestic Enquiry conducted by the II Party against the I Party and finding has also been drawn in Writ Appeal that **“on account of the three independent statements of confession made on three different occasions before three different authorities by the Respondent acknowledging his guilt having stolen the Gold Ornaments from the locker of the Bank, we are of the view that the learned single judge was not justified in setting aside the finding recorded by the Enquiry Officer and thereupon in setting aside the Order of punishment of Dismissal from Service inflicted on the Respondent”.**

25. The above finding is accepted, recognized and confirmed by the Hon'ble Apex Court by dismissing the Special Leave Petition under Ex M-5 order dated 01.08.2011. The factual scenario being so, the question whether the Domestic Enquiry conducted against the I Party was fair and proper cannot be reinvestigated as it has been finally concluded by the afore mentioned verdicts of the Hon'ble Higher and Superior Judicial Hierarchical Courts applying the principle of res judicata. With this view, this point is also answered against the I Party.

26. Since the issue raised by the I party in ID No. 07/2012 is hit by the Principle of Res judicata, no further points / issues are liable to be investigated and adjudicated by this tribunal. Accordingly, an Award is liable to be passed dismissing the ID No. 07/2012.

27. In CR No. 05/2013 also the very same point is emerging for determination. Since the I Party preferred to make all the effective submissions in ID No. 07/2012 maintaining CR No. 05/2013 to run simultaneously with ID No. 07/2012, CR No. 05/2013 is also liable to be rejected since the point of reference is barred by res judicata. Eventually an Award follows in CR No. 05/2013 also by rejecting the reference.

28. Hence, the following

AWARD

ID No. 07/2012 for the reasons aforesaid is Dismissed and CR No. 05/2013 stands Rejected.

Original Award will be kept in ID No. 07/2012 and copy of the same will be kept in CR No. 05/2013. Transmit.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 22.01.2026)

K P INDIRA, Presiding Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 160.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (48/2005) प्रकाशित करती है।

[सं. एल-12011/120/2005-आई आर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 48/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra and their workmen.

[No. L-12011/120/2005- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

PRESENT : **Smt. K P INDIRA**

Presiding Officer

CR No. 48 / 2005

I Party

The Secretary,
Bank of Maharashtra Employees Union,
No. 102, Near Tele Solution House,
Gandhi Bazar,
Bangalore 560 004

II Party

The Regional Manager,
Bank of Maharashtra,
15, Police Station Road,
Basavanagudi,
Bangalore – 560 064

Appearance

Advocate for I Party : Sri Shivananda D S

Advocate for II Party : Sri Ramesh Upadhyaya

AWARD

1. The Central Government vide Order No. L-12011/120/2005 (IR (B-II)) dated 11.11.2005 in exercise of the powers conferred by Sub-Section (1) read with Sub-Section 2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication:

“Whether the action of the management of Bank of Maharashtra in awarding the punishment of reduction in scale of pay by two stages with cumulative effect on Shri Munikrishnappa, General Clerk, Bank of Maharashtra, Gandhi Nagar Branch, Bangalore, is fair and justified? If not, to what relief he is entitled to?”

2. The above matter has been remanded by the Hon'ble High Court of Karnataka, Bangalore as per order in WP no. 7854 / 2012 (L-RES) dated 08.02.2022 setting aside the order passed by my learned predecessor dated 05.10.2011 and directing to pass order on preliminary issue based on the available evidence which is already on record and adjudicate the dispute and to dispose of the main reference.

3. In obedience to the direction of the Hon'ble High Court, the preliminary issue was considered afresh, hearing the detailed arguments advanced from both sides. As per the order dated 17.02.2025, the preliminary issue is answered in affirmative holding that the Domestic Enquiry conducted by the II Party against the I Party is fair and proper, keeping open all the vital aspects pointed out by the I Party allegedly invalidating the action taken by the II Party against him to be considered on merit.

4. The case put forth by the I Party in his claim statement in brief is as follows:

While the I Party was working as clerk in the Malleshwaram branch of the II Party Bank, on 23.09.2003, a charge sheet was issued by the Dy. General Manager, Regional Officer Bangalore making some false and baseless allegations against him. The Charges levelled against the I Party are that he had availed Leave Fair Concession (herein after referred to as LFC) from 11.04.1998 to 26.04.1998 for which he has availed an advance of Rs. 15000/- from the said branch and had submitted LFC bill dated 05.05.1998 through F-150 for Rs. 25000/- along with a final receipt – cum certificate of journey dated 07.04.1998 issued by one Sri Durga Travels showing that he had travelled by bus no. KA-02-N-8585 to various places. The I Party on 04.06.1998 has requested for additional advance of Rs. 2000/-. The Travel agency is reported to be a recognized by KSTD and the I Party has produced one more receipt stating it to be the official receipt cum certificate of journey from the same travel agency showing bus no. AP – 03 / T – 0783 which differs in its contents from the certificate of journey submitted earlier. Vehicle bearing registration no. KA-02-N-8585 is actually a Maruthi van owned by one Srinivasa Murthy of Vijayanagara, Bangalore and not of a bus run by Sri Durga Travels. The management got it confirmed through the owner of the said Maruthi van that he had not rented out his vehicle. The claim of the I Party was found to be a bogus one. On the assumption of a prima facie misappropriation of the Bank fund, the Disciplinary Authority issued a charge sheet to the I Party dated 23.09.2003 alleging production of false bills / documents for getting the LFC bills sanctioned prejudicial to the interest of the Bank which amounts to misconduct under Clause 19.5 (j) of the Bipartite Settlement applicable to the employee of the bank. Thus, the II Party ordered Departmental Enquiry against the I Party by appointing an Enquiry Officer and Presenting Officer. Based on the finding of the Enquiry Officer dated 03.03.2004, the Disciplinary Authority imposed a punishment of reduction of scale of pay by two stages with cumulative effect on the I Party for the proved charge of gross misconduct under clause 19.5 (j) of the Bipartite settlement. The challenge raised by the I party against the order of the Disciplinary Authority was rejected by the Appellate Authority as per its order dated 03.11.2004, confirming the order of the Disciplinary Authority. The I Party has availed the LFC facility and travelled and produced the bill in the year 1998. However, the charge sheet has been issued in September 2003 after a lapse of 5 years. Delay in issuance of charge sheet is fatal to the enquiry. The finding of the Enquiry Officer that the charges are proved is totally unsustainable. The Disciplinary Authority mechanically accepted the finding of the Enquiry Officer and imposed the penalty, which is harsh, excessive and highly disproportionate to the misconduct alleged and discriminatory in nature compared to the way the management has dealt with other persons who committed similar misconduct and who have been issued with similar charge sheet. The II Party has imposed dual punishment by recovering a sum of Rs. 19000/- with 10.75% of interest from his salary and again by imposing the impugned punishment by reducing salary by 2 stages with cumulative effect. By the punishment imposed the I Party is to lose around Rs. 2500/- per month throughout his service which is totally unsustainable.

The I Party then raised an Industrial Dispute through Union before the Conciliation Officer under the ID Act. Based on the report of failure submitted by the Conciliation Officer, the Central Government referred the matter to this Tribunal with the Schedule aforementioned. Hence, this claim statement by the I Party seeking to set aside the above order passed by the II Party management dated 26.03.2004 and to direct the II Party to restore increment retrospectively from the date of its imposition and to grant all monetary benefits arising thereon with arrears.

5. The II Party in its written statement per contra contended that the towards the Leave Fair Concession applied for by the I Party, Rs 19000/- was released to him in advance subject to production of bills showing bills for having spent the said amount. On verification of the receipt produced by the I Party of a travel agent showing travel by bus with the RTO, it was revealed that the vehicle number mentioned in the bill is of a Maruti car and not of a bus. As the owner of the said Maruti car informed that he has never given his vehicle to any agency and same being put under his

personal use alone, the I Party was asked to produce the bill / receipts of his lodging at the places where he claimed to have travelled. That also the I Party failed to produce despite repeated direction by the Management. The issuance of charge sheet and conduct of Domestic Enquiry were then ensued and the I party was punished by the Disciplinary Authority by reducing his scale of pay by 2 stages with cumulative effect. The said punishment is in accordance with the gravity of misconduct committed by him and not by way of any victimization or unfair labour practice. Recovery of Rs. 19000/- paid as advance with 10.75% interest is an administrative order for the amount falsely claimed and availed and not by way of punishment. Actually the punishment imposed after the Domestic Enquiry is for committing such misconduct of claiming false LFC. The II Party thus sought for rejecting the reference.

6. From the above rival pleadings, the points arising for determination are:

- a) **Issue no. 01:** Whether the I Party is able to demonstrate the finding of the Enquiry Officer as baseless or perverse necessitating interference by this Tribunal?
- b) **Issue no. 2:** If not, whether the punishment of reduction in scale of pay by two stages with cumulative effect imposed by the Disciplinary Authority and upheld by the appellate authority is disproportionate to the misconduct proved against the I Party?
- c) **Issue no. 3:** What is the award to be passed?

7. **Issue no. 1:** Indisputably, the I Party while working as clerk in the II Party Bank at its Malleshwaram branch applied for LFC claiming Rs. 25,000/- and availed a sum of Rs. 19,000/- as advance. Payment of advance was subject to production of bills showing expenditure of money. It is seen that along with the LFC bills dated 05.05.1998, the I Party has produced a receipt marked as Ex M4 during the domestic enquiry dated 07.04.1998 issued by one Sri Durga Travels showing a total amount of Rs. 25,000/- having been received from the I Party for having travelled 6000 km journey from Bangalore to Mantralaya, Hyderabad, Tirupati, Madras, Pondicherry, Kodaikanal, Ooty, Mysore, Dharamsthala, Gokarna etc. from 07.04.1998 to 26.04.1998 using vehicle no. KA-02 N 8585. It is the case of the II Party that when probed based on the said receipt, it stood revealed that aforementioned vehicle no. KA-02 N 8585 is a Maruti van owned by one Sh. Srinivasa Murthi, Vijayanagar, Bangalore, whereas according to the I Party he undertook the tourage in a bus arranged by M/s Sri Durga Travels bearing aforesaid registration number. Aforementioned Sh. Srinivasa Murthi, Vijayanagar, on interrogation has denied and disowned having allowed his car on rental basis during the period in question. To buttress its case, II party has relied upon Ex M-6 (Enquiry document), the register extract issued by the Regional Transport Officer, Rajajinagar Bangalore (West) showing the date of registration of vehicle no. KA 02 N 8585 as 15.11.1995 with the name of the owner as Mr. Ravi Kumar V and transfer of ownership to Sh. G V Srinivasa Murthi w.e.f. 20.04.1995. As per the norms of a LFC application cum sanction, the employee was not permitted to travel by private taxi, the II Party contended. It is further seen from the records that one more receipt stated to be final receipt - cum - certificate of journey from the very same travel agency dated 07.04.1998 marked as Ex M-5/1 during the enquiry was also produced by the I Party showing vehicle no. AP 03 / T – 0783 reiterating the very same places of tourage, very same distance of 6000 km at an expense of Rs. 25,000/-. Receipt number shown in Ex M5/1 is 1488 whereas the one shown in Ex M4 is 1897. Similarly Ex M5/1 shows special permit no. 904/A398 whereas no such number is seen mentioned in Ex M4. Instead what is seen written against special permit number in Ex M4 is (FULL CAR). The Regional Transport Authority of Bangalore Division Office is shown as the issuing authority in document Ex M4 while Regional Transport Authority Chittoor (AP) is mentioned as the issuing authority in document Ex M5/1. Curiously, vehicle number as well as the name of the issuing authority are seen written in Ex M5/1 after erasing the original writing using whitener. On reading the erased portion using a magnifying lens, it is clearly seen that the vehicle number is re-written as AP 03 / T – 0783 after erasing the original writing “KA 02 N 8585” and the name of the issuing authority is rewritten as **ITA Chittoor AP** by erasing original writing “Bangalore Division Office”. The aforementioned erasure or overwriting are not authenticated by the authority concerned. So it is clear that document Ex M5/1 pertaining to vehicle no. AP 03 T 0783 is a manipulated document materially altering a duplicate of Ex M4. Being the person responsible for production of this materially altered / fabricated document before the employer, the I Party was necessarily made liable to face the departmental enquiry.

8. On a perusal of the enquiry report submitted by the Enquiry Officer, it is clear that he has examined each and every aspect with precision, significantly taking note of each minute aspect came across during the enquiry proceeding with reference to the documents made available by the management and the I Party CSE and the oral narration of the management witnesses.

9. While analysing the photograph of the tourage furnished by the I Party, the Enquiry Officer very pertinently noted that though all the members of the family including wife, children and mother of the I Party are shown as the persons accompanying in the tourage, the photographs do not reveal the co-passengers. As rightly observed by the Enquiry Officer, this is the crucial aspect when judged in the shady and suspicious scenario relating to the manipulations regarding the vehicles allegedly used for undertaking the journey. The evidence of the witness examined from the side of the management to prove the documents is closely analysed and scrutinized by the Enquiry Officer in his enquiry report. The Domestic Enquiry records would indicate that the I Party himself raised an argument before the Enquiry Officer that he was not in the know-how that M/s Durga Travels had no proper permit as

authorized travel agent. Having taken the task of producing Ex M4 and M5 series to his employer under the hand and seal of Sri Durga Travels to assert that he has undertaken tourage through the said travel, it is quite anomalous for him to urge that the said travel agency is not an authorized travel agent. As a responsible employee, he should be aware of the fact that travel documents from travel agencies through whom the tour program was undertaken is a very essential and genuine document to be produced before the authority to claim Leave Fare Concession (LFC). The material alteration in Ex M 5/1 referred to above being so glaring, apparent and patent, not at all authenticated or duly certified, the I Party cannot be heard much on making his own justifications about his alleged tourage. On a close analysis of the evidence tendered by the I Party, I do not find any valid or genuine grounds explaining the dubious circumstances emerged in the vehicle receipts referred to above.

10. The I Party has emphatically blamed the II Party for the non-examination of Sh. L T Vijayaendra, the then Manager, Bank of Maharashtra, who conducted initial investigation in the matter and submitted Ex M 7/1 report dated 15.09.1998 to the Branch Manager, Bank of Maharashtra. Of course, the said Manager is not seen examined during the domestic enquiry. What he has brought out in his report Ex M 7/1 is that :-

- (1) Vehicle no. KA 02 – N 8585 is a Maruti Zen car registered for private use only;
- (2) The owner had denied having allowed the said car for public conducted tours and;
- (3) M/s Durga Travel - travel agency is not engaging private vehicles to conduct public tours.

11. Actually, the II Party has brought in evidence Ex M 17, the copy of a letter sent by the Branch Manager dated 14.09.1998 to aforementioned Sh. G V Srinivasa Murthi, Vijayanagar Bangalore, seeking confirmation with particulars whether his vehicle bearing no. KA 02 – N 8585 was let out for travelling purpose from 07.04.1998 to 28.04.1998 for LTC purpose to M/s Durga Travels, Bangalore. Ex M-18 is the reply given by Sh. G V Srinivasa Murthi that the aforesaid vehicle (Maruti car) is for his private cum personal use and he has not let it to any travel agency for conducting any public tours at any time. Since the owner himself has declared the fact that the vehicle aforementioned is a private car and the same has not been let to any travel agency for conducting any public tour at any time, non-examination of Sh. L T Vijayaendra, the Manager in the domestic enquiry is not that crucial or significant, nor his examination caused any detriment to the action initiated by the management against the workman. The enquiry records would indicate that sufficient opportunity was given to the I Party to produce the RTO permit in respect of the vehicle said to have been used for undertaking the tour / journey and he did not produce the same at any point of time. MW1, the Manager, testified that he himself has visited the office of M/s Durga Travels for verification of the bills submitted by the I Party and he was informed by the employee of M/s Durga Travels that the persons employed during April-May 1998 have been discontinued and the records of that period are not available for reference or for confirmation. On a perusal of the enquiry records, I am convinced that all valid and essential piece of evidence has been let in by the II Party management in the domestic enquiry proceedings which strongly establish that the I Party has brought in fake and forged documents to claim LFC benefits and obtained a sum of Rs. 19,000/- by 3 occasions from the management. None of the counter arguments set forth by the I Party in this regard is capable of defeating the case of the II Party.

12. Another emphatic argument raised on behalf of the I Party is that the charge sheet has been issued to him by an incompetent person whereas it ought to have been issued by the Chief Manager and therefore the charge sheet is void and the enquiry conducted on such void charge sheet is liable to be set aside and no sanctity could be attached to such an enquiry. It is equally urged that the enquiry conducted being so, the punishment imposed on the I Party workman on such a charge sheet is liable to be set aside. Of course, Ex M 1/1 charge sheet dated 23.09.2003 is seen issued by the disciplinary authority and Dy. General Manager, Bangalore region. The contention raised by the I Party alleging incompetency on the authority who issued the charge sheet is vehemently opposed by the learned counsel for the II Party voicing that it is not all the more required that the authority competent to impose penalty itself must initiate disciplinary proceedings. In **P V Srinivasa Sastry and others vs. Comptroller & Auditor General and others (AIR 1993 SC 1321)**, the Hon'ble Apex Court held that "In absence of a Rule, any superior authority who can be held to be the controlling authority, can initiate such proceeding." On a later occasion in **Inspector General of Police and another vs. Thavasiappan (AIR 1996 SC 1318)** also, the Hon'ble Apex Court held that in the absence of any specific rule, the initiation of proceedings by an authority higher in rank to the delinquent is not vitiated and it is not necessary always that the departmental proceeding is to be initiated only by the appointing authority.

13. The Hon'ble Apex Court in **Steel Authority of India and another vs. Dr Diwakar and others (AIR 1998 SC 2210)** concurred and quoted the following from **Director General, ESI & Anr vs T. Abdul Razak (1996 SCC (4) 708)** which reads :-

"it is not necessary that the authority competent to impose the penalty must initiate the disciplinary proceedings and that the proceedings can be initiated by any superior authority who can be held to be the controlling authority who may be an officer subordinate to the appointing authority."

14. Following the above afore cited rulings of the Hon'ble Apex Court, the Hon'ble High Court of Madras in **Superintending Engineer, Madurai vs. Presiding Officer, Labour Court (WP 10097 of 1995 dated 01.03.2002)** held that :-

“It is obvious that such a proceedings could have been initiated by the Controlling Authority even though he is not the appointing authority.”

15. In view of this legal principle enunciated in the rulings cited supra, the contention raised and the argument advanced by the I Party challenging and questioning the competency of the Dy. General Manager who issued the charge sheet is absolutely untenable and unsustainable. Accordingly, no evil consequence should follow in respect of the action initiated by the Disciplinary Authority against the I Party.

16. Another fold of argument raised by the I Party is that the disciplinary action initiated by the II party stood unreasonably delayed and hence he could not get the requisite documents from the aforementioned travel agency to defend his case. Of course, the LFC application was submitted by him in the year 1998 for the block period 1998 to 2002 to avail the facility from 07.04.1998 till 26.04.1998. Eventual to the production of Ex M4 and M5/1, the so called final receipt cum certificates of journey which raised a lot of suspicion and anomalous features, the management went on making its own investigations and recurrently requested the I Party to produce RTO permit copy in respect of the vehicle which he allegedly used for his tour journey. Till 2002 the anomalous factors were not got clarified by the I party. Instead, as per Ex M-8 dated 12.02.2002 in response to the II Party's letter dated 29.01.2002 calling for explanation from him regarding the number of the bus in which he had travelled under LFC, he has stated to the II Party that the second bill (Ex M5/1) is submitted by him as the vehicle number in the earlier bill contained a typographical error. The resubmitted bill is nothing other than Ex M5/1 which obviously is a manipulated, fabricated and materially altered document as apparent on the face of it. Ex M5/2 cash receipt dated 07.04.1998 by Sri Durga Travels acknowledging Rs. 25000/- bears receipt no. 1488 which is quoted in Ex M5/1, the forged document. Ex M5/2 receipt also becomes a shady document since a different receipt number viz., 1897 is seen written in Ex M4 final receipt.

17. So the reply submitted by him in 2002 also did not reconcile the issue. Though he was specifically asked as early as on 14.05.1998 to produce 1) RTO Permit copy number, 2) Lodge bill as a proof of stay, 3) Stamp receipt for Rs. 25000/- and 4) Original receipt number 1897 mentioned in the bill (Ex M4), he did not comply with the direction at all. Again the II Party has continued correspondences with him in writing. Instead of adhering to the direction, he preferred to send letter dated 04.06.1998 Ex M-11 demanding an additional advance of Rs. 2000/- to meet an urgent need to pay off the Karnataka Electricity Bill amount, assuring that he would submit RTO and LFC bill certificate on the next day. Honouring the urgent need expressed by him, the II Party management has sanctioned an additional advance of Rs. 2000/-, thereby making the total advance so far disbursed as Rs. 17000/-. All the continued communications issued by the II Party to him requiring production of the crucial documents did meet with no positive response from him. However, an additional advance of Rs. 2000/- was sanctioned by the II Party during April 2001, making the total LFC advance disbursed to the I Party as Rs. 19000/-. As per the letter dated 18.07.2001, the Assistant General Manager, Bangalore region has addressed the Branch Manager of the II Party bank to reject the LFC bill for the discrepancies between Ex M4 and M5 bills submitted by the I Party rendering the identity of the vehicle absolutely vague and suspicious and to recover the entire advance disbursed under LFC scheme to the I Party. The said matter was informed by the Branch Manager to the I Party as per Ex M21 letter dated 25.07.2001 requiring him to pay back the advance with interest immediately. In response to the above intimation, the I Party sent Ex M22 letter dated 05.08.2001 requesting to give Xerox copies of the LFC bills submitted by him in April 1998. Since the captioned bills were sent to the regional office by way of endorsement in Ex M22, the Branch Manager made a request to the regional office to make the copies available to the delinquent staff. Conversely on getting Xerox copies of the LFC bills, the I Party under Ex M-23 letter dated 09.10.2001 informed the Branch Manager that the bill submitted by him are genuine and the same should be reimbursed immediately. This fact was in turn intimated to the Assistant General Manager by the Branch Manager as per Ex M24 letter dated 12.10.2001. Then on 24.01.2002 as per Ex M 25/1 notice, explanation was called for from the I Party by the Assistant General Manager specifically narrating the discrepancies in the bills on its preliminary appraisal that he has committed misconducts relating to availing of LFC facility. The II Party management has waited for a considerable time for his explanation. As there was no reply from him, ultimately the II Party has initiated the disciplinary proceedings against the I Party by appointing the Enquiry Officer and the Presenting Officer.

18. Reckoning the umpteen number of communications / intimations sent by the II party to the I party successively in sequence calling upon him to produce necessary documents to sanction the LFC bill and the assurance made by him to adhere to the direction and the negation / refusal of the I Party thenceforth, I do not find any wilfull or deliberate delay on the part of the II Party management to initiate the proceedings.

19. The contention of the I Party that due to the delay he could not collect necessary evidence to support his defence from the travel agency is absolutely untenable and unsustainable for the very reason that ample opportunities were accorded to him to produce relevant documents from the concerned and he simply negated or rather ignored it. Instead all along he has been commanding the management to sanction his LFC bills for the rest of the amount claimed. Had he been so vigilant to collect valid evidence from the travel agency and the Regional Transport Authorities, he could have certainly done it at a very early point of time when the II Party has expressed unfaith and severe suspicion in respect of the documents Ex M4 and M5/1 and M5/2 produced by him. Apart, no attempt has been made by him to put in an application before the Enquiry Officer to summon the authority concerned of Sri Durga

Travels to speak on the aforementioned receipts. So there is nothing on record to show that Sri Durga Travels stood closed by the time the enquiry was initiated as urged by the I Party.

20. All these would indicate that the I Party has been well aware of the foul play made in the transaction and he could not improvise his case anymore. The principles of natural justice are not successfully shown to have been violated in initiating the disciplinary proceeding against the I Party. The factual matrix being so, the legal principles in the rulings in **Abdulla A. Latif Shah vs. Bombay Port Trust and Others (1992 (1) LLJ 226)** and **R K Gupta vs. Coal India LTD and others (1993 (1) LLJ 931)** relied upon by the I Party are not of any help to him. In the second ruling supra, the facts indicate that the purported charges are absolutely vague and so it is held that on vague allegation of charges the petitioner cannot be proceeded against. In the first ruling cited supra also so many laches from the side of the employer in the conduct of the Domestic Enquiry were detected, which, along with a finding that the charge sheet is delayed and stale led to the conclusion that such a charge sheet cannot be proceeded with since the enquiry held on it suffers from breach of natural justice. No such event intervenes in the case on hand disqualifying the charge sheet issued to the I Party preceding enquiry. On all these counts, I do not find any force in the argument raised by the I Party that the enquiry is vitiated by reason of its delayed initiation.

21. In the finding of the Enquiry Officer on culmination of the domestic enquiry, the charge levelled against the I Party / delinquent officer that his action of producing the false bills / documents for getting the LFC bills sanctioned was held as proved under Ex M-4 report dated 08.03.2004, marked Ex M4 in evidence before this Tribunal. The Enquiry Officer has arrived at the above finding after a full-fledged enquiry and by deeply analysing the extensive oral and documentary evidence adduced by the management through the Presenting Officer. Though the I Party has availed the opportunity to tender rebuttal evidence by examining him as a defence witness, later he preferred to withdraw from adducing defence evidence. His voluntary relinquishment of the right of adducing rebuttal evidence from his side would lead to the solitary conclusion that he has got nothing to put on record against what is proved against him by the II Party in the enquiry. The proved act committed by the I Party by producing false and manipulated documents is absolutely unbecoming of a bank official. The purpose of producing the forged and fake documents Ex M4 and M5/1 before the bank is for getting the LFC bill sanctioned very immediately in respect of the rest of the amount he claimed. On facts as well as on law, the finding drawn by the Enquiry Officer is neither perverse nor biased, but simply based on the concrete materials and evidence brought on record by the II Party. Therefore, the finding rendered by the Enquiry Officer does not suffer from any infirmities nor does it stand vitiated by any illegalities. Hence, the contention raised by the I Party that the finding of the Enquiry Officer is perverse, biased and arbitrary assumes no force or acceptance. Ergo, the said finding does not warrant any interference from this Tribunal. With this view, issue no. 1 is answered against the I Party.

22. **Issue no. 2:** An argument is advanced by the learned counsel for the II Party with reference to the ruling of the Hon'ble High Court of Karnataka in **Bangalore Metropolitan Transport Corporation rep. by its Chief Law Officer, vs. BMTC and State Transport Naukarara Sangha (ILR 2011 Karnataka 2037)** that the Central Reference cannot be maintainable as this Tribunal gets jurisdiction u/s 11(A) of the ID Act only on dismissal or discharge of workman. In the given case, the punishment imposed by the disciplinary authority on the I Party is reduction in scale of pay by two stages with cumulative effect. As a matter of fact and as per law, an order reducing employees' pay scale can be challenged u/s 11(A) of the Act if the reduction is deemed as a disciplinary action. The commentary of Sec 11(A) assertively explain that the provision empowers labour courts, Tribunal and National Tribunals to "review and modify" disciplinary action including those resulting in pay reductions if they find the punishment to be disproportionate to the misconduct. Therefore, the I Party cannot be found fault with in approaching the Central Government seeking redressal of his grievance against the punishment imposed on him by the authority concerned by getting the matter referred to this Tribunal for adjudication. Therefore, this argument raised by the II Party cannot be accepted.

23. On facts, on receipt of finding from the Enquiry Officer, the Disciplinary Authority proposed a punishment and issued notice to the I Party calling for his explanation. After getting his explanation and evaluating the entire factual matrix, the Disciplinary Authority as per its order (Ex M6) dated 23.06.2004 imposed the punishment of reduction in scale of pay by two stages with cumulative effect. The authority also passed an administrative order on the very same date i.e., 23.06.2004 directing the I Party to make good the amount of Rs. 19,000/-, the amount availed by him in advance under LFC with simple interest @ 10.75% p.a. immediately.

24. Vehement argument is advanced on behalf of the I Party that by taking refund of Rs. 19000/- from him and by imposing reduction in scale of pay by 2 stages with cumulative effect, the II Party has imposed dual punishment on him which amounts to double jeopardy which is prohibited in law. As a matter of fact, refund of Rs. 19000/- availed by the I Party as LFC advance cannot be characterised as a punishment. Instead it is only a recovery of the money wrongly availed by him by producing unreliable and invalid documents as an advance towards LFC claim. By taking refund of it, the II Party has done only recouping of the money wrongly parted with to its credit. Actually, punishment imposed on him is the one by reducing scale of pay by 2 stages with cumulative effect and that punishment in no way is vitiated by any intervening events or circumstances.

25. On a close analysis of the entire facts and circumstances of the case, the impugned punishment imposed by the Disciplinary Authority under Ex M-6 dated 23.06.2004 and confirmed by the appellate authority under Ex M-7 order dated 03.11.2004 do not appear to be disproportionate, arbitrary or illegal. No harm is done to the job prospects of the I Party by the impugned punishment. A reduction in the pay scale though brings about a substantial loss to the I Party on the monetary side, such an administrative intervention stands duly warranted and justified in terms of the misconduct committed. Reasonableness and legality of the punishment imposed has to be adjudged not from the point of view of the monetary loss caused to the delinquent officer but on a wider sense of the act of illegality and immorality committed by him to the employer establishment. When viewed so, I am of the definite view that the punishment imposed is strictly commensurate with the gravity of the misconduct / misdeed committed by the employee I Party. Therefore, I conclude by answering this issue that the punishment imposed by the Disciplinary Authority under Ex M6 and confirmed by the Appellate Authority under Ex M7 is not disproportional, excessive, arbitrary or illegal. Accordingly, the relief sought by the I Party to set aside Ex M6 order awarding punishment of reduction of scale of pay by 2 stages with cumulative effect and to direct the II party management to restore the same retrospectively from the date of its imposition and to further direct the II Party to grant the workman all the monetary benefits along with arrears also do fail. Hence it is concluded that the case and claim put forth by the I Party is devoid of merit and bereft of bona fides and it is liable to be dismissed. With this view, this issue is also answered against the I Party.

26. **Issue no. 3:** From the above finding, the following Award is passed.

AWARD

The reference is rejected.

(Dictated to LDC, transcribed by him, corrected and signed by me on 19th January 2026)

Smt. K P INDIRA, Presiding Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोकिया सॉल्यूशंस एंड नेटवर्क्स इंडिया प्राइवेट लिमिटेड, मुंबई के प्रबंध निदेशक एवं सीईओ, वोडाफोन आइडिया लिमिटेड के प्रबंध निदेशक एवं सीईओ, डीएलएफ साइबर ग्रीन्स, गुरुग्राम और श्री संतोष कुमार सिंह कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, लखनऊ पंचाट (संदर्भ संख्या-09/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2026/03आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 161.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 09/2021) of the **Central Government Industrial Tribunal cum Labour Court Lucknow** as shown in the Annexure, in the Industrial dispute between the employers in **The Managing Director & CEO, Nokia Solutions and Networks India Private Limited, Mumbai, The Managing Director & CEO, Vodafone Idea Limited. DLF Cyber Greens, Gurugram and Shri Santosh Kumar Singh workman.**

[No. L-42025/07/2026/03-IR (DU)]

SALONI, Dy. Director

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 09/2021

Ref. No. K-10/1-17/2020-IR dated 18.01.2021

BETWEEN

Shri Santosh Kumar Singh (UP) (santosh.singh.nsn@gmail.com)

AND

1. The Managing Director & CEO, Nokia Solutions and Networks India Private Limited, Birla Centurian, 10th Floor, Plot No.794,B Wing, Pandurang Budhkar Marg, Worli, Mumbai-400030.
2. The Managing Director & CEO, Vodafone Idea Limited. DLF Cyber Greens, Tower A, 6th Floor, DLF Cyber City, DLF Phase II, Sector-24, Gurugram-122002.

AWARD

By order No. K-10/1-17/2020-IR dated 18.01.2021 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether Shri Santosh Kumar Singh, Bss Filed Engineer can be treated as workman? If so, whether the alleged termination of his services by the management of Nokia Solutions and Networks India Pvt. Ltd./ Vodafone Idea Limited is legal & justified? If not, to what relief the concerned workman is entitled to and from which date?”

Accordingly, an industrial dispute No. 09/2021 has been registered on 28.01.2021.

On 03.08.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25 (F), 25 (G) & 25 (H) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 05.02.2020.

On behalf of the respondent no. 2 statement of defense filed on 12.03.2023 and respondent no. 1 filed its written statement on 11.09.2023 in which preliminary objection also taken by the respondent.

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

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

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

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

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

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

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

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

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

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

Award as above.

Lucknow.

24th December, 2025

Justice ANIL KUMAR, Presiding Officer

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

नई दिल्ली, 11 फरवरी, 2026

का.आ. 162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोकिया सॉल्यूशंस एंड नेटवर्क्स इंडिया प्राइवेट लिमिटेड, मुंबई के प्रबंध निदेशक एवं सीईओ, वोडाफोन आइडिया लिमिटेड के प्रबंध निदेशक एवं सीईओ, डीएलएफ साइबर ग्रीन्स, गुरुग्राम और श्री संदीप कुमार गुप्ता कर्मचारी के माध्यम से कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय लखनऊ पंचाट(संदर्भ संख्या-10/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2026/02आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 162.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **10/2021**) of the **Central Government Industrial Tribunal cum Labour Court, Lucknow** as shown in the Annexure, in the Industrial dispute between the employers in **The Managing Director & CEO, Nokia Solutions and Networks India Private Limited, Mumbai, The Managing Director & CEO, Vodafone Idea Limited. DLF Cyber Greens, Gurugram and Shri Sandeep Kumar Gupta** workman.

[No. L-42025/07/2026/02-IR (DU)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 10/2021

Ref. No. K-10/1-7/2020-IR dated 18.01.2021

BETWEEN

1. Shri Sandeep Kumar Gupta (UP) (sachinsrilok@gmail.com)

AND

1. The Managing Director & CEO, Nokia Solutions and Networks India Private Limited, Birla Centurian, 10th Floor, Plot No.794,B Wing, Pandurang Budhkar Marg, Worli, Mumbai-400030.
2. The Managing Director & CEO, Vodafone Idea Limited. DLF Cyber Greens, Tower A, 6th Floor, DLF Cyber City, DLF Phase II, Sector-24, Gurugram-122002.

AWARD

By order No. K-10/1-7/2020-IR dated 18.01.2021 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“Whether Shri Sanfrp Kumar Gupta, Bss Flm Engineer can be treated as workman? If so, whether the alleged termination of his services by the management of Nokia Solutions and Networks India Pvt. Ltd./ Vodafone Idea Limited is legal & justified? If not, to what relief the concerned workman is entitled to and from which date?”

Accordingly, an industrial dispute No. 10/2021 has been registered on 28.01.2021.

On 06.08.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25 (F), 25 (G) & 25 (H) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 21.01.2020.

On behalf of the respondent no. 2 statement of defense filed on 12.03.2024 and respondent no. 1 filed its written statement on 11.10.2023 in which preliminary objection also taken by the respondent.

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

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

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

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

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

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

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

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

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

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

Award as above.

Lucknow.

24th December, 2025

Justice ANIL KUMAR, Presiding Officer

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

नई दिल्ली, 11 फरवरी, 2026

का.आ. 163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केंद्रीय विद्यालय संगठन, जोनल इंस्टीट्यूट ऑफ एजुकेशन एंड ट्रेनिंग, केंद्र शासित प्रदेश, चंडीगढ़, एनआईपीएस सर्विसेज प्राइवेट लिमिटेड, एससीओ केंद्र शासित प्रदेश, चंडीगढ़, एनआईपीएस सर्विसेज प्राइवेट लिमिटेड, द्वारका, नई दिल्ली और रूना देवी कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चंडीगढ़ पंचाट (संदर्भ संख्या-05/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2026/04आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 163.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 05/2019) of the **Central Government Industrial Tribunal cum Labour Court-I Chandigarh** as shown in the Annexure, in the Industrial dispute between the employers in M/s Kendriya Vidhyalaya Sangathan, Zonal Institute of Education and Training, Union Territory, Chandigarh, M/s. NIPS Services Private Limited, SCO Union Territory, Chandigarh, M/s. NIPS Services Private Limited, Dwarka, New Delhi and Runa Devi workman.

[No. L-42025/07/2026/04-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT-I, CHANDIGARH

Present : Mr. Kamal Kant, PO-cum-Link Officer

ID No.05/2019

Registered on – 10.04.2019

Runa Devi aged 40 years wife of Sh. Shivji Pal, resident of House no.971-A, Guru Nanak Colony, Sector 65-A, Jagatpura, District Mohali, Punjab.

..... Workman

Versus

1. M/s Kendriya Vidhyalaya Sangathan, Zonal Institute of Education and Training, Sector 33-C, Union Territory, Chandigarh, through its Director.
2. M/s. NIPS Services Private Limited, SCO No.50, Ground Floor (Back Side) Sector 47-C Union Territory, Chandigarh, through its Managing Director/Manager.

Head Office

M/s. NIPS Services Private Limited, C-64, Shri Chand Park, Matiala, Behind Sector-3, Dwarka, New Delhi-110059, through its Managing Director.

.....Respondents

Present:- Sh. M S Gors, AR for Workman
Sh. Harsh Aggarwal, AR for Respondent No.1.
None for Respondent No.2.

Award : 12.01.2026

1. Workman has filed the present application under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called as the Act) against her illegal termination claiming reinstatement with continuity of service, with full back wages and along with all consequential benefits.

2. In this case affidavit of workman was filed on 11.10.2023 and the case was adjourned for cross-examination of workman. However, the workman is not turning up for her cross-examination since 11.10.2023. The workman has been given sufficient opportunities for her cross-examination but in spite of the opportunities afforded to her, she is not turning up for her cross-examination, which shows that she is not interested in adjudication of the matter on merit. Moreover, AR for workman stated that the workman is not contacting him from the last two years.

3. Since the workman has not turned up for her cross-examination since 11.10.2023, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

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

KAMAL KANT, President Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मालिक, मैसर्स. श्री दत्ता ट्रेवल्स, मुंबई, महाराष्ट्र, मालिक, मैसर्स. न्यू वे ट्रेवल्स, मुंबई, महाराष्ट्र, कार्यकारी निदेशक एचआर, मैसर्स. राष्ट्रीय केमिकल एंड फर्टिलाइजर्स लिमिटेड, प्रियदर्शनी प्रशासनिक भवन, चेंबूर, मुंबई, महाराष्ट्र और उपाध्यक्ष, रायगढ़ श्रमिक एकता, रायगढ़, मुंबई, महाराष्ट्र, कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- 2 मुंबई, पंचाट (संदर्भ संख्या- (CGIT-2/16 of 2019)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/253/2018-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 164.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT-2/16 of 2019)) of the **Central Government Industrial Tribunal cum Labour Court-2, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in **The Proprietor, M/s. Shree Datta Travels, Mumbai, Maharashtra, The Proprietor, M/s. New Way Travels, Mumbai, Maharashtra, The Executive Director HR, M/s. Rashtriya Chemical & Fertilizers Ltd., Priyadarshini Administrative Building, Chembur, Mumbai, Maharashtra and The Vice President, Raigad Shramik Aekata, Raigad, Mumbai, Maharashtra** workman.

[No. L-42011/253/2018-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD PRESIDING OFFICER/LINK OFFICER

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/16 of 2019

EMPLOYERS IN RELATION TO THE MANAGEMENT

OF

First Party No. 1. M/s. Shree Datta Travels

The Proprietor,

M/s. Shree Datta Travels, A/54, Amar Vikas Mandal, Plot No.10,

Behind Municipal School, Sewri Cross Road, Wadala,
Mumbai 400 031. State: Maharashtra

2. M/s. New Way Travels

The Proprietor,
M/s. New Way Travels, Shop No.7,
Building No. 4/7,
Near Vidyamandir School, Tagore Nagar,
Vikhroli (E), Mumbai 400 083. State: Maharashtra

3. M/s. Rashtriya Chemical & Fertilizers Ltd.,

The Executive Director HR,
M/s. Rashtriya Chemical & Fertilizers Ltd., Priyadarshini Administrative Building, Chembur,
Mumbai 400 074. State: Maharashtra

**AND
THEIR WORKMEN.**

Party No.2 (Raigad Shramik Aekata)

The Vice President, Raigad Shramik Aekata C/o A.D. Patil,
H.No. 36,
At Post- Navade, Taluka- Panvel,
Distt. Raigad 410 208, State: (Raigad) Maharashtra

APPEARANCES:

Management No.1,2 & 3	:	No appearance.
Workmen	:	No appearance.

AWARD

(Delivered on 23-01-2026)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-42011/253/2018 - (IR(DU)) dated 12.02.2019. The terms of reference given in the schedule are as follows:

“Whether the demand of Raigad Shramik Aekata Sangh, Panvel, Distt Raigad, Maharashtra either for permanency of 24 drivers as per union’s letter dated 24.09.2017 employed through 1. M/s. New Way Travels & 2. M/s. Shree Datta Travels, Transport Contractors,

in the establishment of Principal Employer M/s. Rashtriya Chemical & Fertilizers Ltd. or its demand for similar pay structure and attendant benefits of the permanent drivers of the P.E. i.e. M/s. RCF Ltd. to the said contract Drivers under the dispute is just and proper? If so, what relief the workmen concerned are entitled to?”

Sl. No.

Workmen

- | | |
|---|-----------------------------|
| 1 | Mr. Vijay Sahebrao Mandave |
| 2 | Mr. Suresh Balraj Bhaipuri |
| 3 | Mr. Rohit Lalji Chauhan |
| 4 | Mr. Sanjay Raosaheb Gajghat |
| 5 | Mr. Mahesh Nana Patil |
| 6 | Mr. Chetan Ramesh Gaokar |
| 7 | Mr. Nagesh Vijay Waghmare |

- 8 Mr. Sachin Ranesh Garud
- 9 Mr. Sandeep Harishchandra Balshankar
- 10 Mr. Kishor Ratan Chauhan
- 11 Mr. Gorakhnath Balu Kumbhar
- 12 Mr. Sanju Surendra Singh
- 13 Mr. Neru Suresh Rathod
- 14 Mr. Sachin Shripal Dharpawar
- 15 Mr. Aatish Ananda Joshi
- 16 Mr. Gautam Shamrao Suman
- 17 Mr. Samadhan R Shinde
- 18 Mr. Siddhartha Sanjay Shinde
- 19 Mr. Balkrishna Baliram Talekar
- 20 Mr. Ashok Dilip Gaikwad
- 21 Mr. Mohammad Shahid
- 22 Mr. Pradeep Umar Parkar
- 23 Mr. Mangesh Ahire
- 24 Mr. Sandeep M Kamble

2. The case is called out today. Both parties are absent. From perusal of record, it is apparent that, both parties are not responding and attending the Court since 30.07.2019 i.e., more than 6 years. No Statement of Claim has been filed by the petitioner/workmen till today. The respondents have also not filed their Written Statements up to now. It appears that, both parties are not interested to contest the case furthermore. No other evidence has been filed by the petitioner/workmen to prove their case. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The demand of Raigad Shramik Aekata Sangh, Panvel, Distt Raigad, Maharashtra either for permanency of 24 drivers as per union's letter dated 24.09.2017 employed through 1. M/s. New Way Travels & 2. M/s. Shree Datta Travels, Transport Contractors, in the establishment of Principal Employer M/s. Rashtriya Chemical & Fertilizers Ltd. or its demand for similar pay structure and attendant benefits of the permanent drivers of the P.E. i.e. M/s. RCF Ltd. to the said contract Drivers under the dispute is not just and proper. The concerned workmen are not entitled to any relief.

Date: 23-01-2026

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स कुशांग सिक्योरिटी एंड प्रोटेक्शन सर्विसेज, मुंबई, नेशनल इंस्टीट्यूट ऑफ इंडस्ट्रियल इंजीनियरिंग (एनआईटीआईई), निदेशक, एनआईटीआईई, विहार लेक, मुंबई और सचिव, मुंबई श्रमिक संघ, मुंबई कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- 2, मुंबई पंचाट (संदर्भ संख्या- (CGIT-2/28 of 2019)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/53/2019-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 165.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **(CGIT-2/28 of 2019)**) of the **Central Government Industrial Tribunal cum Labour Court-2, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in **M/s. Kushang Security & Protection Services, Mumbai, National Institute of Industrial Engineering (NITIE) The Director, NITIE, Vihar Lake, Mumbai** and **The Secretary, Mumbai Shramik Sangh, Mumbai** workman.

[No. L-42011/53/2019-IR (DU)]

SALONI, Dy. Director

ANNEXURE

**BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD PRESIDING
OFFICER/LINK OFFICER**

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/28 of 2019

EMPLOYERS IN RELATION TO THE MANAGEMENT

OF

Party No.1 **M/s. Kushang Security & Protection Services**
760, Ambikawadi, Saltpan Road,
Wadala (E), Mumbai 400037.
National Institute of Industrial Engineering (NITIE)
The Director, NITIE, Vihar Lake,
Po- NITIE,
Mumbai 400087.

AND

THEIR WORKMN.

Party No.2 **(Mumbai Shramik Sangh)**
The Secretary,
Mumbai Shramik Sangh, Sangharsh Quarry Road,
Bhandup (W),
Mumbai- 400 078.

APPEARANCES:

Management No.1		No appearance
Management No.2	:	Mr. N. G. Helekar
		Advocate
Workmen	:	No appearance.

AWARD

(Delivered on 18-12-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-42011/53/2019 (IR(DU) dated 02.05.2019. The terms of reference given in the schedule are as follows:

“Whether the action of the management of M/s. Kushang Security & Protection Services a contractor employed in the establishment of NITIE w.e.f. 01.06.2017 in terminating the services of Sh. 1. Alin V. Ayare, unskilled labour, 2. Sh. Deelip P. Kolekar, gardner & 3. Vinod R. Jadhav, House Keeping labourw.e.f. 01.11.2017 allegedly at the behest of P.E. (NITIE) who were employed in the establishment of NITIE allegedly for the last 5 to 12 years, irrespective of the contractor changed from time to time, is just and proper? If not, what relief the workmen concerned are entitled to?”

2. The case is called out today. Mr. Akhilesh Adhav holding brief of the learned counsel Mr. N. G. Helekar is present before the court on behalf of the respondent no.2. No one is present on behalf of the petitioner as well as respondent no.1 despite service of notices. From perusal of record, it is apparent that, the petitioner is not responding and attending the Court since 19.10.2023 long back Although, Statement of Claim has been filed by the petitioner but no other evidence has been filed by the petitioner to prove his case. One application dated 18.12.2025 has been moved by the respondent no.2 for dismissal of the case in the absence of the petitioner. The petitioner is not coming to the court since long back. It appears that, the petitioner is not interested to contest the case furthermore. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The action of the management of M/s. Kushang Security & Protection Services a contractor employed in the establishment of NITIE w.e.f. 01.06.2017 in terminating the services of Sh. 1. AlinV. Ayare, unskilled labour, 2. Sh. Deelip P. Kolekar, gardner & 3. Vinod R. Jadhav, House Keeping labour w.e.f. 01.11.2017 allegedly at the behest of P.E. (NITIE) who were employed in the establishment of NITIE allegedly for the last 5 to 1 years, irrespective of the contractor changed from time to time, is just and proper. The concerned workmen are not entitled to any relief.

Date: 18-12-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स कुशांग सिक्योरिटी एंड प्रोटेक्शन सर्विसेज, मुंबई, नेशनल इंस्टीट्यूट ऑफ इंडस्ट्रियल इंजीनियरिंग (एनआईटीआईई), निदेशक, एनआईटीआईई, विहार लेक, मुंबई और सचिव, मुंबई श्रमिक संघ, मुंबई कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- 2 मुंबई, पंचाट (संदर्भ संख्या- (CGIT-2/26 of 2019)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/54/2019-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 166.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT-2/26 of 2019) of the Central Government Industrial Tribunal cum Labour Court-2 Mumbai, as shown in the Annexure, in the Industrial dispute between the employers in M/s. Kushang Security & Protection Services, Mumbai, National Institute of Industrial Engineering (NITIE) The Director, NITIE, Vihar Lake, Mumbai and The Secretary Mumbai Shramik Sangh, Mumbai workman.

[No. L-42011/54/2019-IR (DU)]

SALONI, Dy. Director

ANNEXURE

BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD

PRESIDING OFFICER/LINK OFFICER

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/26 of 2019

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

Party No.1 M/s. Kushang Security & Protection Services

760, Ambikawadi,
Saltpan Road,
Wadala (E),
Mumbai 400037.

National Institute of Industrial Engineering (NITIE)

The Director,
NITIE, Vihar Lake,
Po- NITIE,
Mumbai 400087.

AND

THEIR WORKMEN.**Party No.2 (Mumbai Shramik Sangh)**

The Secretary,
Mumbai Shramik Sangh,
Sangharsh Quarry Road,
Bhandup (W),
Mumbai- 400 078.

APPEARANCES:

Management No.1		No appearance
Management No.2	:	Mr. N. G. Helekar Advocate
Workmen	:	No appearance.

AWARD

(Delivered on 18-12-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-42011/54/2019 (IR(DU) dated 02.05.2019. The terms of reference given in the schedule are as follows:

“Whether the action of the management of M/s. Kushang Security & Protection Services a contractor employed in the establishment of NITIE w.e.f. 01.06.2017 in terminating the services of Sh. 1. Laxman Gira, House Keeping worker, 2. Ashok P. Jadhav, House Keeping workers & 3. Ram B. Zugare, Plumber/helper w.e.f. 05.12.2017 who were employed in the establishment of NITIE allegedly for the last 5 to 13 years, irrespective of the contractor changed from time to time, at the behest of P.E. is just and proper? If not, what relief the workmen concerned are entitled to?”

2. The case is called out today. Mr. Akhilesh Adhav holding brief of the learned counsel Mr. N. G. Helekar is present before the court on behalf of the respondent no.2. No one is present on behalf of the petitioner as well as respondent no.1 despite service of notices. From perusal of record, it is apparent that, the petitioner is not responding and attending the Court since 19.10.2023 long back Although, Statement of Claim has been filed by the petitioner but no other evidence has been filed by the petitioner to prove his case. One application dated 18.12.2025 has been moved by the respondent no.2 for dismissal of the case in the absence of the petitioner. The petitioner is not coming to the court since long back. It appears that, the petitioner is not interested to contest the case furthermore. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The action of the management of M/s. Kushang Security & Protection Services a contractor employed in the establishment of NITIE w.e.f. 01.06.2017 in terminating the services of Sh. 1.

Laxman Gira, House Keeping worker, 2. Ashok P. Jadhav, House Keeping workers & 3. Ram B. Zugare, Plumber/ helper w.e.f. 05.12.2017 who were employed in the establishment of NITIE allegedly for the last 5 to 13 years, irrespective of the contractor changed from time to time, at the behest of P.E. is just and proper. The concerned workmen are not entitled to any relief.

Date: 18-12-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत के निर्यात निरीक्षण परिषद के निदेशक (सूचना एवं गुणवत्ता नियंत्रण) और मल्लिकार्जुन राव ,कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद पंचाट (संदर्भ संख्या-30/2009) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/9/2009-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 167.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2009) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in **The Director (I & QC), Export Inspection Counsel of India** and **Mallikarjuna Rao** workman.

[No. L-42012/9/2009-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 6th day of January 2026

INDUSTRIAL DISPUTE No. 30 OF 2009

Between:

A. Mallikarjuna Rao

..... Petitioner

AND

The Director (I & QC),

Export Inspection Counsel of India

And two others

.... Respondent

Appearances:

For the Petitioner : Sri K. Lakshman, Advocate

For the Respondent: Sri M. Kiran Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/9/2009- (IR (DU) dated 22nd May 2009 referred the following Industrial dispute under section 10(1)(d) of the I.D. Act, 1947, requiring this tribunal to decide the question.

SCHEDULE

“Whether the action of the management of Export Inspection Agency, in terminating the services of their workman Shri A. A. Mallikarjuna Rao with effect from 5th July 2008, is legal and justified? If not, what relief is the workman entitled to?”

2. After receipt of the reference, it was numbered as ID No.30 of 2009, and notices were issued to both the workman and management.

3. In response to the notice, Petitioner /workman filed the claim statement with the allegation that petitioner joined with the Respondent on March, 2002 at Bheemavaram office of the Respondent, and continuously worked with the respondent till 4th July 2008. Further, it is alleged that Respondent has terminated his services with effect from 5th July 2008, without assigning any reason, and without issuing any charge sheet, and without conducting any inquiry. Further, it is alleged that Respondent has terminated the services of the petitioner arbitrarily and illegally, in violation of the procedure laid down under section 25F of the Industrial Disputes Act. Further, Petitioner alleged that he requested the respondent to reinstate into the service, but all the efforts made by the petitioner became a futile exercise. Therefore, petitioner was left with no other option but to raise a dispute before the Assistant Labour Commissioner, Central, Vijayawada, who, in turn, conducted joint conciliation meeting with the Respondent. The conciliation officer could not arrive at an amicable settlement due to the non-cooperative and adamant attitude of the Respondent. Therefore, the Assistant Labour Commissioner sent the report to the Government of India, and which has been referred to the tribunal for adjudication.

4. Per contra, Respondent has filed counter, and therein, he has contended that the averment made in the claim petition by the petitioner are frivolous, unwarranted, and illegal, and against the law. Further, it is submitted that the claim statement is not maintainable as the Respondent is a Central Government department, statutory body under the Ministry of Commerce and Industry, Government of India, and as such, this tribunal has no jurisdiction to try this suit. Further, it is contended that the Respondent is a statutory body established under section 7 of the Export Quality Control and Inspection Act, 1963, and therefore, it is not covered within the definition of "industry" under the Act. Further, Respondent contend that the services of A. Mallikarjuna Rao was utilized by S.O. Bheemavaram for few hours a day on need basis, - part-time, intermittently, and wages were paid accordingly for the days he worked, and no appointment letter was issued as the services were of a casual nature on an intermittent basis. Further, it is contended that there was no work for him, and his services were discontinued by the S.O. Bheemavaram on 5th July 2008, as he was no longer required. Hence, the question of termination or issuing of any charge sheet or conducting an inquiry does not arise. Further, it is contended that Petitioner was not a regular employee of the Department. The question of his claiming scale of pay, overtime, PF, etc., does not arise. He was utilized on need-based work only, and the question of eliminating him from services does not arise. Further, it is contended that petitioner was never appointed to any regular post in the Respondent, Export Inspection Agency, Chennai sub-office, Bhimavaram, and his services were utilized on a need basis as and when work of an occasional and intermittent nature was available. Further, it is contended that the services of the petitioner were utilized for a few hours a day on a need basis intermittently, and wages were paid accordingly for the days he worked. He was not assigned the duties of Group D employees at any point in time, as there was other permanent employees to look after the regular work that is assigned to Group D employees. No appointment letter was ever issued, as the services were on an intermittent basis. Further, it is contended that petitioner worked on need-based work, fully knowing he has been paid wages as applicable to need-based work, and there was no contract between the petitioner and the Respondent that he would be regularized or paid wages as is being paid to regularly appointed Group D employees. Therefore, petitioner may not equate his need-based work with that of regular employees. Further, it is contended that as per Export Inspection Agency statutory recruitment rules, 1980, amended up to 31st December 1986, the post of Group D (peon) is filled with a candidate having an age between 18 to 25 years. Qualification: Middle school certificate and knowledge of reading English/Hindi. The candidates who meet the requirements are called for an employment exchange, or through newspaper advertisement. Such candidates are required to be considered by selection committee, which shall make recommendations to the appointing authority regarding appointment or otherwise. And petitioner has not come in that category. The petitioner neither applied for appointment nor was considered by the selection committee. Therefore, it is prayed that the petition is devoid of merit and liable to be dismissed with costs.

In support of the averments made in the claim statement, the petitioner has examined witness WW1 and also filed the documents, Exhibit W1 to W9. On the other hand, the Respondent has filed the documents in support of contention the copies of statement of payment of part-time casual labor engagement for the years 2005 to 2006, 2007, and 2008.

In view of the submissions made by either parties, the following issues arise for determination in the present case: -

1. Whether the Respondent the direction (I & A C) Export Inspection Council of India, is covered within the definition of "Industry" as provided under Section 2(s) of the Industrial Disputes Act, 1947.
2. Whether the action of management of Export Inspection Agency, in terminating the services of workman, Shri A. Mallikarjuna Rao, with effect from 5th July 2008, is legal and justified?
3. To what relief, if any, is workman entitled to?

Findings

Issue No. I:-

In this context, Respondent has submitted that the Respondent, Export Inspection Agency, Chennai, is a regulatory authority operating under the Ministry of Commerce and Industry in the field of pre-shipment inspection of notified commodities, and it was set up by the Central Government under Section 7 of the export, (quality control, and inspection Act, 1963). Therefore, the claim statement is not maintainable as the Respondent is a Central Government department, statutory body under the Ministry of Commerce and Industry, Government of India. And as such, this Tribunal has no jurisdiction to try this dispute under the provision of Industrial Dispute Act, 1947.

In this context, Petitioner, in his chief statement affidavit, has nowhere stated that contention of Respondent in the counter, that the Export Inspection Agency of Chennai is a regulatory and operational body, and it does not come under the definition of "industry" as provided under the Industrial Disputes Act, is incorrect: undisputedly Respondent is governed by the Export, (quality control, inspection Act, 1963). And its main function is to ensure quality control and pre-shipment inspection for goods being exported from India. Therefore, the Respondent Export Inspection Council of India, is not covered under the definition of "industry" as provided under Section 2F of the Industrial Disputes Act. The Export Inspection Counsel operate under the separate Act which focus on advising the Government and ensure quality control for Export rather than its activities like inspection and certification are part of its function as a statutory body for trade not industrial activity as defined under I.D Act 1947. industrial Disputes Therefore, the claim statement of the petitioner raising industrial dispute is not maintainable under the provision of Industrial Dispute Act. This issue is decided against the petitioner.

Issue No.II:-

In this context, petitioner, in his claim statement, has alleged that he joined the service of the Respondent on March 2002, at the Bhimavaram office, and worked till 4th July 2008, and his service has been terminated by reports without assigning any reason in gross violation of the provision contained under Section 25F and 25N of the Industrial Disputes Act. Petitioner has alleged that has termination order dated 5th July 2008 is illegal, liable to be set aside. In support of his allegation. Petitioner has filed the affidavit of chief statement of his witness WW1. Therein WW1 has reiterated the averment made in the claim statement. Whereas, in the cross-examination, WW1 has stated that the Assistant director of Respondent management, Shri G. V. George, engaged him on duty and there was no notification published for the post in any newspaper. Further, WW1 states that on the verbal request of the Assistant director, he joined the work. Further, witness states that there was no designation for his post and no appointment letter was issued to him. His name was not sponsored through the employment exchange. Further, the WW1 state that he felt there was vacancy for four posts, and he may be absorbed in one post and he doesn't know whether the four vacant posts were sanctioned or not. Further, WW1 witness states that he has made four representations to the Chennai head office and also to the office bearer of the Respondent office in the year 2001, and he was paid Rs. 20/- per day and later on he was paid Rs. 25/-, and Rs. 35/-, and lastly, he was getting Rs. 70/- per day. Further, the witness states that it is not correct to say that the amount of Rs. 20/- was paid to him in the year 2001 for hourly basis. The witness WW1 admitted that it is not an industry, but it is a central government agency, and there was no manufacturing or production in the Respondent office. Thus, in view of the statement made by the witness WW1 in his cross-examination, it manifests that the petitioner had worked as a daily wager in the Respondent office and he was not issued any appointment letter for the post. The document filed by the petitioner in support of his allegation do not support the averment of the petitioner that he was appointed in the Respondent office on Group D post. However, petitioner has not filed any appointment letter, Attendance Register or salary slip in support of his averment that he was appointed by the Respondent. The document exhibit W3, is a letter dated 26th December 2008, issued by the Export Inspection Agency Chennai in respect of the representation of petitioner, A. Mallikarjuna Rao, it is mentioned therein that the petitioner A. Mallikarjuna Rao had worked intermittently for a few hours a day on a daily basis, as and when his services were required. Further, it is mentioned that no order of appointment was issued to A. Mallikarjuna Rao at any point of time.

As regard the contention of the petitioner that he has been terminated by the Respondent from the employment in gross violation of section 25F and 25N of the ID Act, Before examining the legality of termination of Petitioner it would be apposite to mention the relevant provision contained under section 25F of the IT Act, as extracted hereunder:-

25-F. 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.

[xxx]

(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].

Further, in this context, Hon'ble Court has laid down principles in respect of continuous service under the provision contained under section 25F of the ID Act 1947 and also burden of proof these decision of Hon'ble Court are being discussed as here under:-

(a).Further, in Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held:

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

(b).In the case of Mohan Lal v. Management, BEL 1981 SCC P. 225. Hon'ble Apex Court held:-

"Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service The Hon'ble Apex Court in this case also laid down the principle of how to count 240 days of service within one year and held: "Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered service period of 240 days during the period of 12 calendar months for counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"

(c).In the case of GM., BSNL and others V. Mahesh Chand AIR 2008 SC (Supp) 1328, wherein the Hon'ble Apex Court have held,

"It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside."

(d). In the case of Range Forest Officer Vs. S T Hadimani AIR 2002 SC page 1147, wherein Hon'ble Apex Court have held,

"the onus lies upon claimant to show that he had in fact worked for 240 days in a year-In absence of proof of receipt of salary or wages record of appointment, filing of an affidavit by workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination."

(e). In the case of Essen Deinki Vs. Rajiv Kumar, AIR 2003 SC 38 the Hon'ble Apex Court have held,

"It was for the employee concerned to prove that he has in fact completed 240 days in the last preceding 12 months' period."

(f). In the case of Municipal Corporation, Faridabad Vs. Siri Niwas AIR 2004 SC 4681, wherein Hon'ble Apex Court have held:-

"that the burden of proof was on the workman to show that he had worked for 240 days in the preceding 12 months prior to his alleged retrenchment u/s 25F of the Industrial Disputes Act, 1947. It is also held that it is

improbable that a person working in a Local Authority would not be in possession of any documentary evidence to support his claim before the tr. Apart from muster rolls he could have shown the terms and conditions of his offer of appointment and the remuneration received by him for working during the afore mentioned period. He even did not examine any other witness in support of his case."

(g). In the case of Chief Engineer, Ranjit Sagar Dam and another Vs. Sham Lal, 2006 AIR SCW 3574, wherein the Hon'ble Apex Court have held:

"Fact that workman had worked for 240 days or more in year immediately preceding termination Burden of proof Burden is on workman not on employer-delay of nine years in seeking-no relief could be given to claimant." Manager, RBI, Bangalore vs. S. Mani & Ors., on 14.3.2005 AIR 2005 Supreme Court 2179 have held that, merely the completion of 240 days of continuous service by the workmen by itself does not give rise to claim of permanence in the employment Hon'ble Supreme Court have held that:-

"It may not be out of place to mention that completion of 240 days of continuous service in a year may not by itself be a ground for directing an order of regularization. It is also not the case of the Respondents that they were appointed in accordance with the extant rules. No direction for regularization of their services was, therefore, could be issued."

Thus, in view of the law laid down by Hon'ble Supreme Court and High Court, as discussed above let us examine whether the petitioner has completed continuous service of 240 days in a 12-month of academic year just preceding from the date of this termination, i.e., August 5th, 2008. The Perusal statement of payment to the petitioner goes to reveal that work man was engaged as casual labor for the year 2005 to 2008, intermittently. Further, statement of payment of July 2008 goes shows that the petitioner, A. Mallikarjuna Rao, was engaged in the month of July only for 4 days, for which he has been paid wage of ₹30/- per day. Further, as per statement of payment in the month of June 2008, petitioner, was engaged by the Respondent only for 6 days, and for which he was paid wages of ₹30/- per day. Similarly, in the month of May 2008, the petitioner was paid wages of ₹30 per day for 12 days. Similarly, in the month of April 2008, he has been engaged for 11 days but petitioner was not engaged continuously for the whole month. Further, Petitioner was engaged in the months of March 2008, for only 4 days. In the month of February 2008 Petitioner was engaged for 10 days January 2008 for 17 days. Similarly in the month of December 2007 for 8 days November 2007 for 14 days, October 2007 for 8 days, and September 2007 for 6 days and August 2007 for 12 days in July 2007 for 10 days and in the month of June 2007 for 13 days. Thus, from the statement of payment of Petition it goes to show that the workman, was engaged by the Respondent intermittently during the period from June 2007 to May 2008 and has been paid wages @ ₹30 per day. Thus, from the above, it manifests that the petitioner has not worked continuously for 240 days in the 12 months of a calendar year just preceding from date of his termination i.e 05.07.2008. Therefore, Petitioner has not fulfilled the condition precedent as enshrined u/s 25F of the I.D Act, and not entitled for protection of the provisions contained against retrenchment there in.

Thus, the allegation of the petitioner that Respondent has terminated his services in violation of the provision contained under Section 25(f) of the ID Act is not established and proved from the evidence on record. Therefore, Petitioner is not entitled to for any compensation or notice pay or notice as per provision of section 25F of the Act. Thus, the action of the Respondent management in terminating his services is not illegal. This issue is decided against the petitioner, the workman.

Issue No. IV: -

In view of the finding given in issue No. II, the petitioner failed to prove that he was terminated in violation of the provision contained under Section 25F of the ID Act. Therefore, Petitioner is not entitled to any relief, and the Petition is liable to be dismissed.

AWARD

The action of the Respondent in terminating the services of the petitioner, vide order dated 05.07.2008 is held legal and justified. Petition is devoid of merit hence stands dismissed. The Reference is answered.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected and signed by me on this the 6th day of January 2026.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Sri A. Mallikarjuna Rao

Witnesses examined for the

Respondent

MW1: Sri J.S. Reddy

Documents marked for the Petitioner

Ex.W1: Photostat copy of Minutes of Meeting dt: 08.07.2008

Ex.W2: Photostat copy of Minutes of Meeting dt: 30.09.2008

Ex.W3: Photostat copy of Minutes of Meeting dt: 29.12.2008

Ex.W4: Photostat copy of Minutes of Meeting dt: 29.01.2009

Ex.W5: Photostat copy of lr from Assistant Labour Commissioner dt:
06.02.2009

Ex.W6: Photostat copy of lr from export Inspection Agency, Chennai dt:
26.12.2008

Documents marked for the Respondent

Ex.M1: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2005 January to December

Ex.M2: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2006 January to December

Ex.M3: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2007 January to December

Ex.M4: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2008 January to December

नई दिल्ली, 11 फरवरी, 2026

का.आ. 168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक (सूचना एवं गुणवत्ता नियंत्रण), निर्यात निरीक्षण परिषद, भारत और दो अन्य तथा ए.आर.वी.वी. हनुमान, कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, हैदराबाद पंचाट (संदर्भ संख्या-31/2009) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42012/8/2009-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 168.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 31/2009) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in **The Director (I & QC), Export Inspection Counsel of India and two others** and **A.R.V.V.Hanuman** workman.

[No. L-42012/8/2009-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 13th day of November 2025

INDUSTRIAL DISPUTE No. 31 OF 2009

Between:

A.R.V.V. Hanuman

..... Petitioner

AND

The Director (I & QC),

Export Inspection Counsel Of India

And two others

.... Respondent

Appearances:

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For the Respondent: Sri M. Kiran Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/8/2009- (IR (DU) dated 22nd May 2009 referred the following Industrial dispute under section 10(1)(d) of the I.D. Act, 1947, requiring this tribunal to decide the question.

SCHEDULE

“Whether the action of the management of Export Inspection Agency, in terminating the services of their workman Shri A. Rama Veera Venkat Hanuman with effect from 5th July 2008, is legal and justified? If not, what relief is the workman entitled to?”

2. After receipt of the reference, it was numbered as ID No.31 of 2009, and notices were issued to both the workman and management.

3. In response to the notice, Petitioner /workman filed the claim statement with the allegation that petitioner joined with the Respondent on 8th August 2021 at Bheemavaram office of the Respondent, and continuously worked with the respondent till 4th July 2008. Further, it is alleged that Respondent has terminated his services with effect from 5th July 2008, without assigning any reason, and without issuing any charge sheet, and without conducting any inquiry. Further, it is alleged that Respondent has terminated the services of the petitioner arbitrarily and illegally, in violation of the procedure laid down under section 25F of the Industrial Disputes Act. Further, Petitioner alleged that he requested the respondent to reinstate into the service, but all the efforts made by the petitioner became a futile exercise. Therefore, petitioner was left with no other option but to raise a dispute before the Assistant Labour Commissioner, Central, Vijayawada, who, in turn, conducted joint conciliation meeting with the Respondent. The conciliation officer could not arrive at an amicable settlement due to the non-cooperative and adamant attitude of the Respondent. Therefore, the Assistant Labour Commissioner sent the report to the Government of India, and which has been referred to the tribunal for adjudication.

4. Per contra, Respondent has filed counter, and therein, he has contended that the averment made in the claim petition by the petitioner are frivolous, unwarranted, and illegal, and against the law. Further, it is submitted that the claim statement is not maintainable as the Respondent is a Central Government department, statutory body under the Ministry of Commerce and Industry, Government of India, and as such, this tribunal has no jurisdiction to try this suit. Further, it is contended that the Respondent is a statutory body established under section 7 of the Export Quality Control and Inspection Act, 1963, and therefore, it is not covered within the definition of "industry" under the Act. Further, Respondent contend that the services of A.R.V.V. Hanuman was utilized by S.O. Bheemavaram for few hours a day on need basis, - part-time, intermittently, and wages were paid accordingly for the days he worked, and no appointment letter was issued as the services were of a casual nature on an intermittent basis. Further, it is contended that there was no work for him, and his services were discontinued by the S.O. Bheemavaram on 5th July 2008, as he was no longer required. Hence, the question of termination or issuing of any charge sheet or conducting an inquiry does not arise. Further, it is contended that Petitioner was not a regular employee of the Department. The question of his claiming scale of pay, overtime, PF, etc., does not arise. He was utilized on need-based work only, and the question of eliminating him from services does not arise. Further, it is contended that petitioner was never appointed to any regular post in the Respondent, Export Inspection Agency, Chennai sub-office, Bhimavaram, and his services were utilized on a need basis as and when work of an occasional and intermittent nature was available. Further, it is contended that the services of the petitioner were utilized for a few hours a day on a need basis intermittently, and wages were paid accordingly for the days he worked. He was not assigned the duties of Group D employees at any point in time, as there was other permanent employees to look after the regular work that is assigned to Group D employees. No appointment letter was ever issued, as the services were on an intermittent basis. Further, it is contended that petitioner worked on need-based work, fully knowing he has been paid wages as applicable to need-based work, and there was no contract between the petitioner and the Respondent that he would be regularized or paid wages as is being paid to regularly appointed Group D employees. Therefore, petitioner may not equate his need-based work with that of regular employees. Further, it is contended that as per Export Inspection Agency statutory recruitment rules, 1980, amended up to 31st December 1986, the post of Group D (peon) is filled with a candidate having an age between 18 to 25 years. Qualification: Middle school certificate and knowledge of reading

English/Hindi. The candidates who meet the requirements are called for an employment exchange, or through newspaper advertisement. Such candidates are required to be considered by selection committee, which shall make recommendations to the appointing authority regarding appointment or otherwise. And petitioner has not come in that category. The petitioner neither applied for appointment nor was considered by the selection committee. Therefore, it is prayed that the petition is devoid of merit and liable to be dismissed with costs.

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2. Whether the action of management of Export Inspection Agency, in terminating the services of workman, Shri A. Rama vera Venkat Hanuman, with effect from 5th July 2008, is legal and justified?
3. To what relief, if any, is workman entitled to?

Findings

Issue No. I:-

In this context, Respondent has submitted that the Respondent, Export Inspection Agency, Chennai, is a regulatory authority operating under the Ministry of Commerce and Industry in the field of pre-shipment inspection of notified commodities, and it was set up by the Central Government under Section 7 of the export, (quality control, and inspection Act, 1963). Therefore, the claim statement is not maintainable as the Respondent is a Central Government department, statutory body under the Ministry of Commerce and Industry, Government of India. And as such, this Tribunal has no jurisdiction to try this dispute under the provision of Industrial Dispute Act, 1947.

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Issue No.II:-

In this context, petitioner, in his claim statement, has alleged that he joined the service of the Respondent on 8th August 2001, at the Bhimavaram office, and worked till 4th July 2008, and his service has been terminated by reports without assigning any reason in gross violation of the provision contained under Section 25F and 25N of the Industrial Disputes Act. Petitioner has alleged that has termination order dated 5th July 2008 is illegal, liable to be set aside. In support of his allegation. Petitioner has filed the affidavit of chief statement of his witness WW1. Therein WW1 has reiterated the averment made in the claim statement. Whereas, in the cross-examination, WW1 has stated that the Assistant director of Respondent management, Shri G. V. George, engaged him on duty and there was no notification published for the post in any newspaper. Further, WW1 states that on the verbal request of the Assistant director, he joined the work. Further, witness states that there was no designation for his post and no appointment letter was issued to him. His name was not sponsored through the employment exchange. Further, the WW1 state that he felt there was vacancy for four posts, and he may be absorbed in one post and he doesn't know whether the four vacant posts were sanctioned or not. Further, WW1 witness states that he has made four representations to the Chennai head office and also to the office bearer of the Respondent office in the year 2001, and he was paid Rs. 20/- per day and later on he was paid Rs. 25/-, and Rs. 35/-, and lastly, he was getting Rs. 70/- per day. Further, the witness states that it is not correct to say that the amount of Rs. 20/- was paid to him in the year 2001 for hourly basis. The witness WW1 admitted that it is not an industry, but it is a central government agency, and there was no manufacturing or production in the Respondent office. Thus, in view of the statement made by the witness WW1 in his cross-examination, it manifest that the petitioner had worked as a daily wager in the Respondent office and he was not issued any appointment letter for the post. The document filed by the petitioner in support of his allegation do not support the averment of the petitioner that he was appointed in the Respondent office on Group D post. However, petitioner has not filed any appointment letter, Attendance Register or salary slip in support of his averment that he

was appointed by the Respondent. The document exhibit W3, is a letter dated 26th December 2008, issued by the Export Inspection Agency Chennai in respect of the representation of petitioner, A.R.V.V Hanuman, it is mentioned therein that the petitioner A.R.V.V Hanuman had worked intermittently for a few hours a day on a daily basis, as and when his services were required. Further, it is mentioned that no order of appointment was issued to Hanuman at any point of time.

As regard the contention of the petitioner that he has been terminated by the Respondent from the employment in gross violation of section 25F and 25N of the ID Act, Before examining the legality of termination of Petitioner it would be apposite to mention the relevant provision contained under section 25F of the IT Act, as extracted hereunder:-

25-F. 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.

[xxx]

- (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].

Further, in this context, Hon'ble Court has laid down principles in respect of continuous service under the provision contained under section 25F of the ID Act 1947 and also burden of proof these decision of Hon'ble Court are being discussed as here under:-

(a).Further, in Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held:

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

(b).In the case of Mohan Lal v. Management, BEL 1981 SCC P. 225. Hon'ble Apex Court held:-

"Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service The Hon'ble Apex Court in this case also laid down the principle of how to count 240 days of service within one year and held: "Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered service period of 240 days during the period of 12 calendar months for counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"

(c).In the case of GM., BSNL and others V. Mahesh Chand AIR 2008 SC (Supp) 1328, wherein the Hon'ble Apex Court have held,

"It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside."

(d). In the case of Range Forest Officer Vs. S T Hadimani AIR 2002 SC page 1147, wherein Hon'ble Apex Court have held,

"the onus lies upon claimant to show that he had in fact worked for 240 days in a year-In absence of proof of receipt of salary or wages record of appointment, filing of an affidavit by workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination."

(e). In the case of *Essen Deinki Vs. Rajiv Kumar*, AIR 2003 SC 38 the Hon'ble Apex Court have held,

"It was for the employee concerned to prove that he has in fact completed 240 days in the last preceding 12 months' period."

(f). In the case of *Municipal Corporation, Faridabad Vs. Siri Niwas* AIR 2004 SC 4681, wherein Hon'ble Apex Court have held:-

"that the burden of proof was on the workman to show that he had worked for 240 days in the preceding 12 months prior to his alleged retrenchment u/s 25F of the Industrial Disputes Act, 1947. It is also held that it is improbable that a person working in a Local Authority would not be in possession of any documentary evidence to support his claim before the tr. Apart from muster rolls he could have shown the terms and conditions of his offer of appointment and the remuneration received by him for working during the afore mentioned period. He even did not examine any other witness in support of his case."

(g). In the case of *Chief Engineer, Ranjit Sagar Dam and another Vs. Sham Lal*, 2006 AIR SCW 3574, wherein the Hon'ble Apex Court have held:

"Fact that workman had worked for 240 days or more in year immediately preceding termination Burden of proof Burden is on workman not on employer-delay of nine years in seeking-no relief could be given to claimant." *Manager, RBI, Bangalore vs. S. Mani & Ors.*, on 14.3.2005 AIR 2005 Supreme Court 2179 have held that, merely the completion of 240 days of continuous service by the workmen by itself does not give rise to claim of permanence in the employment Hon'ble Supreme Court have held that:-

"It may not be out of place to mention that completion of 240 days of continuous service in a year may not by itself be a ground for directing an order of regularization. It is also not the case of the Respondents that they were appointed in accordance with the extant rules. No direction for regularization of their services was, therefore, could be issued."

Thus, in view of the law laid down by Hon'ble Supreme Court and High Court, as discussed above let us examine whether the petitioner has completed continuous service of 240 days in a 12-month of academic year just preceding from the date of this termination, i.e., August 5th, 2008. The Perusal statement of payment to the petitioner goes to reveal that work man was engaged as casual labor for the year 2005 to 2008, intermittently. Further, statement of payment of July 2008 goes shows that the petitioner, A.R.V.V. Hanuman, was engaged in the month of July only for 3 days, for which he has been paid wage of ₹70/- per day. Further, as per statement of payment in the month of June 2008, petitioner, was engaged by the Respondent only for 12 days, and for which he was paid wages of ₹70/- per day. Similarly, in the month of May 2008, the petitioner was paid wages of ₹70 per day for 18 days. Similarly, in the month of April 2008, he has been engaged for 18 days but petitioner was not engaged continuously for the whole month. Further, he has been engaged in the months of March 2008, for 12 days February 2008, for 17 days January 2008, for 15 days December 2007, for 8 days November 2007 for 14 days, October 2007 for 15 days, and September 2007 for 8 days and August 2007 for 13 days and July 2007 for 11 days June 2007 for 13 days. Thus, aforementioned statement of payment goes to show that the workman, was engaged by the respondent intermittently the for the period from June 2007 to May 2008 and has been paid wages @ ₹70 per day. Thus, from the above, it manifests that the petitioner has not worked continuously for 240 days in a said 12 month of a calendar year just preceding the date of his termination i.e., 05.07.2008. Therefore, Petitioner has not fulfilled the condition precedent as enshrined u/s 25f of the I.D Act, and not entitled for protection of the provision contained against retrenchment therein.

Thus, the allegation of the petitioner that Respondent has been terminated him from services in violation of the provision contained under Section 25(f) of the ID Act is not established and proved from the evidence on record. Therefore, Petitioner is not entitled to for any compensation or notice pay or notice as per provision of section 25F of the Act. Thus, the action of the respondent management in terminating his services is not illegal. This issue is decided against the petitioner, the workman.

Issue No. IV:-

In view of the finding given in issue No. II, the petitioner failed to prove that he was terminated in violation of the provision contained under Section 25F of the ID Act. Therefore, Petitioner is not entitled to any relief, and the Petition is liable to be dismissed.

AWARD

The action of the Respondent in terminating the services of the petitioner, vide order dated 05.07.2008 is held legal and justified. Petition is devoid of merit hence stands dismissed. The Reference is answered.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her, corrected and signed by me on this the 13th day of November 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

WW1: Sri A.R.V.V. Hanuman

MW1: Sri J.S. Reddy

Documents marked for the Petitioner

Ex.W1: Photostat copy of Minutes of Meeting dt: 08.07.2008

Ex.W2: Photostat copy of Minutes of Meeting dt: 30.09.2008

Ex.W3: Photostat copy of lr from export Inspection Agency, Chennai dt:
26.12.2008

Ex.W4: Photostat copy of Minutes of Meeting dt: 29.12.2008

Ex.W5: Photostat copy of Minutes of Meeting dt: 29.01.2009

Ex.W6: Photostat copy of lr from Assistant Labour Commissioner dt:
06.02.2009Ex.W7: Photostat copy of lr from Private Secretary of Minister for state for
External Affairs**Documents marked for the Respondent**Ex.M1: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2005 January to DecemberEx.M2: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2006 January to DecemberEx.M3: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2007 January to DecemberEx.M4: Photostat copy of statement of payment of part time casual labour
Engagement for the year 2008 January to December

नई दिल्ली, 11 फरवरी, 2026

का.आ. 169.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, ओखला, नई दिल्ली, मेसर्स शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली और श्री दिनेश कुमार कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, दिल्ली-1, नई दिल्ली पंचाट (संदर्भ संख्या-100/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2026/02आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 169.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 100/2024) of the **Central Government Industrial Tribunal cum Labour Court Delhi-1, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in **Kulpati, Jamia Milia Islamia University, Okhla, New Delhi, M/s Sharma Enterprises, Navada, New Delhi** and **Shri Dinesh Kumar** workman.

[No. L-42025/07/2026/02-IR (DU)]

SALONI, Dy. Director

ANNEXURE

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

ID No.100/2024

Shri Dinesh Kumar S/o Sh. Bhoole Ram, Through All India General Mazdoor Trade Union (Regd.) 170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

...Claimant

Versus

1. Kulpati, Jamia Milia Islamia University, Jamia Nagar, Okhla, New Delhi-110025.
2. M/s Sharma Enterprises, 92B, Plot No.1, Ground Floor, Navada, Near Navada Metro Station, New Delhi-110059.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND-25/II-10/2024-IR dated 09.04.2024 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

‘Whether the services of contract workman Shri Dinesh Kumar S/o Shri Bhuleram, Ex-Safai Karamchari have been terminated illegally and/or justifiably by the management of M/s Sharma Enterprises contractor of Jamia Milia Islamia University w.e.f. 01.10.2020? And if so, to what relief the workman concerned is entitled and what directions are necessary in this respect?’

Sh. Dinesh Kumar Vs. Jamia Milia Islamia University, New Delhi etc.

2. In the endorsement made in reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete

with relevant documents, list of reliance and witnesses with this Tribunal within fifteen days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. In pursuance to the notices sent, counsel for the claimant appeared on one occasion. No claim statement was filed on behalf of workman despite repeated adjournments. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. In these circumstances, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 06.01.2026

AJAY KUMAR JAIN, Presiding Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुलपति, जामिया मिलिया इस्लामिया विश्वविद्यालय, ओखला, नई दिल्ली, मेसर्स शर्मा एंटरप्राइजेज, नवादा, नई दिल्ली और श्री जतिन कुमार कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, दिल्ली-1, नई दिल्ली पंचाट (संदर्भ संख्या-101/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42025/07/2026/01आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 170.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **101/2024**) of the **Central Government Industrial Tribunal cum Labour Court Delhi-1, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in **Kulpati, Jamia Milia Islamia University, Okhla, New Delhi, M/s Sharma Enterprises, Navada, New Delhi** and **Shri Jatin Kumar** workman.

[No. L-42025/07/2026/01-IR (DU)]

SALONI, Dy. Director

ANNEXURE

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

ID No.101/2024

Shri Jatin Kumar S/o Sh. Jagdish, Through All India General Mazdoor Trade Union (Regd.) 170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

...Claimant

Versus

1. Kulpati, Jamia Milia Islamia University, Jamia Nagar, Okhla, New Delhi-110025.
2. M/s Sharma Enterprises, 92B, Plot No.1, Ground Floor, Navada, Near Navada Metro Station, New Delhi-110059.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND-25/II-11/2024-IR dated 09.04.2024 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

‘Whether the services of contract workman Shri Jatin Kumar S/o Shri Jagdish, Ex-Safai Karamchari have been terminated illegally and/or justifiably by the management of M/s Sharma Enterprises contractor of Jamia Milia Islamia University w.e.f. 01.10.2020? And if so, to what relief the workman concerned is entitled and what directions are necessary in this respect?’

Sh. Jatin Kumar Vs. Jamia Milia Islamia University, New Delhi etc.

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

3. On receipt of the above reference, notice was sent to the workman as well as the managements. In pursuance to the notices sent, counsel for the claimant appeared on one occasion. No claim statement was filed on behalf of workman despite repeated adjournments. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. In these circumstances, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 06.01.2026

AJAY KUMAR JAIN, Presiding Officer

नई दिल्ली, 11 फरवरी, 2026

का.आ. 171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीएसएनएल के दूरसंचार जिला महाप्रबंधक, पश्चिम गोदावरी जिला, एलुरु, आंध्र प्रदेश और जिला सचिव, बीएसएनएल वर्कर्स के राष्ट्रीय संघ (एफएनटीओ), कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, हैदराबाद पंचाट (संदर्भ संख्या-110/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-40011/06/2014-आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 171.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.110/2014) of the **Central Government Industrial Tribunal cum Labour Court Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in **The General Manager, Telecom District., BSNL , West Godavari District, ELURU, A.P.** and **The District Secretary, National Union of BSNL Workers (FNT0), workman.**

[No. L-40011/06/2014-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 14th day of November 2025

INDUSTRIAL DISPUTE No. 110 of 2014

Between:

The District Secretary,
National Union of BSNL Workers (FNT0),
West Godavari District Branch,
ELURU, A.P. The District Secretary,

..... Petitioner

AND

The General Manager,
Telecom District., BSNL,
Eluru, West Godavari District.,
ELURU, A.P.

.... Respondent

Appearances:

For the Petitioner : Sri William Burra, Advocate

For the Respondent: Sri K. Ajay Kumar, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 40011/06/2014(IR(DU) dated 2nd June 2014 has referred the following Industrial dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question.

SCHEDULE

1. "Whether the demand of workmen of BSNL, Eluru is legal and justified. If not, what other relief the workmen are entitled to?"

2. After receipt of the reference, it was numbered as ID No.110 of 2014, and notices were issued to both the workmen and the management.

3. On the service of notice Petitioner has filed claim statement whereas Respondent has filed counter. In the claim statement Petitioner union has alleged that the Respondent Management showing partisans attitude against the Petitioner Union and ill treatment to member of the Petitioner union and some other unrecognized union while N.F.T. E union is the recognized union. The member of the N.F.T.E union are shown undue favoritism in posting their members at comfortable places according to wishes of the recognize union whereas the Petitioner union members are facing ill treatment from the Respondent Management. Further, Petitioner has made reference of two instances for the alleged partisans attitude of Respondent Management.

Firstly, Petitioner alleged that S. Durga Rao Telecom Mechanic Eluru got fracture his leg during the outdoor duties and he was given indoor duties on this ground at MDF station Telephone Bhavan Eluru, Surprisingly he has been transferred to perform outdoor duties vide order dated 31-07-2013 in order to accommodate M. Yesuratnam, who belonged to NFTE Union. Further, it is alleged that the transfer order of S. Durga Rao issued on 31-07-2013 which was the retirement date of the Respondent GM to show favors to M. Yesuratnam without assigning any reason. The Respondent Management consider similar cases sympathetically whereas in the case of Durga Rao, he was forced to take voluntary retirement, as he was unable to perform his outdoor duties. Further, other instance of the workman has been referred who has been accommodated belongs to recognize union. The second instance to show the partisans attitude of management with claim statement has been referred by the Petitioner that Smt A Mary Grace belongs to Petitioner union and she passed intermediate and was posted in the office of GM instead of utilizing her services in the administrative office and she has been transferred frequently and at present she is entrusted the duty of watchwoman further it is alleged that she is being harassed and forced to be on duty till 10 PM daily. Shri A. Mary Grace made several requests to the union and also made several requests to management by in vain. Whereas the woman workman belonging recognize union has been accommodated on the comfortable posting.

Further it is submitted that women employee belonging to Group D services were promoted as GMs and TMs and are supposed to posted for outdoor duties. However, they are accommodated in the GM's office working as 'Group D employees but drawing salaries as TMs. But in the case of Smt. A. Jayasree, Test Category Group D was transferred from GM office to MDF Telephone Bhavan to work on par with other TMs. As the Smt. A. Jayasree belongs to the Petitioner union she has been transferred to the GM office. Further Petitioner alleges that the union raise the disputes before the Asst. Labour Commissioner for redressal of the grievances of the employees in general such as issues periodicals like Soaps, towels chappals etc., to the members of the staff though they are entitled to similarly night allowances implementation of the tenure transfer repairs to pump sets water facilities at telephone building and all above the welfare facilities are required to be provided by Respondent management and when the same are not provided the Petitioner Union take up the issue for discussion before the ALC Vijayawada /RLC Hyderabad to maintain the efficient working of the employees. The union therefore prayed that Respondent be directed to provide TA and DA to the president secretary of the Petitioner Union and also direct the Respondent management to teach all the employees on an equal footing, irrespective of their affiliation with union, in the matter of transfers.

4. Per contra Respondent has filed counter, and therein, it is contended that all material allegations made in the claim statement except that are admitted hereunder are denied. Further, it is contended that the respondent denies the allegation made by the petitioner that the Respondent management is showing partisan attitude against the members of the petitioner union and showing favoritism to the members of recognized union. The action of transfers, and allotment of work, and giving allowances etc. are as per the rules in force. Further, Respondent contended that management has shown the partition attitude against the transfer of S. Durgha Rao. Further, it is contended that after the fracture in the leg of Durga Rao, he was given the indoor duty at MDF Eluru. Respondent contended that there was acute shortage in TM cadre in outdoor plant at Eluru, and due to a shortage of outdoor TMs, there was a setback in rendering services to the customer. The petitioner, S Durga Rao TM Eluru, has requested a one-year exemption from outdoor duties hence, he was posted to indoor duties. He served in indoor duty for more than 24 years before the issue of the local transfer to an outdoor unit. His stay in indoor duties is more than stay of others at the telephone exchange, Eluru. The official retired voluntarily on 1st February 2014.

Further, Respondent contended that he specifically denies the allegation made by the petitioner that Smt. T. Jayasree Grade D, is being transferred frequently, and entrusted watch woman duties, and was harassed to do duty till 10 PM daily for the reason that she belongs to member of the petitioner union. The respondent submits that Smt. T. Jayasree Grade D was initially posted in the office of G M T D, Eluru. Subsequently she was posted to H D E Urban Eluru for watch woman duties. Later on request of T. Jayasree Grade D, she was transferred from watch woman duties to indoor duties at Main Telephone Exchange. Therefore, the action of respondent is in accordance with the rules in force, mainly considering the request of the said employee. Each of the material allegation made by the petitioner is specifically denied. Further Respondent contended that, there is no rule prescribed for settlement of the payment of T A / D A to the representative of the union on par with the management representative for attending the conciliation meeting at Assistant Commissioner of Labour, and hence the said demand was not considered. Further Respondent contended that the demand of supply of tool bag, periodical arrangement, are being given as per the schedule and being continued subject to availability of the funds. At present there is no round the clock duties for the cadre of T.M.S. and T.T.A.X., hence the night duty allowances are not being paid. Further, respondent contended, repair of the pump set are being taken up immediately and temporary arrangement during repairs are also made for provision of the water facility at Telephone Buildings. The Respondent specifically denies the allegation made by the petitioner that the Respondent management is supporting the recognize union and working against the interest of the workmen. This Respondent submits that management acts as per the rules and policies and guidelines from the circle of and do not show any partisan attitude and favoritism to any member of union as contended by the petitioner. Further it is contended that there is no ruling for payment of T A / D A to representative of the union on par with the management representative for attending the conciliation meeting. Assistant Labour Commissioner, hence, the demand was not considered by the respondents.

Respondent prayed to dismiss the petition. petitioner in oral evidence chief statement affidavit of K.S.R. Murthy, as WW1 and has also filed documents as per list from 1 to 18. Petitioner has also filed written argument.

on the basis of the pleadings of either parties, following issues emerge for determination in the present case: -

1. whether the demand of workman BSNL, Eluru is legal and justified?
2. To what relief, if any, the workman are entitled to?

Finding

Issue No. I :-

In this context, petitioner has filed chief statement affidavit of the witness WW1 and witness in his affidavit has reiterated the allegations made in the petition. This witness has also exhibited the documents. This witness, para 7 of affidavit has stated that he rely on the documents filed on 16th December 2016, by the petitioner, and the same may be marked as Exhibits WW1 to WW9. But this witness has not stated in his affidavit that what facts he is going to establish by these documents. Thus, the contents of the document are not roved by evidence of WW1. Moreover, this witness, despites sufficient opportunity, did not turn up for cross-examination. Therefore, the evidence of the petitioner was closed by the court after affording the sufficient number of opportunities. In the absence of cross-examination of witness WW1, the evidence of this witness cannot be read in evidence as per the principle of evidence. Therefore, Petitioner failed to substantiate his allegation by any, oral or documentary evidence.

However, as regard the allegation of the petitioner that Sri S. Durga Rao, T.A. Eluru, and Smt. A. Mary Grace have been transferred due to partisan attitude of Respondent management, Petitioner has failed to substantiate his allegation by any cogent and reliable relevant evidence that the action of the Respondent management in transferring these workmen was mala fide or in contravention of the certified standing orders or employment contract, or either it resulted in a change of service condition. However, as regard the demand of TA/DA, that has been declined by the respondent management, as shown in the minutes of the conciliation proceeding held on 5th February 2024. The demand has been discussed and declined before the Assistant Labor Commissioner 10, Therefore, Petitioner has utterly failed to prove the allegation of claim statement by any relevant evidence. Thus, the demand raised by the workmen petitioners of BSNL, Eluru, is not legal and justified. Issue is decided against the petition Workman.

Issue No. II:-

In view of the findings given at Issue No. I, the demands of the workmen of BSNL, Eluru, are not justified and legal. Therefore, petitioner workmen are not entitled to any relief. The petition, sans merit, and is liable to be dismissed.

AWARD

The demand of the workmen of petitioner BSNL, Eluru, is held not legal and justified. The petition claim statement of the Petitioner, sans merit, hence dismissed reference is answered accordingly. Award is passed accordingly.

Transmit.

Dictated to Smt. P. Phani Gowri Personal Assistant, transcribed by her, corrected and signed by me on this 14th November 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, 11 फरवरी, 2026

का.आ. 172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स कुशांग सिक्योरिटी एंड प्रोटेक्शन सर्विसेज, मुंबई, नेशनल इंस्टीट्यूट ऑफ इंडस्ट्रियल इंजीनियरिंग (एनआईटीआईई), निदेशक, एनआईटीआईई, विहार लेक, मुंबई और सचिव, मुंबई श्रमिक संघ, मुंबई कर्मचारी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- 2 मुंबई, पंचाट(संदर्भ संख्या- (CGIT-2/27 of 2019)) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल-42011/51/2019 -आईआर (डीयू)]

सलोनी, उप निदेशक

New Delhi, the 11th February, 2026

S.O. 172.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT-2/27 of 2019)) of the **Central Government Industrial Tribunal cum Labour Court-2, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in **M/s. Kushang Security & Protection Services, Mumbai, National Institute of Industrial Engineering (NITIE) The Director, NITIE, Vihar Lake, Mumbai and The Secretary ,Mumbai Shramik Sangh, Mumbai workman.**

[No. L-42011/51/2019-IR (DU)]

SALONI, Dy. Director

ANNEXURE

**BEFORE JUSTICE RETIRED SHIV SHANKER PRASAD PRESIDING
OFFICER/LINK OFFICER**

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT

JUSTICE RETIRED SHIV SHANKER PRASAD

Presiding Officer/Link Officer

REFERENCE NO. CGIT-2/27 of 2019

EMPLOYERS IN RELATION TO THE MANAGEMENT

OF

Party No.1 M/s. Kushang Security & Protection Services

760, Ambikawadi, Saltpan Road,
Wadala (E), Mumbai 400037.

National Institute of Industrial Engineering (NITIE)

The Director, NITIE, Vihar Lake,
Po- NITIE,

Mumbai 400087.

AND

THEIR WORKMEN.

Party No. 2 (Mumbai Shramik Sangh)

The Secretary,

Mumbai Shramik Sangh, Sangharsh Quarry Road,
Bhandup (W),

Mumbai- 400 078.

APPEARANCES:

Management No.1

No appearance

Management No.2

:

Mr. N. G. Helekar
Advocate

Workmen

:

No appearance.

AWARD

(Delivered on 18-12-2025)

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-42011/51/2019 (IR(DU) dated 02.05.2019. The terms of reference given in the schedule are as follows:

“Whether the action of the management of M/s. Kushang Security & Protection Services a contractor employed in the establishment of NITIE w.e.f. 01.06.2017 in terminating the services of Sh. 1. Rajaram Raul, office attendant, 2. Praful Pednekar office boy w.e.f. 01.11.2017, 3. Subhas Palav, Officer attendant w.e.f. 17.11.2017 allegedly at the behest of P.E./ NITIE who were employed in the establishment of NITIE allegedly for the last 5 to 10 years, irrespective of the contractor changed from time to time, is just and

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

2. The case is called out today. Mr. Akhilesh Adhav holding brief of the learned counsel Mr. N. G. Helekar is present before the court on behalf of the respondent no.2. No one is present on behalf of the petitioner as well as respondent no.1 despite service of notices. From perusal of record, it is apparent that, the petitioner is not responding and attending the Court since 19.10.2023 long back. Although, Statement of Claim has been filed by the petitioner but no other evidence has been filed by the petitioner to prove his case. One application dated 18.12.2025 has been moved by the respondent no.2 for dismissal of the case in the absence of the petitioner. The petitioner is not coming to the court since long back. It appears that, the petitioner is not interested to contest the case furthermore. The claim of the petitioner is not proved. So, the case is closed.

Hence, it is ordered.

ORDER

The action of the management of M/s. Kushang Security & Protection Services a contractor employed in the establishment of NITIE w.e.f. 01.06.2017 in terminating the services of Sh. 1. Rajaram Raul, office attendant, 2. Praful Pednekar office boy w.e.f. 01.11.2017, 3. Subhas Palav, Officer

attendant w.e.f. 17.11.2017 allegedly at the behest of P.E./ NITIE who were employed in the establishment of NITIE allegedly for the last 5 to 10 years, irrespective of the contractor changed from time to time, is just and proper. The concerned workmen are not entitled to any relief.

Date: 18-12-2025

Justice SHIV SHANKER PRASAD, Presiding Officer/Link Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 173.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय कोटा के पंचाट [Ref.16/2009(CIS- 92/2014] (CNR CRJKT 06000 1772009) प्रकाशित करती है।

[सं. एल-12012/53/2009-आईआर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 12th February, 2026

S.O. 173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref.16/2009(CIS-92/2014] (CNR-RJKT060001772009) of the Indus.Tribunal-cum-Labour Court Kota as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen

[No. L-12012/53/2009- IR(B-II)]

SALONI, Dy. Director

अनुलग्नकन्यायाधीश, औद्योगिक न्यायाधिकरण(केन्द्रीय)कोटा,(राज.)

पीठासीन अधिकारी— संदीप कुमार शर्मा, आर.एच.जे.एस. (जिला जज संवर्ग)

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)—16 / 2009(सीआईएस—92 / 2014)

(सीएनआर—आरजेकेटी060001772009)

दिनांक स्थापित:09.11.2009

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क. एल—12012 / 53 / 2009 (आईआर(बी-II)) दिनांक: 13.10.2009 एवं सपठित शुद्धिपत्र दि.05.09.2018

निर्देश / विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क) औद्योगिक विवाद अधिनियम, 1947मध्य

दिनेश चंद परिहार पुत्र श्री मदनलाल, निवासी— परिहार कॉफी हाउस, मंगलपुरा, झालावाड़

—प्रार्थी श्रमिक

एवं

क्षेत्रीय प्रबंधक, सेंट्रल बैंक ऑफ इण्डिया, रीजनल ऑफिस, एमबीएस हॉस्पिटल के सामने, सिविल लाईन्स, कोटा

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

श्री अमित शर्मा

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री एस.पी. सोरल

::अधिनिर्णय::

दिनांक:08.07.2025

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक आदेश दिनांक 13.10.2009 के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ प्राप्त हुआ है जिसके उपरान्त दि. 05.09.2018 का शुद्धिपत्र प्राप्त हुआ जिसके अनुसार "w.e.f. November, 2006" के स्थान पर "w.e.f. 30 November, 2006" किया गया है अब संशोधनोपरान्त रेफ्रेन्स निम्नानुसार हो जाता है:—

"Whether the action of the management of Central Bank of India, Kota in terminating the services of Shri Dinesh Chand Parihar S/o Shri Madal Lal w.e.f. 30th November, 2006 is legal and justified? What relief the workman concerned is entitled to?"

2— उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेंट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि उसे, अप्रार्थी ने अपने क्षेत्राधिकार में स्थित अग्रणी बैंक अधिकारी, झालावाड़ के यहां दिनांक 01.12.1988 से ड्राईवर के पद पर नियुक्ति किया और झालावाड़ का 25/-रु. प्रतिदिन व बाहर का 30/-रु. प्रतिदिन के हिसाब से वेतन का भुगतान अग्रणी बैंक अधिकारी द्वारा किया जाता था। प्रार्थी का स्थानान्तरण जुलाई 1989 में नियोजक के यहां ही क्षेत्रीय प्रबंधक, कोटा की कार चलाने के लिए कर दिया। पुनः मार्च 2003 में प्रार्थी का स्थानान्तरण नियोजक के झालावाड़ स्थित अग्रणी बैंक कार्यालय की जीप चलाने के लिए कर दिया गया उसके बाद वर्ष 2005 में अग्रणी बैंक कार्यालय बारां की जीप चलाने के लिए प्रार्थी का स्थानान्तरण बारां कर दिया गया और नवम्बर 2006 में प्रार्थी को यानि दिनांक 30.11.2006 से नौकरी से हटा दिया गया है जो अवैध है, जिसका मात्र कारण यह है कि प्रार्थी ने राजस्थान उच्च न्यायालय में रीगूलर करने हेतु नियोजक के विरुद्ध याचिका प्रस्तुत कर दी थी जिससे नियोजक प्रार्थी से नाराज हो गया। जिस वाहन पर प्रार्थी की ड्यूटी लगाई हुई थी वह वाहन नियोजक का था परन्तु नियोजक प्रार्थी को जिस अधिकारी को बैंक की गाड़ी आवंटित की हुई थी उस अधिकारी का कर्मचारी मानता था जबकि वेतन भी बैंक के द्वारा ही प्रार्थी को भुगतान किया जाता था। जब प्रार्थी को वेतन बढ़ाया जाता था या अन्य कोई सुविधा बढ़ाई जाती थी तो वह नियोजक के सर्कूलर के द्वारा ही बढ़ाई जाती थी तथा जो ड्राईवर अधिकारियों की गाड़ी को चलाते थे उन्हें नियमित करने के लिए आदेश भी दैनिक वेतन भोगी कर्मचारियों की भांति वेकेंसी निकालकर नियमितकरण किया जाता था। प्रार्थी ने नियोजक के यहां दि. 01.12.1988 से 30.11.2006 के मध्याह्न पश्चात तक 240 दिन से काफी अधिक तक कार्य किया है। प्रार्थी यह विवाद अधिनियम की धारा 2 (ओ.ओ.) के अंतर्गत छंटनी की परिभाषा में आता है। नियोजक द्वारा प्रार्थी को नौकरी से हटाते समय नोटिस, नोटिस वेतन व छंटनी मुआवजा नहीं देकर अधिनियम की धारा 25 एफ, प्रार्थी को हटाते समय उससे कनिष्ठ ड्राईवरों सुरेन्द्र कुमार, भगवान को नियोजन में रखकर अधिनियम की धारा 25 जी की अवहेलना की है और प्रार्थना की है कि प्रार्थी को पिछले सम्पूर्ण वेतन सहित मय समस्त पिछले लाभों के सेवा पर बहाली का अनुतोष प्रदान किया जावे।

3— अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि प्रार्थी को कभी भी व किसी समय बैंक सेवा में भर्ती नहीं किया गया। प्रार्थी व अप्रार्थी के मध्य श्रमिक व नियोजक को संबंध में भी कभी नहीं रहा है। किसी भी श्रमिक को नियोजन प्रक्रिया आदि का अवलोकन करने के पश्चात व योग्य पाए जाने पर ही नियोजित किया जा सकता है। अप्रार्थी बैंक द्वारा प्रार्थी को कोई भी वेतन नहीं दिया गया है। जब प्रार्थी को अप्रार्थी द्वारा नियोजित ही नहीं किया गया तो नियोजन के अभाव में प्रार्थी को स्थानान्तरण किए जाने का प्रश्न ही उत्पन्न नहीं होता है। प्रार्थी केवल एक निजी वाहन चालक के रूप में संबंधित प्रबंधक के पास कार्य कर रहा था तथा अपनी सेवाएं उस अधिकारी को दे रहा था न कि अप्रार्थी बैंक को और प्रार्थी कभी भी अप्रार्थी बैंक की सेवाओं में नहीं था। प्रार्थी को अप्रार्थी बैंक द्वारा वेतन भी नहीं दिया जाता था। बैंक के किसी भी अधिकारी द्वारा प्रार्थी को व्यक्तिगत ड्राईवर के रूप में रखना प्रार्थी एवं उस अधिकारी के बीच की अपनी निजी व्यवस्था है तथा उसका अप्रार्थी बैंक से किसी प्रकार का संबंध नहीं है एवं अधिनियम के प्रावधान इस प्रकरण में लागू नहीं होते हैं और प्रार्थना की है कि प्रार्थी का क्लेम प्रार्थना पत्र सव्यव खारिज किया जावे।

4— साक्ष्य में प्रार्थी की ओर से स्वयं व अप्रार्थी की ओर से बनवारीलाल मीणा के शपथ-पत्र प्रस्तुत हुए जिनसे परस्पर जिरह की गयी। उभयपक्ष की ओर से दस्तावेजी साक्ष्य भी प्रस्तुत की गयी जिसका यथासमय उल्लेख किया जावेगा।

5— उभयपक्षों की बहस सुनी गई, जो कि उनकी ओर से प्रस्तुत अपने-अपने अभ्यावेदनों के अनुरूप ही रही है। इसके अतिरिक्त प्रार्थी की ओर से अपने कथनों के समर्थन में निम्न न्यायिक दृष्टांत प्रस्तुत किए गए हैं—

1. Central Bank of India & ors Vs. Mh. Yunus Ali- Writ Appeal No. 165/2003(Arising Ourt of WP(C)-951/2001) Dt. 17.05.2004 (Gauhati HC)
2. Vice Chancellor Anand Agriculture University Vs. Kanubhai Nanubhai Vaghela and another-AIR2021 Supreme Court 3529,
3. Smt. Banarsi Devi Vs. State of Rajasthan & Ors.- 2008 WLC 93 (Raj. HC),
4. Jeetubha Khansangji Jadeja Vs. Kutchh District Panchayat- IAR 2022 SC(Supp) 588,
5. Anoop Chauhan vs. Labour Court & Industrial Tribunal, Ajmer- 2024(4) CJ (Civ.)(Raj.) 2423,

अप्रार्थी की ओर से अपने कथनों के समर्थन में Syndicate Bank Vs. Pawan Kumar-W.P.(C) 11412/2017 Dt. 08-01-2024 (Delhi HC) न्यायिक दृष्टांत प्रस्तुत किया गया है।

6— हस्तगत प्रकरण में सर्वप्रथम न्यायालय को यह देखना है कि क्या प्रार्थी एवं अप्रार्थी के मध्य “कर्मकार-नियोजक” के संबंध रहे हैं अथवा नहीं?

इस संबंध में प्रार्थी की ओर से साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत हुआ है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है एवं यह कथन किया है कि उसके द्वारा उसके शपथ पत्र के साथ प्रदर्श डब्ल्यू 1 लगायत 9 पेश किए हैं। उसे प्रतिपक्षी ने नियुक्ति आदेश नहीं दिया था। उसे प्रतिपक्षी ने काम से हटाने का आदेश भी नहीं दिया था मौखिक रूप से हटाया था। वह पहले झालावाड़ में प्रतिपक्षी बैंक में अग्रणी बैंक अधिकारी के पास काम करता था। यह बात सही है कि उसने इस केस में अबग्रणी बैंक को पक्षकार नहीं बनाया है। यह बात सही है कि उसका हाजरी रजिस्टर नहीं रखा जाता था। यह बात गलत है कि उसे अग्रणी बैंक मैनेजर गाड़ी चलाने का भुगतान करता हो बल्कि उसे बैंक द्वारा बाउचर से भुगतान होता था। बाउचर उसने न्यायालय की पत्रावली पर पेश नहीं किए हैं। यह बात सही है कि वह बैंक के अग्रणी मैनेजर का व्यक्तिगत ड्राईवर था। यह गलत है कि बैंक मैनेजर का एलाउंस देती हो और मैनेजर फिर उसे भुगतान करता हो। बल्कि बैंक द्वारा डायरेक्ट भुगतान करती थी। उसे मजदूरी के अनुसार भुगतान होता था। यह बात सही है कि बैंक निर्धारित प्रक्रिया अपनाती है जिसके अनुरूप उसने आदेवदन किया था। उसे किस अधिकारी द्वारा भुगतान किया जायेगा ऐसा कोई आदेश नहीं निकले थे। किस अधिकारी द्वारा भुगतान किया जाएगा। ऐसे कोई आदेश नहीं निकले थे। यह बात सही है कि अग्रणी बैंक झालावाड़ मैनेजर अलग है क्षेत्रीय कार्यालय कोटा का अलग-अलग है लेकिन कार्यालय कोटा का ही है वहां से मौखिक रूप से आदेश दिए जाते थे। उसके पास स्थानान्तरण आदेश है जो वह पेश कर सकता है। प्रदर्श डब्ल्यू 2,3,4 पर बैंक सील नहीं है। प्रदर्श 5,7,8 प्रमाणित प्रति नहीं है। वह अभी चाय की दुकान पर काम कर रहा है। उसे 70 रोज मिलते हैं।

अप्रार्थी की ओर से साक्ष्य में बनवारी लाल मीणा का शपथ पत्र प्रस्तुत किया गया है जिसमें उसने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की ओर जिरह में यह कथन किया है कि यह कहना गलत है कि उसे प्रकरण की पूरी जानकारी नहीं है। यह कहना सही है कि वह रिकॉर्ड के आधार पर गवाही दे रहा है। उसे पता नहीं है कि वर्ष 1988 में अप्रार्थी बैंक में अग्रणी जिला प्रबंधक कौन-कौन थे। यह कहना सही है कि उसे यह भी जानकारी नहीं है कि वर्ष 1988 से 1995 तक अप्रार्थी बैंक में कौन-कौन अग्रणी जिला प्रबंधक थे। यह कहना सही है कि उसे जानकारी नहीं है कि वर्ष 1995 से 2006 तक अप्रार्थी बैंक में कौन-कौन अग्रणी जिला प्रबंधक थे। उसे पता नहीं है कि प्रदर्श डब्ल्यू 10 उनके कार्यालय का हो। उसे यह भी पता नहीं है कि श्री एस.के. नागपाल दिनांक 25.11.2003 को उनके बैंक में अग्रणी जिला प्रबंधक हो। वह अप्रार्थी बैंक में दि. 30.05.2016 से कार्यरत है। यह कहना सही है कि अग्रणी जिला प्रबंधक की नियुक्ति सेंट्रल बैंक द्वारा की जाती है। उनका संचालन पृथक बॉडी से किया जाता है। यह कहना सही है कि अग्रणी जिला प्रबंधक वाहन संचालन के लिए व्यक्तिगत ड्राइवर रख सकता है जिसके लिए वह अधीकृत है। यह कहना सही है कि इस राशि को अग्रणी जिला प्रबंधक बैंक से पुनर्भरण करता है। यह कहना सही है कि प्रदर्श डब्ल्यू 9 उनके कार्यालय द्वारा जारी किया गया है। यह कहना गलत है कि प्रार्थी का स्थानान्तरण वर्ष 2003 में जिला बारां से झालावाड़ किया गया था। ऐसा स्थानान्तरण नहीं किया जा सकता है। उसे प्रदर्श डब्ल्यू 7 व प्रदर्श डब्ल्यू 9 की जानकारी नहीं है। यह कहना सही है कि प्रार्थी के विवाद के संबंध में व्यक्तिगत जानकारी नहीं है। उसे पता नहीं है कि प्रार्थी ने वर्ष 1988 से वर्ष 2005 तक अग्रणी जिला प्रबंधक के यहां जिला बारां एवं झालावाड़ में व्यक्तिगत ड्राइवर के रूप में कार्य किया हो या नहीं। उसे पता नहीं है कि प्रार्थी को दिनांक 20.11.2006 को नौकरी से हटा दिया हो। उनके पास ऐसा कोई रिकॉर्ड नहीं है।

7— इस प्रकार हस्तगत प्रकरण में प्रार्थी श्रमिक का कथन रहा है कि उसने अप्रार्थी के नियोजन में उसके क्षेत्राधिकार में स्थित अग्रणी बैंक अधिकारी, झालावाड़ के यहां दि. 01.12.88 से 30.11.2006 के मध्याह्न पश्चात तक निरंतर 240 दिन से अधिक समय तक कार्य किया है एवं इस दौरान प्रार्थी का स्थानान्तरण अप्रार्थी द्वारा किया गया है तथा प्रार्थी को वेतन का भुगतान बैंक द्वारा किया जाता था। प्रार्थी को हटाते समय अधिनियम के आज्ञापक प्रावधानों की अवहेलना की गई है। लेकिन अप्रार्थी की ओर से प्रार्थी के उक्त कथनों का खण्डन किया गया है और यह स्पष्ट किया गया है कि वह प्रार्थी का नियोजक नहीं है ना ही प्रार्थी ने कभी कोई कार्य उनके यहां किया है। प्रार्थी व प्रतिपक्षी संस्थान के मध्य कभी भी नियोजक व कर्मकार का संबंध नहीं रहा है। प्रार्थी केवल एक निजी वाहन चालक के रूप में संबंधित प्रबंधक के पास कार्य कर रहा था तथा अपनी सेवाएं उस अधिकारी को दे रहा था न कि अप्रार्थी बैंक को और प्रार्थी कभी भी अप्रार्थी बैंक की सेवाओं में नहीं था। बैंक के किसी भी अधिकारी द्वारा प्रार्थी को व्यक्तिगत ड्राइवर के रूप में रखना प्रार्थी एवं उस अधिकारी के बीच की अपनी निजी व्यवस्था है तथा उसका अप्रार्थी बैंक से किसी प्रकार का संबंध नहीं है। प्रार्थी एवं अप्रार्थी के मध्य कर्मकार-नियोजक स्थापित नहीं होने से प्रकरण को खारिज किए जाने का निवेदन किया है।

प्रार्थी द्वारा स्वयं को इस प्रकरण में अग्रणी बैंक अधिकारी, झालावाड़ का ड्राइवर दि. 01.12.1988 पर नियुक्त होने तथा दि. 01.12.1988 से लेकर 30.11.2006 तक निरंतर अप्रार्थी के नियोजन में कार्य करने का कथन किया गया है किन्तु इस संबंध में अप्रार्थी द्वारा कोई साक्ष्य पेश नहीं की गई है बल्कि प्रार्थी की ओर से अपने कथनों के समर्थन में जो दस्तावेजी साक्ष्य पेश की गई है उसमें प्रदर्श डब्ल्यू 1 आर.ओ. (एच.आर.ओ.) कोटा को निजी ड्राइवर के लिए युनिफॉर्म एवं जुतों के लिए लिखा गया पत्र दि. 23.01.2006, प्रदर्श डब्ल्यू 2 लगायत 4 हस्तलिखित विवरण, प्रदर्श डब्ल्यू 5 प्रार्थी का दि. 21.02.90 को क्षेत्रीय प्रबंधक, सेंट्रल बैंक ऑफ इण्डिया द्वारा जारी पहचान पत्र, प्रदर्श डब्ल्यू 6 क्षेत्रीय प्रबंधक, (एम.आर. विजयरानिया), द्वारा जोनल ऑफिस सेक. ऑफिस, नई दिल्ली को प्रार्थी को ड्राइवर के पद पर स्थाई करने बाबत लिखा गया पत्र दि. 22.08.2000, प्रदर्श डब्ल्यू 7 प्रार्थी द्वारा महाप्रबंधक, कार्मिक विभाग, सेंट्रल बैंक ऑफ इण्डिया केन्द्रीय कार्यालय, मुम्बई को वाहन चालक के पद पर नियुक्त करने बाबत पत्र दि. 05.02.2001, प्रदर्श डब्ल्यू 8 व प्रदर्श डब्ल्यू 9 प्रार्थी को वाहन चालक के पद पर नियुक्त करने बाबत क्षेत्रीय प्रबंधक द्वारा कार्मिक विभाग, आंचलिक कार्यालय, नई दिल्ली को प्रेषित पत्र दि. 08.02.2001 एवं 22.05.2001 तथा प्रदर्श डब्ल्यू 10 अग्रणी जिला प्रबंधक, झालावाड़ द्वारा क्षेत्रीय प्रबंधक, कोटा को प्रार्थी के रिकॉर्ड भेजने बाबत पत्र दि. 25.11.2003 है।

उपरोक्त दस्तावेजी साक्ष्य के अवलोकन से यह प्रकट हो रहा है कि प्रदर्श डब्ल्यू 2 लगायत 4 पर अप्रार्थी के संस्थान की मोहर एवं किसी अधिकारी के हस्ताक्षर कहीं भी अंकित नहीं है इसलिए प्रदर्श डब्ल्यू 2 लगायत 4 साक्ष्य में ग्राह्य नहीं है। प्रदर्श डब्ल्यू 1 पर कहीं भी प्रार्थी का नाम अंकित नहीं है इसलिए प्रदर्श डब्ल्यू 2 को प्रार्थी से संबंधित नहीं माना जा सकता है। प्रदर्श डब्ल्यू 5 की प्रमाणिकता बाबत प्रार्थी प्रतिनिधि द्वारा अप्रार्थी के गवाह से कोई जिरह नहीं की गई है। प्रदर्श डब्ल्यू 6, डब्ल्यू 8, डब्ल्यू 9 प्रार्थी निजी वाहन चालक को अप्रार्थी के यहां रिक्त वाहन चालक के पद पर नियुक्ति करने बाबत उच्च अधिकारियों को लिखे गए पत्र हैं एवं प्रदर्श डब्ल्यू 8 व 9 में यह उल्लेखित है कि प्रार्थी क्षेत्रीय प्रबंधक के निजी वाहन चालक है तथा उसे सहानुभूति पूर्वक वाहन चालक के रिक्त पद पर नियुक्त करने बाबत क्षेत्रीय प्रबंधक द्वारा कार्मिक विभाग, आंचलिक कार्यालय, नई दिल्ली को लिखा गया है एवं प्रदर्श डब्ल्यू 10 में प्रार्थी के अग्रणी जिला प्रबंधक का व्यक्ति ड्राइवर होना उल्लेखित है एवं प्रार्थी ने स्वयं अपनी जिरह में यह स्वीकार किया है कि वह बैंक के अग्रणी मैनेजर का व्यक्तिगत ड्राइवर था तथा इसलिए अप्रार्थी द्वारा जवाब स्टेटमेंट ऑफ क्लेम किए गए कथन कि “प्रार्थी केवल एक निजी वाहन चालक के रूप में संबंधित प्रबंधक के पास कार्य कर रहा था तथा अपनी सेवाएं उस अधिकारी को दे रहा था न कि अप्रार्थी बैंक को और प्रार्थी कभी भी अप्रार्थी बैंक की सेवाओं में नहीं था।” अधिक विश्वनीय प्रतीत होते हैं। उपरोक्त साक्ष्य के अवलोकन एवं प्रार्थी द्वारा जिरह में की गई स्वीकारोक्ति कि वह बैंक के अग्रणी मैनेजर का व्यक्तिगत ड्राइवर था व स्टेटमेंट ऑफ क्लेम के मद सं. 1 में किए गए कथन कि उसे वेतन का भुगतान अग्रणी बैंक अधिकारी द्वारा किया जाता था, से यह दर्शित होता है कि प्रार्थी, अप्रार्थी के अग्रणी बैंक अधिकारी अधिकारी का निजी वाहन चालक था न कि बैंक का वाहन चालक।

8— प्रार्थी द्वारा इस प्रकरण में यह भी कथन किया गया है कि उसने माननीय राजस्थान उच्च न्यायालय में उसे रेगुलर करने हेतु नियोजक के विरुद्ध याचिका प्रस्तुत की थी जिससे नियोजक प्रार्थी से नाराज हो गया तथा प्रार्थी को अवैध प्रकार से नौकरी से दि. 30.11.2006 को हटा दिया। प्रार्थी द्वारा अपने उक्त कथन में समर्थन में भी कोई साक्ष्य पत्रावली पर पेश नहीं की गई है एवं यह भी स्पष्ट नहीं किया गया है प्रार्थी द्वारा माननीय राज. उच्च न्यायालय में याचिका प्रस्तुत करने के उपरांत क्या आदेश पारित किया गया।

9— प्रार्थी को वांछित अनुलोप प्राप्त करने के लिए यह प्रमाणित करना आवश्यक है कि उसके एवं अप्रार्थी के मध्य “कर्मकार-नियोजक” के संबंध स्थापित रहे हो एवं उसने उसकी सेवा समाप्ति दिनांक 30.11.2006 से पूर्व के एक कलेण्डर वर्ष में निरंतर 240 दिन कार्य किया हो।

प्रार्थी द्वारा अप्रार्थी के नियोजन में लगातार 18 वर्षों तक कार्य करने के उपरांत भी नियोजन संबंधी कोई दस्तावेजी साक्ष्य पेश नहीं गई है बल्कि यह संभव नहीं है कि इतने वर्षों तक अप्रार्थी के यहां कार्य करने के उपरांत उसके पास नियोजन संबंधी कोई साक्ष्य ना हो एवं प्रार्थी ने जिरह

में यह स्वीकार किया है कि उसके पास नियुक्ति आदेश नहीं है, ना ही हटाने का आदेश है तथा बैंक द्वारा उसे वाउचर से भुगतान किया जाता था व वाउचर उसने न्यायालय की पत्रावली पर पेश नहीं किए हैं इसके अतिरिक्त जिरह में यह भी स्वीकारोक्ति की है कि वह अग्रणी बैंक के मैनेजर का व्यक्तिगत चालक था। प्रार्थी द्वारा ही प्रस्तुत दस्तावेजी साक्ष्य प्रदर्श डब्ल्यू 8, डब्ल्यू 9 एवं डब्ल्यू 10 से यह स्पष्ट होता है कि प्रार्थी, अप्रार्थी के अग्रणी जिला प्रबंधक उसके उपरांत क्षेत्रीय प्रबंधक का निजी वाहन चालक तथा उसके द्वारा ही उसे भुगतान किया जाता था ऐसे में प्रार्थी एवं अप्रार्थी के मध्य “कर्मकार एवं नियोजक” के संबंध स्थापित नहीं होना पाया जाता है एवं प्रार्थी पक्ष द्वारा जो न्यायिक दृष्टांत प्रस्तुत किए गए हैं उनमें प्रतिपादित सिद्धांतों से न्यायालय पूर्णतया सहमत है लेकिन प्रकरण कि तथ्य एवं परिस्थितियां भिन्न होने से प्रार्थी के प्रकरण में वह चर्चा नहीं होते हैं।

10— इस प्रकार उपरोक्त विवेचन व विश्लेषण के आधार पर प्रार्थी अपनी साक्ष्य से यह सिद्ध कर पाने में असफल रहा है कि उसके एवं अप्रार्थी के मध्य “कर्मकार एवं नियोजक” के संबंध स्थापित रहे हैं। इसलिए प्रार्थी श्रमिक, अप्रार्थी से कोई अनुतोष प्राप्त करने का अधिकारी घोषित होने योग्य नहीं है एवं सम्प्रेषित निर्देश/रेफ्रेन्स इसी अनुरूप उत्तरित होने योग्य है।

11— परिणामस्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा प्रासांगिक आदेश दिनांक 13.10.2009 एवं सपठित शुद्धिपत्र दिनांक 05.09.2018 के जरिये सम्प्रेषित निर्देश/रेफ्रेन्स विवाद को इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी श्रमिक दिनेश चंद परिहार यह सिद्ध कर पाने में असफल रहा है कि उसके एवं अप्रार्थी क्षेत्रीय प्रबंधक, सैन्ट्रल बैंक ऑफ इण्डिया, कोटा के मध्य “कर्मकार एवं नियोजक” के संबंध स्थापित रहे हैं। अतः प्रार्थी श्रमिक, अप्रार्थी से किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 08.07.2025 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 12 फरवरी, 2026

का.आ. 174.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय कोटा के पंचाट [Ref.02/2012(CIS- 03/2014)] (CNR-CRJKT060001442012) प्रकाशित करती है।

[सं. एल-39025/01/2026-आईआर (बी-II)-20]

सलोनी, उप निदेशक

New Delhi, the 12th February, 2026

S.O. 174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. 02/2012(CIS-03/2014) (CNR-RJKT060001442012) of the Indus.Tribunal-cum-Labour Court Kota as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen

[No. L-39025/01/2026- IR(B-II)-20]

SALONI, Dy. Director

अनुलग्नक

न्यायाधीश, श्रम न्यायालय, कोटा(राज.)

पीठासीन अधिकारी: संदीप कुमार शर्मा, आर.एचजे.एस. (जिला जज संवर्ग)

प्रकरण क्रमांक: श्र.न्या.—02/2012(सीआईएस—03/2014)

(सीएनआर—आरजेकेटी060001442012)

दिनांक स्थापित: 27.04.2012

प्रार्थना—पत्र अन्तर्गत धारा 2ए(2) औद्योगिक विवाद अधिनियम, 1947

मध्य

श्यामलाल मेहत्तर पुत्र श्री मांगीलाल, निवासी—ग्राम पीपलिया, पोस्ट दांता, तहसील पिड़ावा, जिला झालावाड़

—प्रार्थी श्रमिक

एवं

सहायक महाप्रबंधक, बैंक ऑफ बड़ौदा, क्षेत्रीय कार्यालय, कप्तान दुर्गाप्रसाद चौधरी मार्ग, वैशाली नगर, अजमेर

—अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

श्री दिनेश राय द्विवेदी

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री सुरेश माथुर

:अधिनिर्णय:

दिनांक: 25.07.2025

प्रार्थी श्रमिक की ओर से हस्तगत प्रार्थना-पत्र औद्योगिक विवाद अधिनियम, 1947(जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 2ए(2) के अन्तर्गत इस न्यायालय में इस आशय का प्रस्तुत किया गया है कि उसे प्रतिपक्षी बैंक को स्वीपर/चपरासी के पद पर नियुक्ति हेतु जिला रोजगार कार्यालय से प्रार्थी का नाम उम्मीदवार के रूप में भेजा गया था। इस पर प्रतिपक्षी ने प्रार्थी को साक्षात्कार हेतु दि. 26.04.2004 को बुलाया और नौकरी हेतु उस का आवेदन ले कर उसका साक्षात्कार लिया। उक्त पद के लिए प्रार्थी का चयन होने की सूचना प्रतिपक्षी द्वारा दि. 28.04.2010 के पत्र से प्रार्थी को प्रेषित की गई। इस पत्र में वर्णित औपचारिकताएं पूर्ण होने के उपरान्त प्रार्थी को दि. 05.05.2010 के नियुक्ति पत्र से नियुक्ति दी जाकर दि. 10.05.2010 तक झालवाड़ शाखा में उपस्थिति देने हेतु निर्देशित किया। प्रार्थी ने उक्त नियुक्ति पत्र के अनुसार दि. 07.05.2010 को शाखा झालवाड़ में कार्य पर उपस्थिति दे दी। प्रतिपक्षी ने प्रार्थी को दि. 07.09.2010 का एक पत्र दे कर उस पर कुछ आरोप लगाते हुए उससे उनका स्पष्टीकरण चाहा। इस पत्र में यह अंकित किया गया था कि "आप इस पत्र की प्राप्ति के तीन दिनों में अपना स्पष्टीकरण प्रस्तुत करें अन्यथा यह माना जाएगा कि इस विषय में अपनापक्ष प्रस्तुत नहीं करना चाहते तथा बैंक आप के विरुद्ध उचित कार्यवाही करने को स्वतंत्र होगा।" प्रार्थी ने दि. 07.09.2010 के पत्र के संबंध में अपना स्पष्टीकरण दि. 13.09.2010 को प्रतिपक्षी को शाखा प्रबंधक के माध्यम से प्रस्तुत कर दिया। प्रार्थी को प्रतिपक्षी द्वारा दि. 30.10.2010 के पत्र से सेवा से निष्कासित कर दिया गया। इस पत्र में अंकित किया गया था कि "आपके व्यवहार के संदर्भ में आप को दिए गए मौके एवं प्राकृतिक न्याय को ध्यान में रखते हुए मैं निर्णयकर्ता अधिकारी के रूप में उक्त परिस्थितियों को मद्देनजर रखते हुए आपके नियुक्ति पत्र सं. AJ/RO/HRM/442 दि. 05.05.2010 में उल्लेखित सेवा भर्ती के आधार पर यह निर्णय लेता हूँ कि आपकी सेवाएं बैंक के अधिकारियों एवं ग्राहकों के प्रति अहितकारी है। अतः आप को बैंक सेवा से तुरंत प्रभाव से निष्कासित किया जाता है।" इस प्रकार प्रार्थी को प्रतिपक्षी द्वारा उक्त पत्र दि. 30.10.2010 के द्वारा बैंक सेवा से निष्कासित करने का दंड दिया गया। प्रार्थी को सेवा से निष्कासन दंडात्मक है। प्रतिपक्षी द्वारा प्रार्थी को उक्त दंड दिए जाने के पूर्व सेवा शर्तों एवं द्विपक्षीय समझौतों के अनुरूप कोई औपचारिक आरोप पत्र नहीं दिया गया। प्रतिपक्षी ने उनके पत्र दि. 07.09.2010 द्वारा जिन आरोपों पर प्रार्थी से स्पष्टीकरण चाहा था, प्रार्थी ने यथासमय प्रस्तुत कर दिया था लेकिन प्रार्थी पर लगाए गए इन आरोपों को साबित करने के लिए कोई जांच नहीं की गई। प्रार्थी को सुनवाई और प्रतिरक्षा को कोई अवसर प्रदान नहीं किया गया। प्रार्थी को सेवा से निष्कासित किए जाने के पूर्व कोई कारण बताओ नोटिस भी नहीं दिया गया और प्रार्थना की है कि प्रार्थीया को पिछले सम्पूर्ण वेतन सहित सेवा में बहाली का अनुतोष प्रदान किया जावे।

2— अप्रार्थी पक्ष की ओर से स्टेटमेन्ट ऑफ क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि प्रार्थी को साक्षात्कार दिनांक 26.04.2010 की हुआ था प्रार्थी की नियुक्ति 6 माह के प्रोबेशन पर की गयी थी। 6 माह के प्रोबेशन के पश्चात् प्रार्थी को स्थायी नियुक्ति दी जानी थी। उक्त प्रोबेशन अवधि में बैंक को यह अधिकार था कि वो प्रार्थी की सेवाएं 1 माह का नोटिस देकर अथवा नोटिस की एवज में एक महीने का वेतन और अन्य भत्ते देकर समाप्त की जा सकती है। प्रार्थी की उक्त नौकरी स्थायी नहीं थी। प्रार्थी को किसी भी प्रकार का कोई दंड नहीं दिया गया है। प्रार्थी की सेवाएं उसको प्रोबेशन पर जो नियुक्ति दी गई थी, उसकी शर्तों को ध्यान में रखते हुए प्रार्थी की सेवाएं समाप्त की गई थी। प्रार्थी की नियुक्ति प्रोबेशन पर 6 माह के लिए इस बैंक की सेवाएं एक महीने का नोटिस देकर अथवा नोटिस की एवज में एक महीने का वेतन और अन्य भत्ते देकर समाप्त की जा सकती हैं इन शर्तों को ध्यान में ध्यान में रखते हुए प्रार्थी को किसी भी प्रकार का कोई आरोप पत्र देने की आवश्यकता नहीं है। प्रार्थी के द्वारा समय-समय पर उच्चाधिकारियों के साथ व ग्राहकों के साथ अवांछनीय व्यवहार रहा है। इस बाबत प्रार्थी से स्पष्टीकरण चाहा गया था, प्रार्थी ने बैंक के पत्र दिनांक 07.09.2010 का जो स्पष्टीकरण प्रस्तुत किया गया था वो संतोषजनक नहीं था तथा उक्त स्पष्टीकरण में भी प्रार्थी ने उस पर लगे व्यवहार व कमियों को स्वीकार किया था। प्रार्थी को प्राकृतिक न्याय के सिद्धान्त को ध्यान में रखते हुए सुनवाई का पूरा मौका दिया गया था तथा प्रार्थी को प्रोबेशन पीरियड को ध्यान में रखते हुए तथा उसमें दर्शायी गई शर्तों को ध्यान में रखते हुए तथा प्रार्थी का असंतोषजनक कार्य निष्पादन एवं कार्यक्षमता तथा बैंक के अधिकारियों के साथ किए जा रहे व्यवहार काम नहीं करने की प्रवृत्ति तथा बैंक के ग्राहकों के साथ किए जा रहे व्यवहार को मद्देनजर रखते हुए बैंक के अधिकारियों ने प्रार्थी को बैंक की सेवा में नहीं रखने का विचार किया क्योंकि प्रार्थी के द्वारा किए जा रहे व्यवहार से बैंक की बदनामी भी हो रही थी तथा बैंक के कार्य पर भी असर पड़ रहा को ध्यान में रखते हुए व नियमानुसार कार्यकही की गयी है एवं उक्त आधार प्रार्थी का क्लेम प्रार्थना पत्र सव्यय खारिज किए जाने का निवेदन किया है।

3— उभयपक्ष के अभ्यावेदनों के आधार पर निम्न विवाद बिन्दु विरचित किये गये:—

"क्या उप-महाप्रबंधक, बैंक ऑफ बड़ौदा, क्षेत्रीय कार्यालय, कप्तान दुर्गाप्रसाद चौधरी मार्ग, वैशाली नगर, अजमेर द्वारा श्रमिक श्याम लाल मेहतर पुत्र श्री मांगीलाल को पत्र/आदेश दि. 30.10.2010 के द्वारा सेवा से हटाया जाना उचित एवं वैध है? यदि नहीं, तो श्रमिक क्या राहत पाने का अधिकारी है?"

4— साक्ष्य में प्रार्थी की ओर से स्वयं का एवं अप्रार्थी की ओर से अब्दुल खलीक चौधरी के शपथ पत्र प्रस्तुत किए गए हैं जिप पर परस्पर जिरह की गई है। उभयपक्ष की ओर से दस्तावेजी साक्ष्य भी पेश की गई है जिसका यथासमय उल्लेख किया जावेगा।

5— उभयपक्ष के प्रतिनिधिगण की गयी बहस सुनी गयी जो बहस मुख्यतः उनकी ओर से प्रस्तुत अपने-अपने अभ्यावेदनों के अनुरूप ही रही है। इसके अतिरिक्त प्रार्थी प्रतिनिधि का कथन रहा है कि इस प्रकरण में अप्रार्थी नियोजक ने प्रार्थी से कार्य व्यवहार के संबंध में पत्र दि. 07.09.2010 द्वारा स्पष्टीकरण मांगा था जिसका स्पष्टीकरण प्रार्थी ने नियोजक के संबंध में पेश किया किन्तु अप्रार्थी ने केवल स्पष्टीकरण के आधार पर प्रार्थी को पत्र/आदेश दि. 30.10.2010 द्वारा नौकरी से हटा दिया एवं नियोजक द्वारा प्रार्थी के विरुद्ध पत्र दि. 07.09.2010 में लगाए आरोपों बाबत कोई विभागीय जांच नहीं करवाई गई केवल स्पष्टीकरण के आधार पर प्रार्थी के विरुद्ध दण्डादेश दि. 30.10.2010 जारी कर प्रार्थी को नौकरी से हटा दिया एवं उक्त दण्डादेश बाबत विभागीय जांच किया जाना आवश्यक था जो कि अप्रार्थी द्वारा नहीं की गई है इसलिए प्रार्थी के विरुद्ध जारी दण्डादेश दि. 30.10.2010 अपास्त किए जाने योग्य है एवं प्रार्थी ने उसको पिछले सम्पूर्ण वेतन सहित सेवा में बहाली का अनुतोष दिए जाने का निवेदन किया गया है एवं प्रार्थी प्रतिनिधि द्वारा अपने कथनों के समर्थन में Ratnesh kumar Choudhary VS. Indira Gandhi Institute of Medical Sciences, Patna & others- (2015) 12 AD (SC) न्यायिक दृष्टांत पेश किया है।

खण्डन में अप्रार्थी प्रतिनिधि का कथन रहा है कि प्रार्थी को आदेश दि. 05.05.2010 द्वारा स्वीपर कम पिओन के पर अस्थाई रूप से 6 माह के प्रोबेशन पर नियुक्ति किया था एवं प्रार्थी का कार्य व्यवहार सही नहीं पाए जाने के कारण आदेश दि. 30.10.2010 द्वारा एक माह का अग्रिम नोटिस वेतन देकर उसकी सेवाएं समाप्त की गई है जो कि पूर्णतया उचित एवं वैध है तथा आदेश दि. 30.10.2010 जारी करने से पूर्व प्रार्थी को कार्य व्यवहार बाबत पत्र जारी कर स्पष्टीकरण चाहा गया था जिसका जवाब प्रार्थी ने दिया एवं जवाब संतोषप्रद नहीं पाए जाने पर उसकी सेवाएं समाप्त की गई है इस प्रकार अप्रार्थी ने प्राकृतिक न्याय के सिद्धांतों की अवहेलना नहीं की है। अपने कथनों के समर्थन में अप्रार्थी प्रतिनिधि द्वारा निम्न न्यायिक दृष्टांत प्रस्तुत किए गए हैं—

1. Krishnadevaraya Education Trust and another Vs. L.A. Balakrishna-AIR 2001 Supreme Court 625,
2. Hukum Chand Khundia Vs. Chandigarh Administration and another- Supreme court SLC(C) No. 6503/1986 Dt. 09.10.1995,
3. Narpat Singh Bhait Vs. State of Raj. & others- 1991 LAB.I.C. 1034 (Raj. HC),
4. Governing Council of Kidwai Memorial Institute of Oncology, Bangalore, Vs. Dr. Pandurang Godwalkar and anr-AIR 1993 Supreme Court 392,
5. K.V. Krishnamani, Vs. Lalit Kala Academy-1996 LAB. I.C. 2063 (SC),
6. Bundi Chittorgarh Kshetrya Gramin Bank, Bundi Vs. P.O., Central Industrial Tribunal, Jaipur & anr.- RLR 1995(1) 700 (Raj HC),
7. Mahavir Singh Vs. Delhi Transport Co.- 1995 (71) FLR 535 (Delhi HC),
8. Sangeeta Pathak Vs. High Court of Raj of Judicature of Rajasthan at Jodhpur & ors.- RLR 1995(1) 575 (Raj. HC)

6— इस प्रकरण में पक्षकारों द्वारा अभ्यावेदन प्रस्तुत करने के उपरांत न्यायालय द्वारा निम्न विवाद बिन्दु विरचित किया है कि “क्या उप-महाप्रबंधक, बैंक ऑफ बड़ौदा, क्षेत्रीय कार्यालय, कप्तान दुर्गाप्रसाद चौधरी मार्ग, वैशाली नगर, अजमेर द्वारा श्रमिक श्याम लाल मेहतर पुत्र श्री मांगीलाल को पत्र/आदेश दि. 30.10.2010 के द्वारा सेवा से हटाया जाना उचित एवं वैध है? यदि नहीं, तो श्रमिक क्या राहत पाने का अधिकारी है?” इस विवाद को सिद्ध करने का भार स्वयं प्रार्थी पर है जिसमें संबंध में प्रार्थी द्वारा पत्रावली पर साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत किया है जिसमें उसने स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है तथा जिरह में यह कथन किया है कि प्रदर्श डब्ल्यू 1 के द्वारा उसे नियुक्ति दी गई थी और प्रदर्श डब्ल्यू 2 ए भी है। वह पढ़ा लिखा है आठवीं कक्षा पास है। यह बात सही है कि प्रदर्श डब्ल्यू 2—ए के जरिए उसे प्रोबेशन पर रखा गया था। यह बात सही है कि उसे परमानेंट करने का कोई आदेश नहीं दिया गया था। यह बात सही है कि प्रदर्श डब्ल्यू 5 ए के द्वारा उसे निकाला गया था। यह बात सही है कि उसे झूठे एलीगेशन लगाए थे। इसी एलीगेशन के बारे में उसने प्रदर्श डब्ल्यू 4 जवाब दिया था। यह गलत है कि उसे किसी एलीगेशन के कारण न निकाला हो। वो एलीगेशन प्रदर्श डब्ल्यू 5 में नहीं लिखा है। उसने नौकरी से हटाने के बाद कहीं भी एप्लॉई नहीं किया है। उससे छुआछूत करते थे इस बाबत उसने पुलिस में रिपोर्ट नहीं करवाई। उसने लिखित में भी शिकायत नहीं की।

साक्ष्य में अप्रार्थी की ओर से अब्दुल खालीक चौधरी का शपथ पत्र प्रस्तुत किया है जिसमें उसने जवाब स्टेटमेंट ऑफ क्लेम में वर्णित तथ्यों की पुनरावृत्ति की है तथा जिरह में यह कथन है कि प्रदर्श डब्ल्यू 1 लगायत 3 एवं प्रदर्श डब्ल्यू 5 उनके प्रबन्धन द्वारा जारी किये गये पत्र हैं। उसने फाईल नहीं देखी है इस कारण में नहीं कह सकता कि प्रदर्श डब्ल्यू 4 उसी स्पष्टीकरण की प्रति है जो प्रार्थी ने उप महाप्रबंधक को पेश की थी। प्रदर्श डब्ल्यू 6 प्रार्थी द्वारा श्रम विभाग को शिकायत हो तो उसे उसकी जानकारी नहीं है। यह कहना सही है कि वह व्यक्तिगत रूप से श्यामलाल मेहतर को नहीं जानता हूँ। वह उसी ब्रान्च में था जिस ब्रान्च में श्यामलाल पदस्थापित था। प्रार्थी के कार्यकाल में वह उसी शाखा का ब्रान्च मैनेजर था। यह कहना सही है कि उसने प्रार्थी के सामने किसी गवाह से बयान नहीं किये क्योंकि इसकी आवश्यकता ही नहीं थी। प्रार्थी ने जो पत्राचार पेश किये हैं वो ही मौका दिया था। उन्होंने कोई जाँच रिपोर्ट तैयार नहीं की क्योंकि प्रोबेशन काल में इसकी कोई आवश्यकता नहीं होती है। यह कहना सही है कि प्रार्थी का स्पष्टीकरण सही नहीं पाये जाने के कारण प्रार्थी को नौकरी से हटाया गया था।

7— इस प्रकार पत्रावली पर उपलब्ध साक्ष्य के अवलोकन से यह दर्शित हो रहा है कि अप्रार्थी नियोजक ने प्रार्थी को प्रदर्श डब्ल्यू 2 ए आदेश दि. 05.05.2010 द्वारा 6 माह के लिए प्रोबेशन के आधार पर स्वीपर कम पिओन के पद पर नियुक्ति किया था एवं उक्त आदेश की शर्त “आपकी परिवीक्षाधीन अवधि छः महीने की होगी जिसे बैंक अपने विवेकाधिकार से बढ़ा सकता है। नोट करें कि उक्त अवधि में बैंक द्वारा आपकी सेवाएं एक महीने का नोटिस देकर अथवा नोटिस की एवज में एक महीने का वेतन और अन्य भत्ते देकर समाप्त की जा सकती है।” थी। जिसके उपरांत अप्रार्थी द्वारा प्रार्थी को प्रदर्श डब्ल्यू 3 ए पत्र दि. 07.09.2010 जारी कर प्रार्थी के असंतोषजनक कार्य निष्पादन एवं उच्चाधिकारियों व ग्राहकों के साथ अवांछनीय व्यवहार के संबंध में स्पष्टीकरण चाहा गया एवं प्रार्थी ने अपना स्पष्टीकरण प्रदर्श डब्ल्यू 4 अप्रार्थी के समक्ष पेश किया है एवं अपने व्यवहार में सुधार लाने का निवेदन किया। जिसके उपरांत अप्रार्थी द्वारा प्रदर्श डब्ल्यू 5 ए आदेश दिनांक 30.10.2010 जारी किया गया है एवं नियुक्ति पत्र में

वर्णित शर्तों के आधार पर प्रार्थी को बैंक सेवा से तुरंत प्रभाव से निष्कासित किया गया है एवं प्रार्थी को सेवा से निष्कासित करते समय नोटिस अवधि हेतु एक माह का वेतन एवं भत्ते आदि का नियमानुसार भुगतान किया है।

उपरोक्त विवेचन एवं विश्लेषण से स्पष्ट है कि अप्रार्थी द्वारा प्रार्थी को दि. 05.05.2010 को छः माह के लिए प्रोबेशन पर स्वीपर कम पीओन के पद पर नियुक्ति किया जिसके उपरान्त प्रार्थी का असंतोषजनक कार्यव्यवहार एवं बैंक के उच्चाधिकारियों एवं ग्राहकों के साथ अवांछनीय व्यवहार के कारण उसको बैंक सेवा से निष्कासित आदेश दि. 30.10.2010 जारी किया गया है। अप्रार्थी द्वारा प्रार्थी के नियुक्ति पत्र में यह स्पष्टतः यह शर्त अंकित की गई थी कि उसकी परीक्षा अवधि 6 माह की होगी एवं बैंक इसे बढ़ा सकता है एवं बैंक प्रार्थी की सेवा एक महिने का नोटिस अथवा नोटिस वेतन का भुगतान कर उसकी सेवा समाप्त की जा सकती है एवं नियोजक द्वारा प्रार्थी का कार्यव्यवहार संतोषजनक नहीं जाए जाने के कारण उसकी सेवाएं आदेश दि. 30.10.2010 द्वारा की गई है। पत्रावली पर उपलब्ध सामग्री से यह दर्शित होता है कि प्रार्थी को हटाने से पूर्व अप्रार्थी द्वारा उसे कार्य व्यवहार में सुधार लाने बाबत दि.21.07.2010 आदेश/पत्र जारी किया गया एवं उसके उपरान्त पत्र दि. 07.09.2010 असंतोषजनक कार्य निष्पादन एवं उच्चाधिकारियों व ग्राहकों के साथ अवांछनीय व्यवहार बाबत स्पष्टीकरण मांगा गया जिसका स्पष्टीकरण प्रार्थी द्वारा नियोजक को पेश कर कार्य व्यवहार में सुधार लाने बाबत निवेदन किया किन्तु फिर भी प्रार्थी द्वारा अपने कार्यव्यवहार में कोई सुधार नहीं लाया गया।

8— जहां तक प्रार्थी प्रतिनिधि के तर्क का प्रश्न है कि अप्रार्थी नियोजक ने प्रार्थी से कार्य व्यवहार के संबंध में पत्र दि. 07.09.2010 द्वारा स्पष्टीकरण मांगा था जिसका स्पष्टीकरण प्रार्थी ने नियोजक के संबंध में पेश किया किन्तु अप्रार्थी ने केवल स्पष्टीकरण के आधार पर प्रार्थी को पत्र/आदेश दि. 30.10.2010 द्वारा नौकरी से हटा दिया एवं नियोजक द्वारा प्रार्थी के विरुद्ध पत्र दि. 07.09.2010 में लगाए आरोपों बाबत कोई विभागीय जांच नहीं करवाई गई केवल स्पष्टीकरण के आधार पर प्रार्थी के विरुद्ध दण्डादेश दि. 30.10.2010 जारी कर प्रार्थी को नौकरी से हटा दिया एवं उक्त दण्डादेश बाबत विभागीय जांच किया जाना आवश्यक था जो कि अप्रार्थी द्वारा नहीं की गई है इसलिए प्रार्थी के विरुद्ध जारी दण्डादेश दि. 30.10.2010 अपास्त किए जाने योग्य है।

इस संबंध में देख जाए तो प्रार्थी को आदेश दि. 05.05.2010 द्वारा छः माह के लिए प्रोबेशन पर नियुक्त किया था एवं दि. 30.10.2010 को हटाते समय वह अप्रार्थी के नियोजन में परीक्षाकाल पर था एवं परीक्षाकाल के दौरान उसकी सेवाएं समाप्त दि. 30.10.2010 को उसके नियुक्ति पत्र में वर्णित शर्तों के अनुसार एक माह का नोटिस वेतन देकर की गई है जो कि पूर्णतया उचित एवं वैध है जिसमें किसी प्रकार का हस्तक्षेप किए जाने की आवश्यकता नहीं है तथा प्रार्थी प्रतिनिधि का उक्त तर्क मान्य नहीं है। प्रार्थी पक्ष द्वारा प्रस्तुत न्यायिक दृष्टांत के तथ्य एवं परिस्थितियां भिन्न होने के कारण प्रार्थी उसमें प्रतिपादित सिद्धांत से कोई लाभ प्राप्त करने का अधिकारी नहीं है। अतः उपरोक्त विवेचनानुसार विवाद्यक प्रार्थी के विरुद्ध तथा अप्रार्थी के पक्ष में तय किया जाता है।

:: आ दे श ::

9— प्रकरण के समस्त तथ्यों, परिस्थितियों, अभिलेख पर उपलब्ध मौखिक तथा दस्तावेजी साक्ष्य तथा समग्र विवेचन के आधार पर प्रार्थी श्रमिक श्यामलाल मेहतर करे परीक्षाकाल के दौरान उसका कार्यव्यवहार संतोषजनक नहीं जाए जाने के कारण उसकी सेवाएं परीक्षाकाल में ही नियुक्ति पत्र की शर्तों के अनुसार एक माह का नोटिस वेतन देकर दिनांक 30.10.2010 को समाप्त करना उचित एवं वैध है जिसमें किसी का कोई हस्तक्षेप करने की कोई आवश्यकता नहीं है। अतः प्रार्थी श्रमिक, अप्रार्थी सहायक महाप्रबंधक, बैंक ऑफ बड़ौदा, क्षेत्रीय कार्यालय, अजमेर से किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।

संदीप कुमार शर्मा, न्यायाधीश,

अधिनिर्णय आज दिनांक 25.07.2025 को खुले न्यायालय में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 16 फरवरी, 2026

का.आ. 175.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एचडीएफसी बैंक लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-1 के पंचाट (1/2020) प्रकाशित करती है।

[सं. एल-12025/01/2026-आईआर (बी-1)-41]

सलोनी, उप निदेशक

New Delhi, the 16th February, 2026

S.O. 175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.1/2020) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Mumbai -1 as shown in the Annexure, in the industrial dispute between the management of HDFC Bank Ltd. and their workmen.

[No. L-12025/01/2026- IR (B-I)-41]

SALONI, Dy. Director

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

Present

JUSTICE ARVIND KUMAR MISHRA

Presiding Officer

MISC. Application No.-1 of 2020

Parties:

Anwar Hussain Shaikh

Flat No. 301, A wang

Mayur Vatika

Dapodi

Pune-411012

And

The Sr. Vice Presidinet

HDFC Bank Ltd.

HDFC Bank House,

2nd Flor, Senapati Bapat Road,

Lower Parel

Mumbai-400 013

Appearances:

For the first party Management : Absent

For the second party workmen : Absent

Mumbai, dated 6th day of January, 2026.

Order

In view of the above said facts the Management and Applicant has not appear before the Tribunal and Management not filed any written statement/ evidence in support of his case affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

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

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

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

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

Since 2022 workman is not present in-spite of notice and no written statement has been filed by the management in support of his case, the claims liable to be dismissed.

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

Justice ARVIND KUMAR MISHRA, Presiding Officer