



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 7] नई दिल्ली, फरवरी 22—फरवरी 28, 2026, शनिवार/ फाल्गुन 3—फाल्गुन 9, 1947
No. 7] NEW DELHI, FEBRUARY 22— FEBRUARY 28, 2026, SATURDAY/ PHALGUNA 3—PHALGUNA 9, 1947

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

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

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

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 23 फरवरी, 2026

का.आ. 176.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड के अधीन निष्पादन प्रबंधन महानिदेशालय, (मुख्यालय) अप्रत्यक्ष कर एवं सीमा शुल्क, नई दिल्ली, जिसके 80 प्रतिशत से अधिक अधिकारियों एवं कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2-अधिसूचना]

प्रीति सेलारे, उप निदेशक (रा.भा.)

MINISTRY OF FINANCE**(Department of Revenue)**

New Delhi, the 23rd February, 2026

S.O. 176.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, **Directorate General of Performance Management, (Headquarter) Indirect Taxes and Customs, New Delhi** under Central Board of Indirect Taxes and Customs, Department of Revenue where more than 80% staff has acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017- Hindi-2-Notification]

PREETI SELLARE, Dy. Director (OL)

विदेश मन्त्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 17 फरवरी, 2026

का.आ. 177.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के दूतावास, बहरीन में श्री दीपक कुमार, सहायक अनुभाग अधिकारी, को दिनांक फरवरी 17, 2026 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी.4330/01/2026(03)]

तरुण कुमार, अवर सचिव [सीपीवी-II]

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

New Delhi, the 17th February, 2026

S.O. 177.—Statutory Order in pursuance of the 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 Mr. Deepak Kumar, Assistant Section Officer, as Assistant Consular Officer in Embassy of India, Bahrain to perform the Consular services with effect from 17 February 2026.

[F. No. T.4330/01/2026 (03)]

TARUN KUMAR, Under Secy. (CPV-II)

श्रम और रोजगार मन्त्रालय

नई दिल्ली, 27 जनवरी, 2026

का.आ. 178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राहुल पांडे सिक्योरिटी एजेंसी कॉम्प्लेक्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जबलपुर के पंचाट (एलसी/आर-04/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/46/2020-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th January, 2026

S.O. 178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/04/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **Rahul Pandey Security Agency Complex** and their workmen, received by the Central Government on **27/01/2026**.

[No. L-22012/46/2020 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JABALPUR (M.P.)

NO. CGIT/LC/R/04/2021**Present: P.K.Srivastava****H.J.S..(Retd)**

Shri. Abhay Kumar Srivastava,
Organizing Secretary, Central Committee
Koyla Mazdoor Panchayat (HMS),
At-CMPDIL Camp-Kusmunda Po-Kusmunda,
District- Korba (Chhattisgarh) - 495454

Workman**Versues**

M/s Rahul Pandey Security Agency Contractor,
Add-Corporate Office-Shop No.1/4 Nehru Complex,
Vyapar Vihar Ring road,
District-Bilaspur, Chhattisgarh - 497101.

Management**(JUDGMENT)****(Passed on this 09th day of December - 2025)**

As per letter dated 24/12/2020 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-22012/46/2020-(IR(CM-II))** dt. 24/12/2020. The dispute under reference relates to:

“Whether the demand of Koyla Mazdoor Panchayat (HMS), CMPDL, Bilaspur, not to transfer (1) Shri Abhaya Kumar Srivastav S/o Late Sidhnath Lal Srivastav, (2) Sri Radheshyam Jaiswal, (3) Sri Rajesh Kumar Singh, (4) Sri Shyamlal Marco, workmen, from Kusumda Camp to Korba and thereafter to Bilaspur office of CMPDIL, while there is an ongoing ID case, is justified and legal in view of the terms of memorandum of settlement no. BSP-1(66)/2017-RLC dated 02-01-2018? If not, to what relief these four workmen are entitled?”

After registering case on the basis of the reference, notices were issued to the parties. The Workman side appeared and filed their statement of claim. None appeared for Management. They did not file any written statement of defense. The case proceeded ex-parte against them vide order dated 10.02.2025. The Workman Union filed affidavit. None appeared for Management to cross-examine them in the light of affidavit. Ex-parte arguments were heard from side of Workman Union submitted by their Learned Counsel Mr. Rajesh Chan. I have gone through the record as well.

The case taken by the Workman Union is that, the Applicant Workmen are working as Security Guard under the Management of Outsourcing Agency Contractor M/s Rahul Pandey Security Agency and are deputed at the site of CMPDIL Camp, at Kusmunda. There was a settlement between the Union and the Contractor on 02.01.2018 (Annexure W-1 to the Statement of claim). The terms of settlement was that on work exigency and need basis the Security Guards employed at CMPDIL at various locations of different camps including Headquarter shall be rotated from time to time in fair manner and that the unwilling security guards deployed on rotational basis will be persuaded

and convinced by the Union to join at their new places of posting. Another settlement was reached at between the Union and the Security Agency on 28.06.2019 in which the Security Agency agreed to issued Wage Slip from the current month. The Union again submitted letter dated 17.08.2019 to the Regional Labour Commissioner with respect to their demands. No action was taken, hence the Union approached Hon'ble High Court at Bilaspur by way of Writ Petition No. 9720 of 2019. Notice was given to the Authorities vide letter dated 02.12.2019 on the complaint submitted by the Union, the Labour Enforcement Officer Bilaspur directed the Regional Director CMPDIL to make payment of unpaid dues of the Security Guards. Again the workers were threatened by the Security Agency. The Union again raised a dispute before RLC Bilaspur which was under process. During pendency of the proceeding before the Regional Labour Commissioner, Bilaspur, the Applicant Workmen were transferred by the Security Agency vide letter dated 20.09.2022 to Headquarter of CMPDIL at Bilaspur without obtaining approval from the Regional Labour Commissioner before whom the dispute was pending. Hence, this action of Management of Security Agency is in violation of the Act because it amounts to change in service conditions of the workmen during pendency of a dispute. Thus is unjust, illegal and arbitrary. The Union has prayed that holding this action of Management in transferring the applicants to Headquarter of CMPDI at Bilaspur by the Security Agency is unjust and arbitrary, the transfer order be quashed. Affidavit has been filed by the Representative of the Union along with certain documents which are different representations raising disputes before Labour Commissioner and settlement as mention above, to be referred to as and when required.

Learned Counsel for Workman Union has submitted that, the Transfer of the Applicant Workman during pendency of dispute before the Regional Labour Commissioner amounts to change in the service condition of the Workman done by the Management of Security Agency without getting required approval hence is in violation of Section 9A of the Act and secondly, it is in violation of the settlement reached at between the Union and the Security Agency as referred to earlier.

Section 9A of the Act is being reproduced as follows:

9A. Notice of change.—No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change,— (a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or (b) within twenty-one days of giving such notice: Provided that no notice shall be required for effecting any such change— (a) where the change is effected in pursuance of any 2[settlement or award]; or (b) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Services (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

The question further arises is whether the transfer of an employee is change in conditions of his service. Transfer is an incident of service, and an employee has no right to remain at a place of his choice for any particular period, the only thing which is required to be observed is that the transfer is not be mala fide and is should be in the interest of the efficient working of the Organization and also in good faith. The Learned Counsel for the Workman Union could not establish that transfer of an employee from one place to other place is change of his conditions in service. Since, it is not established that transfer is change in service conditions, Section 9A of the Act is not attracted and it is held that no prior approval is required as submitted by Learned Counsel for the Union.

As regards second argument that it is in violation of settlement dated 02.01.2018 which specifically mention that Security Guards employed at various allegations including headquarter shall be rotated from time to time in a fair manner. Hence the transfer of the applicant workmen cannot be said to be in violation of the settlement.

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

AWARD

Holding the demand of Koyla Mazdoor Panchayat (HMS), CMPDIL, Bilaspur, not to transfer (1) Shri Abhaya Kumar Srivastav S/o Late Sidhnath Lal Srivastav, (2) Sri Radheshyam Jaiswal, (3) Sri Rajesh Kumar Singh, (4) Sri Shyamlal Marco, workmen, from Kusumda Camp to Korba and thereafter to Bilaspur office of CMPDIL legal and justified, they are entitled to no relief.

No order as to cost.

DATE:- 09/12/2025

P.K. SRIVASTAVA, PRESIDING OFFICER

नई दिल्ली, 27 जनवरी, 2026

का.आ. 179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जबलपुर केपंचाट(एलसी/आर-23/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/01/2026 को प्राप्त हुआ था।

[सं. एल-22012/97/2015-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 27th Januruary, 2026

S.O. 179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/23/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of W.C.L and their workmen, received by the Central Government on **27/01/2026**.

[No. L-22012/97/2015 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/23/2016****Present: P.K.Srivastava****H.J.S..(Retd)****The Joint Mahamantri,****Rashtriya Koyala Khadan Mazdoor Sangh (INTUC),****Shramik Shakti Bhawan, PO: Chandametta,****Distt. Chhindwara (MP) - 480477****Workman****Versues****The Chief Manager,****WCL, Kanhan Area, Dungeriya****Chhindwara - 480551****Management****(JUDGMENT)****(Passed on this 17th day of December - 2025)**

As per letter dated 04.02.2016 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-22012/97/2015-(IR(CM-II)) dt. 04.02.2016. The dispute under reference relates to:

"क्या मुख्य महाप्रबंधक, वैस्टर्न कोलफील्ड्स लिमिटेड, कन्हान क्षेत्र, डुंगरिया पो०, जिला छिंदवाडा (मध्य प्रदेश) द्वारा पूर्व कामगार श्री किशोर कुमार आत्मज श्री झिगरिया, पूर्व टिंबरमेन घोडावागी कॉलरी नं० 1 के एनसीडब्ल्यूए के प्रावधानों तदानुसार जारी कियान्वयन आदेश 76 के अनुसार जन्मतिथि संशोधन हेतु दिए आवेदनों अनुसार जन्मतिथि 23.09.1952 के स्थान पर 12.05.1959 ना करना तथा फार्म बी में दर्ज जन्मतिथि 23.09.1952 के आधार पर पूर्व कामगार श्री किशोर कुमार को दिनांक 31.03.2011 को सेवानिवृत्त करना कथित है? यदि नहीं तो कर्मकार क्या अनुतोष पाने का अधिकारी है?"

The facts connected are mainly that, undisputedly the Workman was appointed by Management and he joined as a Tub Loader in Dumua Colliery with the Management of Western Coal Field Limited on 03.05.1985. He was transferred to Ghorawari Colliery on 10.03.1993. According to him, he had produced his documents which were his Registration Card with Employment Exchange mentioning his date of birth at the time of his first joining. His date of birth 12.05.1959 was mentioned in his documents which were recorded by Management at the time of his joining, but it was unilaterally changed from 12.05.1959 to 23.09.1952 by Management while he was working on transfer in Ghorawari Colliery. He made various representations in this respect, which were not heard. Ultimately, he filed a writ petition No. 7953/2007 which was disposed vide order dated 13.05.2009 after hearing. The Management of WCL was directed to consider the representation and supporting documents with respect to his this grievance of the petitioner workman and decide it in the light of binding instructions preferably within a period of three months from the date of filing of the representation.

It is the case of the Workman that he filed a representation in the light of said order which was dismissed by the Management vide communication dated 29.08.2009 (**Copy filed and proved as Exhibit W-7**) without considering and in ignorance of the rules specifically **Implementation Instructions, 76 (I.I. 76)** which is unjust, illegal and arbitrary. The Management superannuated him on the basis of his incorrect date of birth 23.09.1952 which is also unjust, arbitrary and illegal. The Workman has further alleged that he again filed a W.P. No. 15289/2013 against dismissal of his representation seeking correction of his date of birth and his superannuation which was disposed by Hon'ble High Court vide order dated 05.02.2015 with an observation that he may seek remedy with the Competent Labour Court. The Workman has thus prayed that, setting-aside his superannuation on the basis of his incorrect date of birth, he be deemed to be reinstated with all back-wages and pre as well post retrial benefits deeming him to be in continuous service till date of his superannuation on the basis of his date of birth 12.05.1959.

The Management has defended its action with the case that, he declared himself as an illiterate at the time of his first posting and also declared his date of birth 23.09.1952 which was recorded in Form B which he accepted. This date of birth was replicated in his service records. He was issued last pay certificate on his transfer to Ghorawari Colliery mentioning date of birth 23.09.1952. A pension scheme was introduced in the Mines in the year 1988, he mentioned his same date birth in his Pension form PS-I and PS-II. His representation was correctly decided in the compliance of order of Hon'ble High Court as mentioned above.

Both the sides have filed affidavits as his examination in chief and have been cross-examined. Both the sides have also filed and proved documents to be referred to as and when required.

I have heard argument of Learned Counsel Mr. Vinod Napit for Workman and Mr. Neeraj Kewat for Management. Both the sides has filed written submissions also which are part of record. I have gone through the written submissions and the record.

One of the submissions from the side of Management is that, since the dispute has been raised at the fag end of his service, the request should not be considered as it barred by unexplained delay and latches on part of the Workman.

The judgment of Hon'ble Supreme Court in the case of *Karnataka Rural Infrastructure Development Limited V.s. T.P. Nagarajappa (2021) 12 SCC 27* has been referred to in this respect.

Since in this case, there is a specific direction of Hon'ble High Court in the said writ petition as referred to above, to consider the representation of the Workman in the light of relevant rules and circulars with respect to correction of his date of birth, the plea of delay and latches is not available to Management. ***The only issue requires to be considered here is whether the action of Management in dismissing the representation of the Workman with respect to change of his date of birth in the light of direction of Hon'ble High Court in the aforesaid Writ as mentioned above is correct in law or fact or not.***

The communication with respect to rejection of workman's representation by Management vide letter dated 29.08.2009 speaks that since the documents submitted by the Workman with his representation were not submitted to the Department at the time when he entered into employment, therefore, these documents filed at the fag end of his service could not be considered as they do not come within the rules of the Company. The relevant portion of this communication is being reproduced as follows:

" That Form-B is a statutory register prepared under the provisions of Mines Act. That at the time of entering into employment, documents submitted by you with your representation were not submitted to the Department. Therefore, these documents at the fag end of your service cannot be considered as they do not come within the rules of the Company.

That while you have entered in services and accepted your date of birth as 23.09.1952 and put signature as token of its correctness therefore, it is not possible to accept that your date of birth is 12.05.1959."

As stated above, the ground of delay was not available to the Management for rejection of the claim because it was being considered in compliance of order by Hon'ble High Court in Writ Petition details mentioned above. Hence, the rejection of representation on this ground is nothing but perverse.

The Implementation Instructions - 76 provides a comprehensive procedure for deciding disputes with respect to date of birth of the employees which are being reproduced as follows:

Determination of the age at the time of appointment

i) Matriculates.

In the case of appointees who have passed Matriculation or equivalent examinations, the date of birth recorded in the said certificate shall be treated as correct date of birth and the same will not be altered under any circumstances.

ii) Non-matriculates but educated.

In the case of appointees who have pursued studies in a recognised educational institution, the date of birth recorded in the School Leaving Certificate, shall be treated as correct date of birth and, the same will not be altered under any circumstances.

The Workman side has filed and proved his educational documents certificate of passing his Purav Madhyamik Pariksha in 1975, his transfer certificate for Class 5th for the year 1971, his class 7th Mark-sheet of 1973, extracts of his service extracts issued to him by the Management on 31.05.1987 (**Exhibit W-7**) which establishes his claim that his date of birth is 12.05.1959 which is held proved. The Management documents filed and proved are **firstly**, with respect to the place where he was transferred i.e. Ghorawari Colliery and **secondly**, are replications of his last pay certificate issued on his transfer with respect to entry regarding date of his birth hence, cannot be relied upon.

In the light of above discussion and findings, the action of Management of WCL in superannuating the Workman Kishore Kumar on the basis of his date of birth 23.09.1952 and not correcting his date of birth from 23.09.1952 to 12.05.1959 is held unjust, arbitrary and illegal. Consequently, the reference is answered as follows.

AWARD

Holding the action of Management of WCL in not correcting the date of birth of workman Kishore Kumar S/o Jhigariya from 23.09.1952 to 12.05.1959 in the light of his representation filed by him in compliance of order of Hon'ble High Court of M.P. in W.P. No. 7953/2007 unjust, illegal and arbitrary, the superannuation of the Workman on the basis of his date of birth 23.09.1952 is set-aside. He is reinstated from the date of his superannuation with all consequential pre and post retrial benefits till date of his superannuation on the basis of his date of birth 12.05.1959 deeming him to be in continuous service of the Management.

No order as to cost.

DATE:- 17/12/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(**संदर्भ संख्या -24/2023**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **11/02/2026** को प्राप्त हुआ था।

[सं. एल-22012/36/2023-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. 24/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on **11/02/2026**.

[No. L-22012/36/2023 – IR (CM-II)]

SALONI, Dy. Director/Link officer

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

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

REFERENCE CASE NO. 24 OF 2023

PARTIES: Kartik Kora

Vs.

Management of J.K. Nagar (R) Colliery of M/s. ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 06.11.2025

AWARD

On failure of conciliation proceeding, the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order **No. L-22012/36/2023-IR(CM-II)** dated 02.05.2023 has referred the following dispute between the employer, that is the Management of J.K. Nagar Colliery under Satgram Area of M/s. Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its J K Nagar (R) Colliery under Satgram Area in dismissing the service of Shri Kartik Kora, UGL, U.M. No. 38088 vide their letter dated 28-03-2012 is legal and justified. If not, what relief the concerned workman is entitled to? ”

1. On receiving Order **No. L-22012/36/2023-IR(CM-II)** dated **02.05.2023** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 24 of 2023** was registered on 02.05.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Union filed written statement on 13.06.2023. The fact of the workman's case as delineated in their written statement is that Kartik Kora was posted as Under Ground Loader (UG Loader) bearing U.M. No. – 380288 at J.K. Nagar Colliery under Satgram Area, ECL. He was a permanent employee of the company and could not attend his duty from 26.04.2004 due to his illness. After his recovery, he requested the management of the employer company to permit him to join duty and submitted treatment papers. The management did not allow him to resume duty and issued a chargesheet dated 14.05.2004 on the charge of habitual absence and unauthorized absence for more than ten days as per provisions of clause 26.23 and 26.29 of the certified standing order. It is the case of the workman that before issuance of chargesheet, Kartik Kora on a previous occasion he had absented from duty from 11.10.2003 to 25.11.2003. Due to his absence from duty, a chargesheet was issued and he submitted his reply. Management conducted an enquiry and on being satisfied with reply, the management allowed him to join his duty vide order No. 3868 dated 03/04.03.2004. The letter allowing him to join his duty was not served upon Kartik Kora and he was unable to join his duty. On visiting the Colliery, the workman learned that the management vide order No. 3868 dated 03/04.03.2004 allowed him to join but on his reporting for duty the management issued another chargesheet against him bearing No. ECL/JKN/AGENT/P&IR/04/641 dated 14.05.2004. The workman participated in the enquiry and submitted his treatment papers. After holding an enquiry, the management recommended punishment of dismissal against the workman and the General Manager issued an order of dismissal vide Ref. No. SAT/PER/GM/Termination/12/1144 dated 28/29.03.2012. After his dismissal from service, Kartik Kora submitted a mercy petition on the basis of the Memorandum of Settlement dated 22.05.2007. The management did not consider his mercy petition and did not allow him to join. The workman asserted that the order of dismissal passed against him is disproportionate to the nature of charge. The workman claimed that he should be allowed to join his duty by imposing some lighter punishment.

3. The management of ECL contested the case by filing their written statement on 13.06.2023. In their written statement, the management contended that performance of Kartik Kora as an UG Loader was very poor due to his unauthorized absence from duty in habitual manner. It is the case of the management that prior to issuance of chargesheet, the management had issued a letter dated 04.03.2004 to the workman for joining his duty. After he was found guilty of unauthorized absence a punishment was awarded by stoppage of two SPRA with cumulative effect, on condition that such type of misconduct is not repeated in future. It is the case of the management that immediately after issuance of this letter, Kartik Kora committed the same misconduct of unauthorized absence from duty by absentsing from 26.04.2004. A chargesheet was issued to him for his subsequent absence w.e.f. 26.04.2004 to 14.05.2004. The workman submitted his reply to the chargesheet after two years and during the said two years, he did not send any information to the Colliery management about his inability to submit the reply. Further contention of the management is that during the period from 2006 to 2011, he did not receive any medical treatment at the Colliery's Hospital. As such his treatment by any outside doctor were not considered as authorized treatment. Management claimed that Kartik Kora lacked interest in work and was indifferent in attending his duty. The management held enquiry in respect of the charges providing reasonable opportunity to the ex-workman. The Enquiry Officer after completing enquiry submitted his report holding the charged employee guilty of the charge. A second Show Cause Notice was issued to the workman on 12.03.2012 to which the ex-workman submitted his reply. After considering the Enquiry Proceedings, Findings of the Enquiry Officer and evidence along with connected papers, the General Manager, Satgram Area dismissed the workman from his service w.e.f. 28/29.03 2012. It is urged that the Enquiry Proceedings was held in proper manner and the punishment imposed against the workman was justified and proportionate. Management urged that the Industrial Dispute has no merit, Kartik Kora is not entitled to any relief of reinstatement or back wages and the same is liable to be dismissed.

4. The short point for consideration in this case is whether dismissal of Kartik Kora from service is legal and justified? If not, what relief the workman is entitled to?

5. The concerned union in support of their case examined Kartik Kora as WW-1. The witness filed an affidavit-in-chief reiterating the case in their written statement. In paragraph 3,4 and 8, the witness stated that he requested the management to allow him to join duty but the management did not allow him. The witness did not mention any date on which he appeared before the management for the purpose of joining his duty. In paragraph 13 of his affidavit-in-chief, the witness stated that as per chargesheet, he was absent from duty only for eighteen days i.e. from 26.04.2004 to 14.05.2004 but the management awarded him the highest punishment of dismissal by treating his absence for a period more than that mentioned in the chargesheet. Another contention of the workman, which appears from the paragraph 20 of the affidavit in chief is that he submitted mercy petition as per Memorandum of Settlement dated 22.05.2007 with reference to which the management called him before the General Manager (P&IR) at ECL Headquarters on 06.09.2013 along with his family members but no action has been taken by the authority for his reinstatement. During examination-in-chief, the workman produced the following documents:

- (i) Copy of chargesheet dated 14.05.2004 is produced as Exhibit W-1.
- (ii) Copy of reply against chargesheet is produced as Exhibit W-2.
- (iii) Copy of application submitted by Kartik Kora for joining duty is produced as Exhibit W-3.
- (iv) Copy of Enquiry Proceedings is produced as Exhibit W-4.
- (v) Copy of application dated 10.08.2007 submitted by Kartik Kora for joining duty is produced as Exhibit W-5.
- (vi) Copy of Second Show Cause Notice is produced as Exhibit W-6.
- (vii) Copy of reply to Second Show Cause Notice by the workman is produced as Exhibit W-7.
- (viii) Copy of letter of dismissal issued by General Manager dated 28/29.03.2012 is produced as Exhibit W-9.
- (ix) Copy of letter dated 15/16.02.2018 issued by Sr. Manager (Pers), J.K. Nagar (R) Colliery that gratuity and Provident Fund amounts have not been disbursed to the workman, is produced as Exhibit W-10.

It transpired from cross examination of WW-1 that the workman claimed to have suffered from cerebral palsy during the period of his absence. He admitted that the management granted him opportunity to represent his case during enquiry but denied that the management terminated him in proper manner or that he is not entitled to reinstatement.

6. Mr. Subir Dey, management witness filed his affidavit-in-chief and stated that chargesheet was issued to the workman on 14.05.2004 for his unauthorized absence but workman submitted his reply after two years and did not inform the management about his inability to attend Office. The witness further stated that Kartik Kora's residence is situated nearby but he was negligent in attending his duty and committed misconduct by absentsing from duty. The workman produced some medical papers in support of his illness from the year 2006 to 2011 but he did not report to

the Colliery Hospital for his treatment and his treatment by outside doctor is considered as unauthorized treatment. It is averred that the charge for unauthorized absence under clause 26.29 and habitual absence under clause 26.23 have been established against the workman on the basis of the enquiry. The witness further stated that after conclusion of enquiry where charge of misconduct was fully established, a second Show Cause Notice was issued to the ex-workman on 12.03.2012 against which he submitted his reply. After careful consideration of all materials and the Enquiry Proceedings, findings of the Enquiry Officer, the General Manager issued a letter dated 28/29.03.2012 and dismissed the workman from his service. It is claimed that the punishment is justified and proportionate to the nature of misconduct of the workman.

In course of his examination-in-chief, the management witness produced the following documents:

- (i) Copy of chargesheet dated 14.05.2002 is produced as Exhibit M-1.
- (ii) Copy of reply submitted by workman is produced as Exhibit M-2.
- (iii) Copy of application submitted by Kartik Kora for joining duty is produced as Exhibit M-3.
- (iv) Copy of letter appointing Enquiry Officer is produced as Exhibit M-4.
- (v) Copy of notices of Enquiry dated 30.01.2006 and 15.03.2006 are produced as Exhibit M-5 and Exhibit M-5/1 respectively.
- (vi) Copy of Enquiry Proceedings is produced as Exhibit M-6.
- (vii) Copy of Enquiry Report is produced as Exhibit M-7.
- (viii) Copy of treatment papers produced by the workman is produced as Exhibit M-8.
- (ix) Copy of Second Show Cause Notice is produced as Exhibit M-9.
- (x) Copy of reply to Second Show Cause Notice by the workman is produced as Exhibit M-10.
- (xi) Copy of letter of dismissal issued by General Manager dated 28/29.03.2012 is produced as Exhibit M-11.

In his cross-examination, the management witness deposed that he was not aware about the outcome of the mercy appeal. He also stated that before issuance of chargesheet, the workman remained absent for eighteen days. Witness denied the suggestion that the order of dismissal for unauthorized absence of eighteen days is disproportionate or harsh.

7. The salient points of argument advanced by Mr. Rakesh Kumar, union representative is that Kartik Kora was suffering from illness and only for his absence for 18 days, from 26.04.2004 to 14.05.2004, a chargesheet (Exhibit W-1) was issued against him. The workman submitted his reply to the chargesheet and prayed for allowing him to join his duty. He also submitted applications before the Manager, J.K. Nagar Colliery for permitting him to join duty but the management did not consider the same. It is argued that after submission of reply, the management waited for workman till 2006 and thereafter held enquiry on 27.05.2006. The workman participated in the Enquiry Proceedings on 27.05.2006 as he did not receive any notice of enquiry on earlier occasion. During enquiry the workman produced medical certificate issued by Doctor to establish that he was indisposed of during the period of absence but management without considering such claim held him guilty of the charge of habitual absence and unauthorized absence. It is admitted by the union that a second Show Cause Notice (Exhibit W-6/Exhibit M-9) was served upon the workman in response to which he submitted his reply which is admitted in evidence by Exhibit W-7/Exhibit M-10, wherein he explained the situation which prevented him from attending duty. Mr. Kumar strenuously argued that the management did not consider the reason for absence of the charged employee which was due to medical reasons and issued an order for dismissal against the workman in an arbitrary manner. It is further argued that the punishment imposed is harsh and disproportionate to the nature of misconduct. After his dismissal, the workman submitted a mercy petition before the management for his reinstatement in service and in response thereof, the management issued a letter dated 27.08.2013 for appearing before the General Manager (P&IR), ECL Headquarters, Sanctoria for personal hearing along with his family members. The management however, did not communicate their decision regarding reinstatement. It is argued that the Enquiry Proceedings has been vitiated due to inordinate delay as the management kept the Enquiry Proceedings pending from the year 2006 to 2011. It is urged that there has been failure of natural justice in holding enquiry and the impugned order of dismissal is liable to be set aside and the workman should be reinstated in service and back wages be paid to him for the period he was out of work.

8. In his reply Mr. P.K. Das, learned advocate for ECL argued that the dismissed workman was a habitual absentee. On previous occasions he had enjoyed unauthorized leave and Enquiry Proceedings were held where he was found guilty and despite imposition of lighter punishments, the workman did not rectify his conduct. It is submitted that due to unauthorized absence of the workman for more than ten days, a chargesheet was issued to him on 14.05.2004. Copy of chargesheet was served upon the workman through registered post at his residence but he turned up after two years to submit his reply on 27.05.2006. The workman was provided reasonable opportunity to

participate in the Enquiry Proceedings two years after issuance of chargesheet. Referring to the Enquiry Proceedings, (Exhibit W-4), learned advocate for the management took me through the statement of Kartik Kora recorded during enquiry where he stated that he fell sick from 26.04.2004 to 24.01.2006 and was declared fit for duty from 02.09.2011. It is argued that such statement made by Kartik Kora established that he did not turn up for enquiry until the year 2006 and even after his recovery from illness, he did not make himself available for his duty until the year 2011. It is argued by learned advocate for the management that the wanton nature of the workman has been fully established in the course of enquiry held by the Enquiry Officer. Management claimed that the principles of natural justice have been duly observed by providing opportunity to the charged employee to establish his case but he failed to produce his treatment papers in support of his prolonged illness from the year 2004 to 2011. It is argued that the workman is a habitual absentee and has disrupted the work of the management establishment. It is further argued that an opportunity was granted to the workman to respond to the findings of the Enquiry Officer and the workman submitted his reply to the second Show Cause Notice (Exhibit W-7) where he admitted his long absence and stated that in 2006, he was mentally unsound and he started his treatment from 2006 to 2011. Learned advocate stressed that there is no mitigating circumstance in favour of the workman for interfering with the order of dismissal. It is submitted that the punishment is justified and proportionate and the Industrial Dispute is liable to be dismissed.

9. I have considered the rival arguments advanced on behalf of both parties and the claims made in the pleadings of the parties as well as the evidence adduced. Admittedly Kartik Kora was employed as U.G. loader at J.K. Nagar Colliery under ECL. Chargesheet was issued against the workman on two counts, namely unauthorized absence from duty for more than ten days and habitual absence. It appears from the chargesheet that on an earlier occasion, the workman had absented from 10.11.2003 to 25.11.2003 without any information or leave and after the enquiry was held, a punishment was imposed for stoppage of two SPRA with cumulative effect. The second charge sheet against the workman was on account of his unauthorized absence from duty from 26.04.2004 till date of issuance of chargesheet on 14.05.2004. In paragraph (7) of the affidavit-in-chief, management stated that after issuance of chargesheet, the workman submitted his reply after two years. In course of cross-examination, the union did not challenge the averment made by the management regarding submission of reply to chargesheet after two years. This proves that the workman continued to remain absent from his place of work even beyond the date of issuance of chargesheet. Under such circumstances, it is unacceptable that the workman submitted application on 05.07.2004 (Exhibit W-3) for allowing him to join duty. If such claim of the union is considered to be true, then he would have submitted his reply to the chargesheet much earlier, at least on 05.07.2004, the date on which he claims to have reported for duty.

10. On a perusal of the Enquiry Proceedings, I find that the enquiry was initiated on 03.02.2006 i.e. after the workman had submitted his reply to the chargesheet. Management representatives, Sri Lallan Singh and Sri B.R. Choudhary were present but Kartik Kora did not appear and the enquiry was adjourned to the next date fixed on 26.04.2006. The workman again remained absent on 26.04.2006 and the enquiry was deferred to 27.05.2006. From the Enquiry Report, it is abundantly clear that the workman submitted his reply to chargesheet on 24.01.2006. However, on a clear reading of Enquiry Report, I find that enquiry was held on 03.09.2011. The Enquiry Officer in his report stated that the charge sheeted employee admitted the charge levelled against him and finally held that the charge under clause 26.23 and clause 26.29 of the Certified Standing Order was proved. The Enquiry Report does not bear any date. The disciplinary authority issued a second Show Cause Notice to the workman and the charged employee had also replied to the same reiterating his claim that he was suffering from mental illness and was absent from duty from 2006 to 2011. The medical reports produced by the workman has been admitted in evidence as Exhibit M-8 series. It is gathered from the certificate issued by Dr. Sapan Kumar Basak, D.M.S. (Cal), a homeopathic practitioner that Kartik Kora, son of late Debu Kora was under his treatment from 26.04.2004 to 01.09.2011 and he was fit for joining his duty from 02.09.2011. According to the medical certificate, the person was suffering from "Bell's Palsy" which is a sudden weakness or paralysis on one side of the face. There is no document relating to medical treatment of person for such a long period from the year 2004 to 2011. The nature of illness undoubtedly did not prevent the workman from reporting about his inability to attend duty. The nature of seriousness of such ailment cannot be gauged as the concerned workman absented from duty for seven long years and could not produce his treatment papers. The workman thereby failed to satisfy the management about the reasons for his unauthorized absence for eighteen days. In his reply to the second Show Cause Notice, the charged employee claimed that he absented from duty from the year 2006 to 2011 but he failed to reason out his absence from 26.04.2004 to 14.05.2004. Contradictions in the workman's case are apparent as in the reply to the second Show Cause Notice (Exhibit W-7) he disclosed that he was suffering from mental illness from 2006 to 2011. Kartik Kora (WW-1) himself stated that he was absent for 18 days from 26.04.2004 to 14.05.2004 and in the certificate (Exhibit M-8) of Dr. S.K. Basak it is mentioned that Kartik Kora was under his treatment from 26.04.2004 to 01.09.2011. The conflicting statements renders the union's case doubtful and unreliable.

11. Considering the facts and circumstances of this case, I hold that management of ECL has passed the order of dismissal against the workman after issuing chargesheet followed by a domestic enquiry where the workman was given opportunity to defend his case. The principle of natural justice was duly followed after extending reasonable opportunity to the workman. The workman on his part failed to give satisfactory reason for his absence. The medical certificate issued by homeopathic doctor for the period of unauthorized absence has not been supported by treatment

papers. Besides, the workman is duty bound to inform the employer company about his inability to attend his duty. A simple claim of being absent due to illness is not sufficient for reinstating an employee to his work. Therefore, it cannot be held that the absence from duty was beyond the control of the workman. Long unauthorized absence without information is an appropriate and justified reason and justified for dismissal of an employee by the management of the employer company. I find no illegality in the action taken by the management against the workman. The Industrial Dispute is bereft of merit and the same is dismissed.

Hence,

ORDERED

The Industrial Dispute is dismissed on contest. The workman is not entitled to any relief of reinstatement or back wages. He is however entitled to receive his dues like gratuity and Provident Fund on account of his past service. Let an Award be drawn up on the basis of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल कंपंचाट(संदर्भ संख्या -53/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22012/501/99-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference No. 53/2000**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22012/501/99 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

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

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

REFERENCE CASE NO. 53 OF 2000

PARTIES: Dependent of Ramswarup Dusadh
Represented by Koyla Mazdoor Congress

Vs.

Management of Siduli Colliery of M/s. ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 01.12.2025

AWARD

On failure of conciliation proceeding, the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order **No. L-22012/501/99/IR(CM-II)** dated 28.06.2000 has referred the following dispute between the employer, that is the Management of Siduli Colliery of M/s. Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Siduli Colliery of M/s. ECL in not providing employment to the dependent of Sh. Ramswarup Dusadh is legal & justified? If not, to what relief the workman is entitled ? ”

1. On receiving Order **No. L-22012/501/99/IR(CM-II)** dated **28.06.2000** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 53 of 2000** was registered on 01.08.2000/17.10.2001 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Koyala Mazdoor Congress filed written statement on 24.07.2002 on behalf of the dependents of Ramswarup Dusadh, employee of M/s. Eastern Coalfields Limited. The fact of the case in brief, as disclosed in the written statement of the union is that Ramswarup Dusadh was a permanent employee of ECL at Siduli Colliery. He applied for voluntary retirement on medical ground under clause 9.4.3 of NCWA-III. The workman was declared medically unfit for the job. According to the provisions of NCWA, one dependent family member of the workman is entitled to get employment. He applied for providing employment to the dependent. After screening was held at Area level, the proposal for employment of dependent was forwarded to ECL Headquarters which is still pending. The GM (P&IR), ECL directed to put up the file before him but the file for employment was not put up and the proposal was not approved. It is contended that the family of the workman is facing starvation as no dependent of Ramswarup Dusadh has been provided employment in the company after he was declared unfit and was out of employment. It has been prayed that the dependent son of Ramswarup Dusadh should be provided with employment as his father has been terminated from his employment on the ground of medically unfitness.
3. The Agent, Siduli Colliery, representing the management of ECL filed a written statement on 07.04.2015 wherein it is stated that the dispute raised by the union is misconceived. According to the management, Ramswarup Dusadh applied for voluntary retirement on medical ground and he was examined by the Medical Board. A confidential complaint was received by the competent authority that medical examination was not held properly and on the basis of such information, management withdrew the findings of the Medical Board before its final acceptance and the concerned workman was directed to continue in his job. It is urged that union cannot raise an Industrial Dispute over non-acceptance of the findings of the medical board and there is no illegality on the part of the management by not accepting the findings of the medical board regarding fitness of the concerned workman. It is asserted that the workman was not terminated from service on the basis of medical report of his unfitness and he is not entitled to get any relief in this case.
4. The only witness examined in this case is Kalamdev Dusadh, son of Ramswarup Dusadh. He filed an affidavit-in-chief stating that his father Ramswarup Dusadh applied for voluntary retirement under the provision of clause 9.4.0 of NCWA. The management accepted the request and referred his father to appear before the Medical Board constituted by the employer company. The Medical Board declared his father unfit for work and the management of Siduli Colliery terminated the service of his father. The witness further stated in his affidavit that his father nominated him for employment and submitted all documents before the management. After proper screening at the Colliery level and Area level and medical examination by the IME Board, the proposal for employment of Kalamdev Dusadh was forwarded to the ECL Headquarters but no employment was provided to him. The witness stated that management violated clause 9.4.3 of NCWA by not providing employment to the dependent son. In course of his evidence, witness did not produce a single document in support of his relationship with Ramswarup Dusadh. There is nothing to show that Ramswarup Dusadh was found medically unfit by any Medical Board. No order of termination of Ramswarup Dusadh on medical ground has been produced by the union. The union also failed to produce any document showing that either Ramswarup Dusadh or Kalamdev Dusadh submitted any application before the management claiming employment against premature termination of the workman from his service on medical ground.
5. The workman witness in his cross-examination by the management deposed that his name has been recorded in the service record of his father but I find that no service record of Ramswarup Dusadh has been produced. Witness further stated that he has no paper to show that he is the son of Ramswarup Dusadh. The witness deposed that all other family members furnished their No objection in his favour but no such document has come forth. Evidence of witness reveals that he is a married person and 48 years of age in 2017. He has two daughters, one of which is already married. Witness denied the suggestion that he is not entitled to employment as a dependent of Ramswarup Dusadh.

6. After several opportunities, management did not adduce any evidence. On perusal of record, I find that due to absence of both parties, no order was passed on 23.05.2006 and at the instance of the union, the case was restored by order dated 14.03.2013. After recording of evidence of the sole workman witness, none of the dependents of Ramswarup Dusadh appeared before this Tribunal in support of Kalamdev's claim for employment. On 02.06.2025, the case was finally taken up for its disposal on the basis of material on record. Union produced a copy of clarification of operation of clause 9.4.3 of NCWA in their circular bearing No. CIL:C-5B:NCWA-IV/3207 dated 13.09.1994. It laid down three circumstances where employment was to be provided to the dependents of such employees declared medically unfit prior to April, 1994 i.e. prior to imposition of moratorium on operation of clause 9.4.3. The second situation was cases which were already referred to appellate medical board but were not decided on account of the moratorium on operation of clause 9.4.3 of NCWA-IV which could thereafter be disposed of and decided and the third category of cases were in which Medical Boards were already held but results were not declared on account of the moratorium. In such cases, the same should be decided immediately and further action was to be taken accordingly.

7. In the present case, the union has not ventured to disclose any particular date on which Ramswarup Dusadh applied for being declared medically unfit and it is also not disclosed if Ramswarup Dusadh was at all terminated from his service on account of his unfitness. The witness produced by the union was unable to produce a single document of his relationship with employee in support of his claim for employment. None of the family members of the employee concerned have been examined to establish that Ramswarup Dusadh was prematurely terminated from service on account of his medical debility and Kalamdev Dusadh was nominated as the dependent son for employment.

8. For the purpose of entertaining any claim for employment on the ground of medical unfitness of any workman, there is a condition that he should have atleast two years left in his service. In the present case, no such evidence has been adduced. It is an admitted fact that the competent authority imposed a moratorium on clause 9.4.3 for providing employment to the dependents of employees who were declared medically unfit. According to the management, confidential complaint had been received regarding irregularities committed by Medical Board in declaring employees as medically unfit. There is absolute dearth of evidence to establish that Ramswarup Dusadh was declared medically unfit or the same was accepted by the competent authority before the imposition of moratorium or that Kalamdev Dusadh fulfilled the criteria for his employment as dependent against premature termination of Ramswarup Dusadh. Therefore, I do not find any merit in the claim of the union. Accordingly, I hold that the action of management of Siduli Colliery in not providing employment to Kalamdev Dusadh suffers no illegality. The Industrial Dispute is therefore dismissed on contest.

Hence,

ORDERED

The Industrial Dispute is dismissed on contest. Kalamdev Dusadh is not entitled to any employment as per clause 9.4.3 of NCWA-IV. Let an Award be drawn up on basis of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल केपंचाट(संदर्भ संख्या -39/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22012/94/2019-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference No. 39/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22012/94/2019 – IR (CM-II)]

SALONI, Dy. Director/Link officer

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

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

REFERENCE CASE NO. 39 OF 2019

PARTIES: Mohan Dhangar
Vs.
 Management of Khas Kajora Colliery, Kajora Area of M/s. ECL

REPRESENTATIVES:

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

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 14.11.2025

AWARD

On failure of conciliation proceeding the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order No. L-22012/94/2019-IR(CM-II) dated 19.12.2019 has referred the following dispute between the employer, that is the Management of Khas Kajora Colliery, Kajora Area of M/s. Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

“(i) Whether the management of ECL adopted principal of natural justice in imposing punishment vide letter No. KA/APM (IC)/C-6/Abst/25/2844 dated 27-5-2015?”

“(ii) Whether the amount of punishment in letter No. KA/APM (IC)/C-6/Abst/25/2844 dated 27-5-2015 is proportionate in the eyes of Law? If not, what relief the concerned workman is entitled to and from which date?”

A corrigendum dated 20.06.2023 was received whereby the last line of terms of reference was modified as “If not, what relief the workman Sri Mohan Dhangar is entitled to and from which date?”

1. On receiving Order No. L-22012/94/2019-IR(CM-II) dated 19.12.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case No. 39 of 2019 was registered on 31.12.2019 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mohan Dhangar filed written statement in this case through the President, Koyala Mazdoor Congress on 26.10.2022. Management contested the case by filing written statement on 30.12.2022. Fact of the case as narrated in the written statement of the workman is that Mohan Dhangar was a permanent employee of Khas Kajora Colliery under Kajora Area, designated as Timber Mazdoor Cat-III. Management of ECL without any written order deployed him to work as an attendance clerk. The workman performed his duty without any complain against him. Subsequently chargesheet No. 603 dated 04.05.2015 was issued by the management against Mohan Dhangar for recording attendance of Dudhnath Singh, Tyndle on 03.05.2015 while he was absent from duty on that date. Mohan Dhangar submitted reply to the chargesheet disclosing that as per practice in the Colliery, he marked the attendance of Dudhnath Singh as present on the basis of information received from Panchanan Chouhan, Tyndle Zamadar that Dudhnath Singh and other Tyndle were present and engaged in their work. After marking the attendance of Dudhnath Singh, the Tyndle Zamadar informed him that Dudhnath Singh had left the place of work so he deleted his attendance. At the time of closing the attendance register, the total count of manpower present was correct and the attendance of Dudhnath Singh was not included in the total counting of attendance on that date. Therefore, no theft, fraud or dishonesty was committed in connection with employer's business or property. It was further stated that Mohan Dhangar did not willfully neglect his work. Management of ECL not being satisfied with the reply of the charged employee initiated a domestic enquiry against him. Mohan Dhangar participated in the enquiry. According to the charged workman, there is a practice in the Colliery to record attendance on basis of oral information of the Head of

the Department as workers were deployed at different places due to urgent work and due to over crowding at the time of marking attendance at the attendance room, the workman came after sometime. If the concerned workman did not turn up in person before closing of attendance register for that particular shift, then his attendance used to be deleted by Attendance Clerk.

3. During enquiry, Panchanan Chouhan, Tyndle Zamadar made statement before the Enquiry Officer and supported the case of Mohan Dhangar. The Enquiry Officer concluding his enquiry found Mohan Dhangar guilty of charge of wilful neglect of work and management awarded punishment of demotion to Mohan Dhangar by reverting him to the post of General Mazdoor Cat-I instead of maintaining his post of Timer Mazdoor Cat-III. The workman contended that the punishment awarded to him is disproportionate to the nature of offence. There was no mistake on his part. The workman prayed for setting aside the punishment of demotion from Timer Mazdoor Cat-III to General Mazdoor Cat-I. The workman prayed for restoration of his original post and basic wage as he was getting at the time of awarding punishment and further prayed for payment of difference of wages along with annual increments from the date of punishment.

4. Management in their written statement has urged that Mohan Dhangar working as attendance clerk had marked attendance of Dudhnath Singh, Tyndle in the first shift of 03.05.2015. Complaint was received that false attendance has been marked on request of Panchanan Chouhan, Tyndle Zamadar, Pit No. 10 and the attendance was not recorded on basis of physical presence and later the same was corrected by him in 'C' Form Register. Management issued chargesheet No. KKC/P&IR/C-6/CS/15/603 dated 04.05.2015 against Mohan Dhangar under clause 26.1 for committing "theft, fraud or dishonesty in connection with the employer's business or property" and under clause 26.5 for "willful neglect of work" of the Certified Standing Order applicable to Coal Industries. The matter was referred to domestic enquiry and the workman participated in the enquiry on 14.05.2015. The Enquiry Officer followed the principles of natural justice while holding enquiry and gave full opportunity to the charged employee to defend himself. According to the management, the charge under clause 26.5 for "willful neglect of work" was established against the workman without any doubt. A second Show Cause Notice was issued bearing Ref. No. – KKC/P&IR/C-6/15/653 dated 18.05.2015. The Area Personnel Manager (IC), Kajora Area, the Disciplinary Authority thereafter on basis of the findings of Enquiry Officer allowed the workman to resume his duty but imposed punishment of "demotion to the post of General Mazdoor Cat-I without any pay protection and he shall not be deployed as attendance clerk".

5. The workman was permitted to join and Mohan Dhangar appealed before the General Manager (P&IR), ECL Headquarter for review of his punishment. The same was forwarded by Sr. Manager (Personnel) (IR) to Assistant Personnel Manager (Kajora Area) with a request to send the certified copy of the enquiry proceeding and the report of disciplinary action taken against him. The Area Personnel Manager, Kajora Area in his letter dated 13/18.08.2020 forwarded the Enquiry Report, Enquiry Proceedings, Second Show Cause Notice chargesheet and other relevant papers to GM (P&IR), ECL Headquarters but the same were returned with a comment that "As per clause 30 of Certified Standing Order applicable to all establishments of ECL, the case cannot be considered for review, so, it is regretted". Management claimed that the action of the management was totally justified and the punishment imposed was proportionate to the misconduct. It is strongly urged that workman is not entitled to any relief and the Industrial Dispute is liable to be dismissed.

6. Mohan Dhangar has been examined as WW-1. He filed his affidavit-in-chief and reiterated his case. The workman denied having committed any fraud, theft or dishonesty and also ascertained that he has never neglected his work willfully. In his affidavit-in-chief, he stated that he believed the Tyndle Zamadar marked attendance of Dudhnath Singh. After some time, he deleted the attendance and total number of persons who were physically present at work was correct. He also stated that Dudhnath Singh was not included in the total number of workman attending duty on that day. Further statement of the workman is that it is a practice in Colliery to mark the attendance of workers on the basis of information of the Head of the Department because sometimes workers are deployed to work in some urgent job. The witness stated that no monetary loss was caused to the company. In his affidavit, WW-1 stated that Panchanan Chouhan, Tyndal Zamadar made statement before the Enquiry Officer that attendance of Dudhnath Singh was marked on the basis of information given by him and when it was informed by him that Dudhnath Singh did not perform his duty due to some work in his quarter, his name was deleted from the attendance register. The workman stated that he suffered a huge financial loss as he was awarded a harsh and extreme punishment. He was receiving basic wage of Rs. 1133.64 per day as Timber Mazdoor Cat-III whereas on his demotion to General Mazdoor in Cat-I, he was receiving Rs. 604.33 as initial basic of Cat-I.

During examination-in-chief, the workman produced the following documents:

- (i) Copy of chargesheet dated 04.05.2015 is produced as Exhibit W-1.
- (ii) Copy of reply against chargesheet dated 06.05.2015 is produced as Exhibit W-2.
- (iii) Copy of Enquiry Proceedings is produced as Exhibit W-3.
- (iv) Copy of Enquiry Report along with findings is produced as Exhibit W-4.

- (v) Copy of letter imposing punishment of demotion is produced as Exhibit W-5.
- (vi) Copy of application dated 08.06.2015 for reviewing quantum of punishment is produced as Exhibit W-6.
- (vii) Copy of application dated 10.06.2015 for reviewing punishment is produced as Exhibit W-7.
- (viii) Copy of proposal dated 27.07.2015 submitted by Agent, Khas Kajora Colliery to General Manager, Kajora Area for reviewing punishment is produced as Exhibit W-8.
- (ix) Copy of proposal dated 01.10.2015 submitted by Agent, Khas Kajora Colliery to General Manager, Kajora Area for reviewing punishment is produced as Exhibit W-9.
- (x) Copy of appeal dated 27.01.2016 is produced as Exhibit W-10.
- (xi) Copy of reply dated 18.02.2016 in response to appeal dated 27.01.2016 is produced as Exhibit W-11.
- (xii) Copy of application dated 28.02.2017 addressed to the Chairman-cum-Managing Director, ECL, Sanctoria for reviewing punishment is produced as Exhibit W-12.

In his cross examination, the witness denied the charge levelled against him or that the punishment rewarded against him is justified or proportionate to the misconduct allegedly committed by him.

7. Mr. Proloy Dasgupta has been examined as MW-1. He filed an affidavit-in-chief wherein he stated that Mohan Dhangar working as attendance clerk, falsely marked attendance of Dudhnath Singh, Tyndle, Pit No. 10 in the first shift on 03.05.2015 and the same was not based upon physical presence of Dudhnath Singh but with some ulterior motive and later the same was deleted and corrected by him.

In course of his examination-in-chief, the management witness produced the following documents:

- (i) Copy of chargesheet dated 04.05.2015 is produced as Exhibit M-1.
- (ii) Copy of reply against chargesheet dated 06.05.2015 is produced as Exhibit M-2.
- (iii) Copy of notice of enquiry dated 11.05.2015 is produced as Exhibit M-3.
- (iv) Copy of letter appointing Enquiry Officer is produced as Exhibit M-3/1.
- (v) Copy of Enquiry Proceedings is produced as Exhibit M-4.
- (vi) Copy of Enquiry Report along with findings is produced as Exhibit M-5.
- (vii) Copy of second Show Cause Notice issued to workman is produced as Exhibit M-6.
- (viii) Copy of letter imposing punishment of demotion is produced as Exhibit M-7.
- (ix) Copy of appeal preferred by the workman for reviewing punishment is produced as Exhibit M-8.
- (x) Copy of letter which informed that case could not be considered for review as per clause 30 of Certified Standing Order is produced as Exhibit M-9.
- (xi) Copy of complaint letter submitted by Ranjit Kumar Bhuia to the Agent, Khas Kajora Colliery is produced as Exhibit M-10.

In his cross-examination, the management witness admitted that no letter was issued in favour of the workman asking him to work as attendance clerk and he was working as attendance clerk on the basis of verbal direction of the Manager of the Colliery. Witness stated that there is no prevailing practice of marking attendance of workman on the basis of information from higher authority. Witness stated that he could not produce any report which would reveal that attendance of Dudhnath Singh was initially recorded by Mohan Dhangar on 03.05.2015 and thereafter it was cancelled. Witness further deposed that one Ranjit Kumar Bhuia had lodged written complaint before the Agent, Khas Kajora Colliery that Mohan Dhangar recorded false attendance of Dudhnath Singh on 03.05.2015 though he was out of the Colliery and the copy of the said complaint has been produced as Exhibit M-10. Witness deposed that Enquiry Officer did not examine Ranjit Kumar Bhuia. The management witness could not produce any document to show that a second Show Cause Notice was served upon the charged employee. Witness also failed to state if the employer faced any financial loss due to alleged neglect of work by Mohan Dhangar.

8. The central point for consideration is whether the charge has been established against Mohan Dhangar and whether the findings of Enquiry Officer is justified and proper? If so, whether the amount of punishment imposed against him is proper and what relief the workman is entitled to.

9. Mr. Rakesh Kumar, union representative arguing the case for the workman submitted that Mohan Dhangar was posted as Timber Mazdoor Cat-III when he was asked to function as attendance clerk. On 03.05.2015, the workman on basis of information received from Panchanan Chouhan, Tyndle Zamadar recorded the attendance of

Dudhnath Singh who was later found absent and his name was deleted from the day's attendance. The management did not suffer any loss on account of recording of attendance. Furthermore, the person whose attendance was initially recorded was not counted at the time of closing attendance. It is submitted that Tyndle Zamadar was examined as Defence Witness and he supported the case of Mohan Dhangar that on basis of his information about Dudhnath Singh, his attendance was registered but was subsequently rectified. Mr. Kumar argued that there was no malice nor any illegality on part of the workman. Therefore, the workman could not have been found guilty of charge and the punishment meted out to him is disproportionate. The union representative strongly urged that the workman who has been demoted from Timber Mazdoor Cat-III to General Mazdoor Cat-I should be restored to his original post and the difference of pay of Timber Mazdoor and General Mazdoor from the period of such punishment should be paid to the workman.

10. Management argued that charge under clause 26.5 of the Certified Standing Order against the workman has been well established before the Enquiry Officer. The workman in his statement before the Enquiry Officer has admitted that he has recorded the attendance of Dudhnath Singh without his physical attendance. Learned advocate argued that the misconduct committed was wilful on the part of the workman as he acted in a dishonest manner. Learned advocate argued that the workman has been allowed to continue in his service but due to such willful neglect and irresponsible act on his part, the management demoted him from Timber Mazdoor Cat-III to General Mazdoor Cat-I. Learned advocate argued that the workman had appealed before the higher authority but his case was not considered.

11. I have considered the rival arguments advanced in the background of pleadings submitted and evidence adduced by the parties. It is evident from the testimony of MW-1, that no letter of appointment or deployment was issued to Mohan Dhangar to function as attendance clerk. The management of ECL therefore has not acted in proper manner by verbally directing a General Mazdoor to take up the function and responsibility of an attendance clerk. It transpires from the cross-examination of the management witness that on the basis of complaint from Ranjit Kumar Bhuia, a co-worker, the Agent, Khas Kajora Colliery, noted that Mohan Dhangar recorded false attendance of Dudhnath Singh on 03.05.2015 and a domestic enquiry was initiated over such matter where Ranjit Kumar Bhuia, the complainant was not examined. Copy of chargesheet has been produced as Marked as Exhibit. W-1/M-1. It appears that the charge was levelled against the workman under clause 26.1 and clause 26.5 of the Certified Standing Order. Mohan Dhangar received copy of chargesheet and submitted his reply to the chargesheet where he admitted that he had marked attendance of Dudhnath Singh, Tyndle on 03.05.2015 and after one hour, he deleted and corrected the attendance of the person concerned. Notice of enquiry was issued to the workman and he participated in the enquiry. Enquiry Proceedings has been produced as Exhibit W-3 where the charged employee has admitted that he recorded the attendance of Dudhnath Singh and then deleted the same by his pen on 03.05.2015. In course of enquiry, Panchanan Chouhan was examined as DW-1. A question was put to him as to whether Dudhnath Singh requested him to arrange for marking his attendance to which his answer was 'No'. The witness was further questioned as to whether he had any authority or power to mark anybody's attendance, which he answered in the negative. It is clearly established that Panchanan Chouhan had no authority to ask Mohan Dhangar to record anybody's attendance, nor did Dudhnath Singh inform him that he would join duty or his attendance had to be recorded. Therefore, a person who had no delegation of such power did not have any authority to ask Mohan Dhangar to record attendance of Dudhnath Singh who was absent on that date. On examination of Mohan Dhangar by the Enquiry Officer, he answered that his act was wrong in the sense that he did not mark the attendance on basis of physical presence of the workman.

12. In course of enquiry, on examination of MW-1 Tarun Mukherjee stated that on previous occasion attendance was not recorded on the request of Tyndle Zamadar. From the material on record, I find that it was not a prevailing practice to record attendance of a person who remained absent. It was only after lodging of the complaint that the matter was looked into and the attendance of Dudhnath Singh was deleted on 03.05.2015. The act on the part of the workman was unfair and unjust which amounts to misconduct on account of wilful neglect of duty. The management of ECL has appropriately found him guilty of the charge of wilful neglect of work. The charge of theft, fraud and dishonesty was not proved. I find from the Enquiry Proceeding that reasonable opportunity was granted to the workman and the principles of natural justice was followed in the course of enquiry and no prejudice was caused to the workman. Mohan Dhangar appealed before the Chairman-cum-Managing Director, for review of punishment against him. Manager, Khas Kajora Colliery issued a second Show Cause Notice to Mohan Dhangar on 18.05.2015 providing him an opportunity to explain him within 72 hours of receipt of the letter as to why disciplinary action shall not be taken against him for his misconduct of wilful neglect of work and the copy of Enquiry Proceedings and report were served upon him. The Area Personnel Manager (I/C), Kajora Area in his letter dated 27.05.2015 addressed to the Agent, Khas Kajora Colliery informed that the disciplinary authority of Kajora Area after going through the findings of enquiry and considering the material facts has imposed a punishment of demotion of Mohan Dhangar, Timber Mazdoor to the post of General Mazdoor without any pay protection and he should not be deployed to the post of Attendance Clerk. A reasoned order of the disciplinary authority awarding the punishment of demotion to Mohan Dhangar has not been produced in this case. The Area Personnel Manager (I/C), Kajora Area is not the disciplinary authority. The workman has already suffered demotion to the post of General Mazdoor since May 2015 and his pay has not been protected. The workman has suffered financial loss on account of his demotion for ten years. In the instant case the notesheet reflecting the approval of disciplinary authority has not been produced for consideration by

this Tribunal. Under such facts and circumstances, I hold that the punishment of demotion to the post of General Mazdoor, Cat-I should not continue any further. The workman should be restored to his original post of Timber Mazdoor with protection of pay within one month of communication of this Award. The findings of the Enquiry Officer that the charge of wilful neglect of work under clause 26.5 of Certified Standing Order levelled against Mohan Dhangar (acting as attendance clerk) is proved beyond any doubt is upheld and not interfered with. However, considering the period of punishment already undergone by the workman, the order of punishment issued by the Area Personnel Manager (IC), Kajora Area is modified by restoring Mohan Dhangar to his original post of Timber Mazdoor within one month of date of communication of this order. He shall get his usual pay attached to his post but shall not be deployed as attendance clerk in future.

Hence,

ORDERED

The Industrial Dispute is allowed in part against the management of ECL. The order of holding Mohan Dhangar guilty of charge under clause 26.5 of Certified Standing Order is upheld. Considering the period of demotion undergone by the charged employee, the order of punishment communicated by the Area Personnel Manager (IC), Kajora Area dated 27.05.2015 is modified by directing restoration of Mohan Dhangar to his original post of Timber Mazdoor Cat-III as well as restoring his pay as attached to the post. However, he shall not be deployed as attendance clerk in future. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(संदर्भ संख्या-01/2024) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22013/01/2026-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference. 01/2024**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22013/01/2026 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

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

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

L. C. APPLICATION NO. 01 OF 2024

PARTIES: Binod Kumar Yadav

Vs.

Agent, Ningah Group of Mines, ECL and 2 Others.

REPRESENTATIVES:

For the Union/Workmen: Mr. Aninda Chakraborty, Advocate.

For the Management: Mr. Prakash Yadav, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.12.2025

AWARD

1. Binod Kumar Yadav, petitioner has appeared in person accompanied by Mr. Aninda Chakraborty, learned advocate. This is an Application under Section 33C(2) of the Industrial Disputes Act, 1947 wherein petitioner has claimed Rs. 6,26,636.42/- (Rupees six lakh twenty-six thousand six hundred thirty-six and forty-two paise) from the employer Respondents No. 1 to 3 i.e., (1) the Agent of Ningah Group of Mines, (2) Eastern Coalfields Limited represented by the Chairman -cum- Managing Director, and (3) the General Manager of Sripur Area.

2. Mr. Prakash Yadav, learned advocate for the Management of Eastern Coalfields Limited filed a fresh Vokatnama for all three Opposite Parties and also filed two written statements on behalf of the General Manager of Satgram Area and the constituted attorney of the Chairman -cum- Managing Director of Eastern Coalfields Limited. Copy served. A separate application is filed by the opposite parties praying time for hearing on the point of maintainability of the application. In the written statement management has contended that the claim under Section 33C(2) of the Industrial Disputes Act, 1947 allows a workman to apply before the Labour Court for recovery of money as benefits which is due to him on account of enforcing a recognised right, a pre-existing benefit or a settlement or award. In this case claim by the petitioner is disputed as workman is residing in company's accommodation and drawing House Rent Allowance, thereby causing loss to the company.

3. Petitioner filed a verified application through advocate stating that he wants to file an Industrial Dispute before the Regional Labour Commissioner and prayed for necessary order permitting him to withdraw the instant application. Heard learned advocates for the petitioner and management. Considered. This is a clear case where the petitioner has claimed payment of some monetary benefits which is contingent upon an undecided question as to whether he is actually entitled to such House Rent Allowance, which is deducted from his salary on account of allotment of quarters to him. A claim under Section 33C(2) of the Industrial Disputes Act, 1947 can be proceeded with if there is a pre-existing right or benefit in favour of the petitioner and such benefit has been decided by way of settlement or award. In the present case there is no previous settlement over this matter and therefore, this Application under Section 33C(2) of the Industrial Disputes Act, 1947 is not maintainable. Prayer of the petitioner is considered and he is granted leave to take steps to raise an Industrial Disputes before the Conciliation Officer. Application under Section 33C(2) of the Industrial Disputes Act, 1947 is dismissed on being withdrawn. Let an Award be drawn up.

Hence,

ORDERED

Let an Award be passed in view of the above discussion. Let Copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi under Section 33C(4) of the Industrial Dispute Act, 1947 for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(संदर्भ संख्या-61/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22012/374/2003-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference./61/2004**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22012/374/2003 – IR (CM-II)]

SALONI, Dy. Director/Link officer

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

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

REFERENCE CASE NO. 61 OF 2004

PARTIES: Ram Hari Nayak
(dependent son of Late Narayan Nayak)
Vs.
Management of Madhabpur Colliery, ECL

REPRESENTATIVES:

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 02.12.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/374/2003-IR(CM-II)** dated 28.10.2004 has been pleased to refer the following dispute between the employer, that is the Management of Madhabpur Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Madhavpur Colliery under Kajora Area of M/s Eastern Coalfields Limited in denying employment to the dependant son of Late Narayan Nayak, U.G. Loader, UM. No. 548284 under N.C.W.A V is legal and justified? If not, to what relief the dependant son of the deceased workman is entitled? ”

1. On receiving Order **No. L-22012/374/2003-IR(CM-II)** dated 28.10.2004 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 08.11.2004 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Koyala Mazdoor Congress appearing for the dependent of Late Narayan Nayak, ex-employee of Eastern Coalfields Limited (hereinafter referred to as ECL) filed written statement on 18.02.2005. Fact of the case which unfolds from the written statement of the union is that Narayan Nayak was a permanent employment of ECL and was posted at Madhabpur Colliery under Kajora Area as an Underground Loader bearing U.M. No. 548284. Narayan Nayak died in harness on 05.01.1995, leaving behind his wife, Lalita Nayak and a minor son. On 03.03.1995 the widow applied for her employment as her son was fifteen (15) years old. She submitted her documents in support of her claim for employment. Lalita Nayak appeared before the Screening Committee at the Area Level and was also examined by Initial Medical Examination Board (hereinafter referred to as IME Board). On 15.03.1996 after Medical Examination her age was assessed as forty-nine (49) years. As Lalita Nayak exceeded the age of forty-five (45) years on the date of application she was not provided with employment. The management issued letter bearing no. KA/PM/C-6/35/2193/5919 dated 01/07.10.1996 informing that Lalita Nayak would be paid maintenance allowance of Rs. 2000/- (Rupees two thousand only) in lieu of employment as per Clause 9.5.0 of National Coal Wage Agreement – V (hereinafter referred to as NCWA-V). On 23.10.1996 the wife of the deceased employee requested the management that she is not willing to accept monetary compensation in lieu of employment and further requested to provide employment to her son Ram Hari Nayak on his attaining the age of eighteen years as per Clause 9.5.0 (iii) of NCWA-V. Once again on 07.11.1996 Lalita Nayak submitted a representation before the management of Madhabpur Colliery for providing employment to her son and that she is not willing to accept monetary compensation in lieu of employment. According to the union acceptance of maintenance allowance by female dependent is not mandatory and she can either accept monetary compensation or refuse the offer and in the present case she refused the monetary

compensation in lieu of employment. She categorically stated that she would accept monetary compensation till the time her son attained the age of eighteen years and was provided with employment under the provisions of Clause 9.5.0(iii) of NCWA-V. Management of Madhabpur Colliery accepted her request and started paying Rs. 2000/- per month. She started receiving maintenance allowance on the condition that her son will be provided with employment on his attaining eighteen (18) years of age.

3. According to the Service Record of Narayan Nayak, Ram Hari Nayak the son was seven years of age in the year 1987 and he was fifteen years of age as on 05.01.1995 i.e., on the date of death of the employee. Lalita Nayak submitted relevant documents before the management on 08.05.1999 and requested them for providing employment to her son. Direction was given by the management in their letter dated 28/30.09.1999 for surviving family members to appear before the Screening Committee with original documents. After screening was held at Colliery and Area level the proposal was sent to the ECL Headquarters but the management of ECL did not accept the proposal on the ground that his name was not maintained in the Live Roster. Union contended that the responsibility was upon the management to maintain the name of son in the Live Roster of the company till employment was provided to him and such responsibility did not rest upon the minor son or widow of the deceased employee. The union called upon the management to provide the Live Roster Register in which the names of the minor dependents were recorded by the management for providing employment on attaining majority. It is prayed that Ram Hari Nayak, the dependent son of Late Narayan Nayak should be provided with employment under Clause 9.5.0 (iii) of NCWA-V at the earliest with all other consequential benefits.

4. Since registration of the case on 08.11.2004 the management remained unrepresented till 25.09.2012. Mr. P. K. Das, learned advocate appeared for the management of ECL but did not file any written statement. The case was fixed up for evidence on 16.03.2015 and for filing authorization of ECL in favour of by Mr. Das, Advocate who was appearing for the management of ECL on successive dates.

5. Union examined Ram Hari Nayak, the son of the deceased employee as Workman Witness No. 1. He filed an affidavit-in-chief where he stated that his mother did not accept the monetary compensation in lieu of employment and requested the management to provide employment to him on his attaining eighteen (18) years and till such time, she should be paid monetary compensation as per Clause 9.5.0 (iii) of NCWA. He further stated that management accepted the request and started paying monetary compensation to his mother. On 08.05.1999 after Ram Hari Nayak attained the age of eighteen (18) years his mother again submitted an application along with document to provide employment to him. Thereafter, the dependent son appeared before the Screening Committee and the proposal for employment was forwarded to the ECL Headquarters for approval. The witness stated that the management did not provide any employment to him and deliberately harassed him by not complying the provisions of NCWA.

6. The witness was cross-examined on 25.05.2015 where he deposed that the company paid monetary compensation to his mother in lieu of employment. At the time of death of his father he was 14 years old. The witness admitted that he did not have any document regarding intimation of screening for job issued by the company. The witness denied that he did not submit any paper to show that he is the son of Narayan Nayak and that he is not entitled to employment against the death of his father.

7. At the initial stage no document was produced by the union for admission in the evidence. Subsequently, on 04.08.2023 Ram Hari Nayak, the workman witness was recalled and the following documents were brought on record.

- (i) Copy of the Identity Card of Narayan Nayak is marked as Exhibit W-1
- (ii) Copy of the Service Record of Narayan Nayak, as Exhibit W-2.
- (iii) Copy of Death Registration Certificate of Narayan Nayak, as Exhibit W-3.
- (iv) Copy of the Application of Lalita Nayak dated 03.03.1995 for her employment, as Exhibit W-4.
- (v) Copy of the letter dated 23/26.02.1996 by which Lalita Nayak was asked to appear before the Initial Medical Examination Board, as Exhibit W-5.
- (vi) Copy of the letter dated 01/07.10.1996 issued by the management to Lalita Nayak allowing her monetary compensation of Rs. 2000/- per month in lieu of employment in place of her husband. It is also communicated that her age was forty-nine years at the relevant time, as Exhibit W-6.
- (vii) Copy of the application submitted by Lalita Nayak refusing to accept monetary compensation and prayed for employment of her son, as Exhibit W-7.
- (viii) Copy of the letter issued by Lalita Nayak addressed to the Agent, Madhabpur colliery, nominating her son for employment as dependent of her husband, as Exhibit W-8.
- (ix) Copy of the letter issued by the management dated 28/30.09.1999, informing that as Ram Hari Nayak had attained age of eighteen years and monetary compensation of Lalita Nayak would be discontinued, as Exhibit W-9.

- (x) Copy of Note sheet dated 21.09.2000, proposing employment in favour of Ram Hari Nayak, initiated by the Personnel Manager and placed before the General Manager, Kajora Area, as Exhibit W-10.
- (xi) Copy of letter dated 25.06.2002 issued by the Dy. Chief Personnel Manager, Kajora Area, addressed to the Personnel Manager (Empl), Sanctoria for a clear direction from the Competent Authority relating to employment to the son of Late Narayan Nayak, as Exhibit W-11.

8. It is strange to find that the management of ECL without filing any written statement to assert their case has examined Mr. Ashish Mohan, Deputy Personnel Manager, Madhabpur Colliery as Management Witness No. 1. He has filed his affidavit-in-chief where the main contention is that Lalita Nayak, wife of the deceased employee has been paid Monthly Monetary Cash Compensation (hereinafter referred to as MMCC) in her Account No. 3359 of the State Bank of India, Bhaikumarda Branch (6123) as per letter no. KA/PM/C-6/35/2193/5919 dated 01/07.10.1996. She was paid monetary compensation till she attained the age of sixty (60) years in March 2007. According to the management witness the employment of the dependent of Narayan Nayak does not arise as the widow has been paid monetary compensation till, she was sixty years of age. Management has produced the following documents in support of their case :

- (i) Copy of the Office Order dated 01/07.10.1996 for payment of MMCC to Lalita Nayak has been produced as Exhibit M-1.
- (ii) Copy of the Payment Register showing payment to Lalita Nayak, as Exhibit M-2.

9. In his examination-in-chief the management witness deposed that a dependent of deceased workman is entitled to either receive monetary compensation till her 60 years of age or employment. In this chargesheeted employee monetary compensation has been paid to the widow and no other dependent is entitled to employment in ECL.

10. In cross-examination the management witness deposed that in her application Lalita Nayak was willing to take monetary compensation till her son is provided with employment. The witness admitted that the management issued a letter dated 28/30.09.1999, informing Lalita Nayak that her son Ram Hari Nayak attained the age of eighteen (18) years and her maintenance allowance was discontinued. Witness deposed that employment to dependent son was refused as MMCC was granted to the widow in the year 1996. However, it transpires from his testimony that widow had submitted application for employment of her son and the dependents of the deceased employee were asked to appear before the Screening Committee. Witness admitted that till date no letter had been issued to the widow informing her that employment could not be granted to her son. It is also admitted that at the time of death of the employee her son was about fifteen (15) years of age. Witness denied the suggestion that management violated the provisions of Clause 9.5.0 (iii) of NCWA-V.

11. The moot point for consideration in this reference is whether the action of the management in denying employment to the dependent son of Narayan Nayak is legal and justified. If not to what relief the son is entitled to.

12. Mr. Rakesh Kumar, union representative advancing his argument on behalf of the dependents submitted that according to the provisions of Clause 9.5.0 (iii) of NCWA a male dependent of the deceased employee who is fifteen (15) years and above in age and not provided with employment, is required to be kept on the Live Roster of the company and management is under an obligation to provide employment to his on his attaining the age of eighteen (18) years. During the period the male dependent is on the Live Roster, the female dependent is to be paid monetary compensation as per rates at paragraphs (i) and (ii). Mr. Kumar argued that the Service Record of the deceased workman (Exhibit W-2) reveals that Ram Hari Nayak is the second son of the deceased employee who was seven and a half (7½) years old on 01.04.1987. Accordingly, at the time of death of his father on 05.01.1995 Ram Hari Nayak was fifteen (15) years old and was entitled to be kept in the Live Roster for his future employment on his attaining majority. It is argued that the management by letter dated 01/07.10.1996 (Exhibit W-6) granted monetary compensation allowance at the rate of Rs. 2000/- per month to the widow of the deceased in lieu of the employment. The management witness admitted that Lalita Nayak had submitted a representation before the management (Exhibit W-7) in which she stated that since her son was fifteen years old at the time of death of her husband, she wanted her son to get employment on his attaining eighteen (18) years and the management may arrange to pay maintenance allowance to her until employment was granted to her son as per the provisions of NCWA. It is argued that the management of the company was fully informed and aware about the representation submitted by Lalita Nayak which finds reflection in letter dated 21.09.2000 (Exhibit W-10) which was forwarded to the Headquarters with a proposal for employment to her son. My attention was drawn to the cross-examination of the management witness where he stated that no letter was issued to the widow informing her that employment could not be granted to her son. Mr. Kumar strenuously argued that though the dependent son is entitled to employment, the management of ECL has acted in an illegal and arbitrary manner by not providing employment to the dependent son of the deceased employee as per the terms of NCWA and causing hardship to the family by not taking action in this regard.

13. Mr. P. K. Das, learned advocate for the management of ECL had no explanation as to how the evidence of management witness could be appreciated without any pleading. The approach of the management in dealing with the case is extremely lackadaisical and nonchalant to the requirement of NCWA. The only argument which Mr. Das could advance is MMCC has been paid to Lalita Nayak, the widow of the deceased employee up to her age of sixty years which ended in March 2007 as such she cannot claim employment for her son.

14. I have considered the written statement submitted by the union and materials on record. It is an accepted position that the NCWA is a settlement under Section 2(p) of Industrial Disputes Act, 1947 and is binding upon the employer and employees under Section 18(3) of the Industrial Disputes Act, 1947. The admitted position in this case, as may be derived from the uncontroverted statements in the written statement filed by the union and evidence of workman witness is that on the date of death of Narayan Nayak, the widow applying for her own employment as a dependent and she (Exhibit W-4) was found to be over-age for her employment and a monetary compensation was approved in her favour at the rate of Rs. 2000/- per month in lieu of employment. On receipt of such communication the by letter dated 01/07.10.1996 (Exhibit W-6), Lalita Nayak made a representation before the employer company (Exhibit W-7), stating that her son was fifteen years old at the time of death of her husband and she claimed employment for her son when he attained the age of eighteen (18) years and till such time, she was ready to accept monetary compensation. The management was fully aware about the claim for employment of the son and the necessity to maintain his name in the Live Roster of the company. This fact has been further established by Note Sheet dated 21.09.2000 (Exhibit W-10) which was forwarded to the ECL Headquarters by the Personnel Manager, Kajora Area. It may be gathered from Exhibit W-9, a letter dated 28/30.09.1999 issued by the Dy. Personnel Manager, Madhabpur Colliery addressed to Lalita Nayak, informing her that she had submitted relevant documents / certificates in respect of employment of her son Ram Hari Nayak who attained the age of eighteen (18) years and for such reason her maintenance allowance was to be discontinued. It is abundantly clear that the dependent son of the deceased employee who was seven and a half (7½) years of age on 01.04.1987 turned fifteen years of age on the date of death of his father on 01.05.1995 and as per the provisions of Clause 9.5.0 (iii) of NCWA-V he is eligible for being included in the Live Roster of the company, for his employment on attaining majority. The widow of the deceased employee in her representation against letter dated 01/07.10.1996 made it clear to the management that she was willing to accept monetary compensation only till her son was provided with employment on attaining eighteen (18) years and not in lieu of employment. The management of ECL is therefore not vested with the power to impose their unilateral decision upon the widow and dependent son of the deceased employee that she had no option but to accept monetary compensation at the rate of Rs. 2000/- per month till she attains the age of sixty (60) years.

On a clear reading of Clause 9.5.0 (ii) of NCWA-V it appears that in case of death/total permanent disablement due to causes other than mine accident and medical unfitness under clause 9.4.0 if the female dependant is below the age of forty-five (45) years, she will have the option either to accept the monetary compensation of Rs.2000/- per month or employment.

In case the female dependant is above forty-five (45) years of age she will be entitled only to monetary compensation and not to employment.

Clause 9.5.0 (iii) of NCWA-V provides that In case of death either in mine accident or for other reasons or medical unfitness under clause 9.4.0, if no employment has been offered and the male dependant of the concerned worker is fifteen (15) years and above in age he will be kept on a live roster and would be provided employment commensurate with his skill and qualifications when he attains the age of eighteen (18) years. During the period the male dependant is on live roster, the female dependant will be paid monetary compensation as per rates at paras (i) & (ii) above.

Clause 9.5.0 (iv) of NCWA-V provides that Monetary compensation, wherever applicable, would be paid till the female dependant attains the age of sixty (60) years.

Clause 9.5.0 (iii) of NCWA-V has made provisions for maintaining the name of male dependent in the Live Roster for considering him for employment once he becomes a major and it clearly provides for payment of monetary compensation to the female dependent during the period male dependent is on Live Roster. I find from letter dated 28/30.09.1999 that the management of ECL discontinued the payment of monetary compensation to Lalita Nayak when Ram Hari Nayak attained the age of eighteen (18) years. Therefore, the management of ECL appears to have violated the provisions of NCWA by not considering the son of the deceased employee for providing employment after he became a major in the year 1999. Such evasive action on the part of the management in dealing with an established claim for employment appears deliberate and needs to be met with impunity. By causing such inordinate delay in reaching a finality in respect of claim for employment, the management has thoroughly disrupted the purpose and object of the provisions of National Coal Wage Agreement, leading to hardship to the family of the deceased employee. In my considered view the action of the management in not providing employment to the dependent son of the deceased employee on the pretext of having allowed maintenance allowance to the widow is unjust, unfair, improper, illegal and is not sustainable under the NCWA. The management of ECL is therefore directed to consider the proposal for granting employment of Ram Hari Nayak and complete the employment procedures within two (2) months from the date of communication of the Award.

Hence,

ORDERED

that Industrial Dispute is allowed on contest against the management of Madhabpur Colliery under Kajora Area of Eastern Coalfields Limited. The employer company is directed to complete the employment procedure of

Ram Hari Nayak, dependent son of Late Narayan Nayak within two (2) months from the date of communication of the Award. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(संदर्भ संख्या-14/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22012/42/2022-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference No. 14/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22012/42/2022 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

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

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

REFERENCE CASE NO. 14 OF 2022

PARTIES: Tanmay Ruidas
Vs
Management of Central Hospital, Kalla, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. S. K. Pandey, union representative
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 12/12/2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/42/2022-IR(CM-II)** dated 04/05/2022 has been pleased to refer the following dispute between the employer, that is the Management of Central Hospital, Kalla of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Central Hospital, Kalla in non-payment/denial of payment of House Rent Allowance from the month of August, 2019 in respect of Shri Tanmay Ruidas, Pharmacist, Central Hospital, Kalla, U.M. No. 195894 is just and legal? If not, to what relief the concerned workman is entitled?”

1. On receiving Order No. **L-22012/42/2022-IR(CM-II)** dated **04/05/2022** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 14 of 2022** was registered on 04.05.2022/01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.
2. Written statement on behalf of the aggrieved workman has been filed on 31/01/2023. Fact of the case disclosed in the written statement is that Tanmay Ruidas is a permanent employee of the company and is presently posted at Central Hospital, Kalla as Pharmacist since 12/07/2019. He came to Central Hospital, Kalla on transfer from Sanctoria Hospital of ECL. According to the terms of House Allotment Rules of the company, quarters is provided to the employees who are residing beyond five kilometers and House Rent Allowance is to be paid as per the provisions of NCWA if quarters is not provided to the employee. Tanmay Ruidas resides at Ruidas Para, Village and PO-Pandaveswar, Dist- Paschim Bardhaman which is beyond five kilometers from the place of work. By letter dated 20/07/2019 the workman applied before the management to allot quarters to him. Management of ECL without allotting quarters stopped payment of House Rent Allowance on his joining the Central Hospital, Kalla. Several representations were made by the workman before the management to allot quarters for his accommodation and he also prayed for payment of House Rent Allowance as per the extant rules until allotment of quarters.
3. The Management of ECL by office order No. ECL/CHK/C-6/Housing/2019/2719 dated 02/11/2019 allotted quarters No. AEQ-4/11 to the workman on temporary basis which was reported by him as not livable. Workman could not reside in the quarters and requested several times for repairing and electric wiring of quarters but the management did not take step. The company by office order No. ECL/CHK/C-6/Housing/2019/3127 dated 20/12/2019 allotted another quarters No. AEQ-16/1 which was also inhabitable as it was in a bad state of repair. Workman after receiving keys of quarters from the security department prayed for repairing of the same and for making arrangement of water supply but the management did not take action within reasonable time. Finding no other alternative, workman prayed for cancellation of allotment of quarters No. AEQ-16/1 by letter dated 05/02/2020. Said quarters was subsequently allotted to Smt. Sujata Biswas, staff Nurse of Central Hospital, Kalla by office order No. ECL/CHK/Quarter/2020/1534 dated 18/06/2020. It is contended in their written statement that the workman was getting House Rent Allowance @ Rs. 525.86 per month during his posting at Sanctoria Hospital and he is entitled to the same amount of House Rent Allowance. It is contended that action of the management of ECL in denying payment of House Rent Allowance is to the workman from August, 2019 is unjustified, illegal and House Rent is required to be paid to him from August, 2019 till date.
4. Management of ECL contested the case by filing written statement on the same date i.e. 31/01/2023. According to the management, workman after joining at Central Hospital, Kalla applied for quarters on emergency basis on 20/07/2019 on the ground that he was attending duty from his residential address which was thirty seven kilometers away from the Hospital and he was facing difficulties. Quarters was allotted to the employee as per recommendation of the Housing Committee meeting and he was allotted quarters on two occasions. Initially, quarters No. AEQ-4/11 was allotted to him on temporary basis on 02/11/2019 and after the decision of the Housing Committee in the meeting held on 17/12/2019, Quarters No. AEQ-16/1 was allotted to him. Workman, thereafter, applied for repair of the quarters on 28/01/2020 within seven days and thereafter on 05/02/2020 he applied for cancellation of the quarters and claimed for House Rent Allowance. Management contended that according to the guidelines of the company vide ECL/CMD/C-6E/10/621 dated 21/07/2012 issued by the General Manager (P&IR), ECL which says *“Employees refusing to occupy the allotted quarters or surrender the allotted quarter will not be eligible to draw HRA.”* According to the management, Tanmay Ruidas is not entitled to get House Rent Allowance as he has waived his right by not occupying the quarters that was allotted to him.
5. Point for consideration is whether the action of the management of ECL in non-payment of House Rent Allowance to Tanmay Ruidas from August, 2019 at Central Hospital, Kalla is justified? If not, to what relief the workman is entitled?
6. In order to prove the claim Tanmay Ruidas, aggrieved workman has been examined as Workman Witness-I. He filed his affidavit-in-chief, reiterating the case disclosed in the written statement. During examination-in-chief, the workman produced the following documents:
 - (i) Copy of application dated 20/07/2019 addressed to Sr. Manager (P), CH Kalla for allotment of quarters is marked as Exhibit W-1.
 - (ii) Copy of another application dated 21/10/2019 for allotment of quarters is marked as Exhibit W-2.
 - (iii) Copy of office order dated 02/11/2019 issued by the management allotting quarters to the workman on temporary basis is marked as Exhibit W-3.

- (iv) Copy of minutes of meeting held for allotment of quarters, is marked as Exhibit W-4.
- (v) Copy of letter issued to the management praying for necessary repairing of quarters and installation of water tank, is marked as Exhibit W-5.
- (vi) Copy of another application submitted by the workman for cancellation of quarters by letter dated 05/02/2020 as the management did not undertake repairing work is marked as Exhibit W-6.
- (vii) Copy of office order dated 18/06/2020 by which the housing committee allotted the same quarters, No. AEQ-16/1 to Smt. Sujata Biswas, Sr. Staff Nurse is marked as Exhibit W-7.
- (viii) Copy of pay slip of the workman for the month of July, 2019 is marked as Exhibit W-8.
- (ix) Copy of pay slip of the workman for the month of September, 2019 during his posting at Central Hospital, Kalla is marked as Exhibit W-9.

Workman claimed that he is entitled to get House Rent Allowance @ 18% of the basic as per central government rules for coal mines employees at Asansol. In cross-examination by the management of ECL, witness deposed that after allotment of quarters, keys were handed over to him. Workman denied suggestion that quarters allotted to him was in good and habitable condition and that he is not entitled to get House Rent Allowance.

7. To fortify their case, management examined Sh. Raj Narayan Bhattacharjee as Management Witness-I and filed an affidavit-in-chief raising strong objection against the claim for House Rent Allowance. It is stated that according to Clause 7(ii) of House Allotment Rules issued in the year 1993 “*an employee having his own residence at the place of posting or at a place within a radius of five kilometers from the place of posting will not be considered eligible for the allotment of company’s accommodations. No allotment of house will be made to those who have been given house building loans for construction of house within ten kilometers radius from the place of posting.*” Witness stated that Tanmay Ruidas who attends duty from Pandaveswar to Central Hospital, Kalla travelled a distance more than five kilometers and he is entitled to quarters. House Allotment Committee of the management allotted quarters No. AEQ-4/11 to Tanmay Ruidas but he did not submit occupancy report as such no initiative was taken for repairing of quarters. It is claimed that after quarters is allotted to any employee, civil department takes initiative for repair and it has been seen that some quarters were repaired and upgraded for allotment to the employees but they refused to occupy, citing improper reasons which resulted in wastage of funds. The management and the union members agreed to submit occupation report before starting any repairing work. Subsequently, Housing Committee allotted quarters No. AEQ-16/1 to the workman on 16/12/2019 and he received keys but did not submit the occupation report and handed over the keys to the security department on 25/02/2020. It has been stated in the affidavit that Tanmay Ruidas applied for repairing of quarters on 28/01/2020 and on 05/02/2020 he submitted application refusing to occupy quarters. According to the management, repairing of quarters are done after inspection of the quarters and cost estimate, budget certification and approval of the competent authority which is a time consuming process. Quarters was repaired during the block repairing, done in February, 2018 and was after wards vacated by Krishan Guin. From February, 2018 to October, 2019 the quarters was in a habitable condition but after allotting the same to Tanmay Ruidas, he started raising disputes that quarters was not in a habitable condition. In course of examination, the management witness produced the following documents:

- (i) Copy of office order dated 02/11/2019 by which quarters No. AEQ-4/11 was temporarily allotted to Tanmay Ruidas and he was advised to occupy the quarters and submit occupancy report, is marked as Exhibit M-1.
- (ii) Copy of office order dated 26/12/2019 by which quarters No. AEQ-16/1 was allotted to Tanmay Ruidas for his residential purpose with immediate effect, is marked as Exhibit M-2.
- (iii) Copy of application dated 28/01/2020 of the concerned employee submitted before the CMO(Admn.), Central Hospital, Kalla disclosing that due to want of repair he could not occupy the same as there was no water tank installed at the quarters and he also claimed for House Rent Allowance for not being allotted a proper quarters, is marked as Exhibit M-3.
- (iv) Copy of application dated 05/02/2020 for cancellation of allotment of the quarters as no repairing work was done, is marked as Exhibit M-4.
- (v) Copy of declaration dated 25/02/2020 whereby the workman handed over the keys of the quarters No. AEQ-16/1, is marked as Exhibit M-5.
- (vi) Copy of application dated 20/07/2019 submitted by Tanmay Ruidas for allotment of quarters, is marked as Exhibit M-6.
- (vii) Copy of letter dated 21/03/2009 issued by the General Manager (Admn./Welfare), ECL addressed to CMO (I/c), Central Hospital, Kalla communicating that Director (Personnel), ECL in the thirty fifth meeting of Coal India Limited Welfare Board Meeting held on 21/04/2007 decided that “payment of House Rent Allowance may be allowed in those mines/areas only where there is a shortage of quarters, House Rent Allowance will not be paid if quarters are available or allotted but not accepted by the concerned employee” is marked as Exhibit M-7.

After granting opportunity to Tanmay Ruidas to cross-examine the Management Witness, he declined to cross-examine and the witness was discharged.

8. Mr. S. K. Pandey, union representative advancing his argument on behalf of the aggrieved workman stated that Tanmay Ruidas, Pharmacist was appointed in the service of ECL on 17/12/2014 at Pandaveswar Colliery, ECL. He was transferred to Sanctoria Hospital on 19/12/2018 and thereafter was transferred to Central Hospital, Kalla on 12/07/2019. House Rent Allowance of Tanmay Ruidas which he received till he was posted at Sanctoria Hospital was stopped on his transfer to Central Hospital, Kalla. Copy of pay slip for July, 2019 has been produced in support of the earlier payment as Exhibit W-8. It is urged that pay slip for the month of September, 2019 (Exhibit W-9) shows that payment House Rent Allowance was discontinued. Workman submitted an application dated 21/10/2018 before the management for allotment of quarters (Exhibit W-2). An office order was passed on 02/11/2019 (Exhibit W-3) whereby quarters No. AEQ-4/11 was temporarily allotted to Tanmay Ruidas with a note that finalization of quarters will be done in the next Housing Committee Meeting. It is submitted that quarters No. AEQ-16/1 was allotted to the employee and he was requested to occupy the same as soon as possible and submit the occupancy report to the Asst. Manager (P), Central Hospital, Kalla. No occupation certificate has been produced by the management nor by the union. Subsequently, on 28/01/2020, Tanmay Ruidas submitted an application to the CMO (Admin.), CH, Kalla (Exhibit W-5) informing that the allotted quarters was not in a livable condition and that it needs some repair and water tank was required to be installed. He also claimed House Rent Allowance since his joining at Central Hospital, Kalla with further request that if repairing of quarters and installation of water tank was not done on urgent basis, it would not be possible for him to occupy the same. After receipt of letter, management neither repaired the quarters and installed the water tank nor did they refute the claim of the workman that no repair was required. It is argued by the union representative that an application was submitted by Tanmay Ruidas on 05/02/2020 for cancellation of allotment of quarters AEQ-16/1 due to non-repair of the same and for payment of House Rent Allowance. Union claimed that till date no House Rent Allowance has been paid and the workman is entitled to get House Rent Allowance from August, 2019 till date.

9. Mr. P. K. Das, learned advocate for ECL in reply argued that Quarters No. AEQ-4/11 was allotted to the workman (Exhibit M-1) and thereafter another quarters No. AEQ-16/1 was allotted in favour of Tanmay Ruidas but the workman did not take possession of it and prayed for cancellation of allotment of quarters on the ground that quarters was not repaired (Exhibit M-4). Management relied upon a letter dated 21/03/2009 issued by the General Manager (Admin./Welfare) addressed to CMO (I/C), C.H., Kalla (Exhibit M-7) that House Rent Allowance would not be paid if quarters are available or allotted but are not occupied by the concerned employee. It was mentioned that payment of House Rent Allowance would be allowed in cases if there is a shortage of quarters. It is urged that in the instant case, the concerned employee consciously did not take possession of quarters and he is eager to enjoy House Rent Allowance. It is argued that the management cannot act contrary to their decision that when quarters are available and are not accepted by the employee, he is not entitled to House Rent Allowance. The workman is therefore, not entitled to get House Rent Allowance in this case.

10. I have considered the rival arguments advanced on behalf of the union and Id. Advocate for the management. I have also considered the backdrop of the fact and circumstances of this case and rules guiding the employees and the management of ECL in respect of payment of House Rent Allowance. Grievance ventilated by the workman is for non-payment of House Rent Allowance to him after his transfer to Central Hospital, Kalla w.e.f. 12/07/2019. It appears from the materials on record that Tanmay Ruidas is posted as a Pharmacist at Central Hospital, Kalla bearing UM No. 195894. It is gathered from the argument advanced by Mr. S. K. Pandey, union representative as well as from Exhibit W-8, a copy of pay slip for the month of July, 2019 that workman was receiving House Rent Allowance @ Rs. 525.84 per month, prior to his transfer to Central Hospital, Kalla. In paragraph three of the affidavit-in-chief, Management Witness has admitted that Tanmay Ruidas is a resident of Pandaveswar and attends duty at Central Hospital, Kalla travelling beyond five kilometers from his residence and accordingly he is entitled to get quarters. Clause 8.1.3 of NCWA provides that for the purpose of payment of House Rent Allowance to employees in urban areas, government notification or clarification on the subject will be followed as provided in previous agreements and shall be applicable from 01/02/2012 on the revised basic. Other related issues will be discussed in the standardisation committee within a period of three months. Clause 8.1.1 provides that existing House Rent Allowance will be @ two percent of the revised basic per month w.e.f. 01/02/2012 and will be paid to employees who have not been provided with residential accommodation. From such settled position between the company and the union, it appears that the management is conscious of its obligation to pay House Rent Allowance to its employees who have not been provided with residential accommodation. Management relied upon Exhibit M-7, a letter dated 21/03/2009 issued by the General Manager (Admin./Welfare), ECL addressed to CMO (I/C), Central Hospital, Kalla, ECL quoting observation of the Director (Personnel), ECL on the subject of payment of House Rent Allowance to Wage Board Employees. It has been communicated that *"In the 35th Meeting of the CIL Welfare Board Meeting held on 21.04.2007 it was decided that 'Payment of HRA may be allowed in those mines/areas only where there is a shortage of quarters. HRA should not be paid if quarters are available, or allotted but are not accepted by the concerned employee.'"*

11. In the instant case, Tanmay Ruidas submitted an application on 20/07/2019 i.e. soon after his transfer on 12/07/2019 for allotment of quarters on the ground that his residence is situated thirty seven kilometers away from his

place of work and he was facing difficulties in attending duty. He requested the management for allotment of quarters AEQ-5/4 on emergency basis. No action was taken by the management and Tanmay Ruidas submitted his second application dated 21/10/2019 (Exhibit W-2) praying for payment of House Rent Allowance as per prevailing rules of House Rent until allotment of quarters. An office order was passed on 02/11/2019 (Exhibit W-3) whereby quarters No. AEQ-4/11 was temporarily allotted to Tanmay Ruidas until finalization of allotment on the next Housing Committee meeting. Subsequently, on 19/20.12.2019 Housing Committee members of Central Hospital, Kalla on the basis of meeting held on 17/12/2019 allotted quarters No. AEQ-16/1 to Tanmay Ruidas (Exhibit W-4). Concerned workman received keys of quarters from the security department but could not occupy the same as it was in a bad state of repair and no water tank was installed. Furthermore, quarters was not in a habitable condition. Workman requested for necessary repairing of quarters, installation of water tank and payment of House Rent Allowance until management makes the quarters habitable. It appears to me that the management being aware of such communication, neither took steps for repairing to make the quarters habitable nor did the management respond to the application of the workman denying his contention that the quarters required repairing or that there was no supply of water at his allotted quarters. The nonchalant conduct of the management goes to establish that grievance of the workman that quarters was not in habitable condition and lacked facility of water supply is true and the management did not take steps to remedy the same. A mechanical allotment of quarters in whatever condition it may be, cannot compel the workman to accept such quarters. Allotment of quarters not in habitable condition is not considered to satisfy the decision of the Director (Personnel), ECL that House Rent Allowance would not be paid to employees if quarters are available or are allotted but are not accepted. It has not been clarified that quarters should be habitable with basic facility of supply of electricity and water for its employees to occupy the same. In the instant case, I find that the workman after waiting for a considerable period after his transfer and ultimately submitted an application dated 05/02/2020 for cancellation of allotment of quarters due to its non-repair and claimed for payment of House Rent Allowance. I find from Exhibit W-7 that quarters No. AEQ-16/1 was subsequently allotted to Smt. Sujata Biswas, Sr. Staff Nurse on 18/06/2020. Therefore, it can safely be held that Tanmay Ruidas was not allotted with any suitable quarters for accommodation at Central Hospital, Kalla since his transfer on 12/07/2019. Workman, therefore, is not disqualified from getting House Rent Allowance on the basis of observation of the Director (Personnel), ECL (Exhibit M-7). Accordingly, I hold that action of the management in not paying House Rent Allowance to Tanmay Ruidas is unjust, arbitrary and illegal. The management of Central Hospital, Kalla is directed to pay House Rent Allowance to Tanmay Ruidas w.e.f. 12/07/2019 onwards at the prevailing rates till date. Management shall pay arrear of House Rent Allowance to the workman within two months from the date of communication of the Award.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against the management of Central Hospital, Kalla with a direction to pay House Rent Allowance to Tanmay Ruidas at the prevailing rates w.e.f. 12/07/2019 till date. Arrear of House Rent Allowance shall be paid to the workman within two months from the date of communication of the Award. Let an Award be drawn up in the light of my above discussion. Let copies of Award be communicated to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल केपंचाट(संदर्भ संख्या-40/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22012/77/2022-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 186.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference./40/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22012/77/2022 – IR (CM-II)]

SALONI, Dy. Director/Link officer

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

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

REFERENCE CASE NO. 40 OF 2022

PARTIES: Deblal Majhi
(dependent husband of Late Laboni Mejhan)

Vs.

Management of Girmint Colliery, ECL and Another.

REPRESENTATIVES:

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

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 03.12.2025.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/77/2022-IR(CM-II)** dated 05.08.2022 has been pleased to refer the following dispute between the employer, that is the Management of Girmint Colliery under Sripur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the demand raised by President, Koyala Mazdoor Congress vide its representation dated 22/10/2019 against the action of the management of Girmint Colliery under Sripur Area of M/s. Eastern Coalfields Ltd. for not providing employment under the provisions of National Coal Wage Agreement -VI to Shri Deblal Majhi husband of Late Laboni Mejhan, Ex-Wagon Loader, UM No. 107810, who expired on 26.01.2011 while in service, is fair, legal and justified? If yes, what relief Shri Deblal Majhi husband of the deceased workman is entitled to? ”

1. On receiving Order **No. L-22012/77/2022-IR(CM-II)** dated 05.08.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 10.08.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Deblal Majhi, the person seeking employment against death of Laboni Mejhan, his wife has appeared in person accompanied by Mr. Rakesh Kumar, President, Koyala Mazdoor Congress. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited appeared accompanied by Mr. Sanjay Bhowmik, Asst. Personnel Manager. The case is fixed up today for appearance of both parties and final disposal of the case.

3. In this case written statements were submitted by both parties and the case was taken for hearing in contested form. Deblal Baski (Majhi) was examined on 26.04.2023 as Workman Witness No. 1. Mr. Ranveer Rathour, Assistant Manager (P), Bhanora-Girmint Group of Mines was examined as Management Witness No. 1 on 25.08.2023. The case was thereafter fixed for hearing of argument since 13.11.2023. Claim is pending since 26.01.2011 and the management of Eastern Coalfields Limited has failed to decide the issue this during long fourteen years. By order dated 21.10.2025 management was granted thirty (30) days' time to complete the entire employment formalities and report compliance. On 24.11.2025 management filed an application along with a letter of appointment dated 15/17.11.2025 providing employment to Deblal Majhi and the management prayed for disposal of the case.

4. Deblal Majhi on appearing before the Tribunal today admitted the issuance of Appointment Letter but he did not join his employment till date for the reasons best known to him. Mr. Rakesh Kumar, on behalf of the union filed an application stating that the dispute raised over not providing employment to Deblal Majhi has ended as the management has issued a letter of appointment to him and at present there is no dispute and the case may be closed.

Considering the application and present state of affairs, the Industrial Dispute is disposed of. Let a No Dispute Award be drawn up in light of my above findings.

Hence,

ORDERED

The Industrial Dispute is dismissed. A No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल केपंचाट(संदर्भ संख्या-19/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22012/45/2010-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference No. 19/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of ECL and their workmen, received by the Central Government on 11/02/2026.

[No. L-22012/45/2010 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

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

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

REFERENCE CASE NO. 19 OF 2011

PARTIES: Tarun Kumar Mondal

Vs

Management of Parasea Colliery, Kunustoria Area, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. H. L. Soni and Mr. Rakesh Kumar, union representatives

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 05/12/2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/45/2010-IR(CM-II)** dated 13/10/2011 has been pleased to refer the following dispute between the employer, that is the Management of Parasea Colliery, Kunustoria Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Parasea Colliery under Kunustoria Area of M/s. ECL in not providing employment to Mr. Tarun Kr. Mondal, adopted son of Smt. Monabala Mondal, deceased employee is legal and justified? What relief the applicant is entitled to?”

1. On receiving Order No. **L-22012/45/2010-IR(CM-II)** dated **13/10/2011** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 19 of 2011** was registered on 15.11.2011/09.12.2011 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.
2. Union of Koyala Mazdoor Congress filed written statement on 12/02/2013 through Mr. H. L. Soni, Asst. General Secretary. In their written statement filed on behalf of Tarun Kumar Mondal, union stated that Monabala Mondal, a permanent employee of Eastern Coalfields Limited (hereinafter referred as ECL for brevity) was a Wagon Loader at Parasea Colliery under Kunustoria Area of ECL. She died in harness on 11/10/1998 leaving behind Tarun Kumar Mondal as her adopted son. It is claimed that Monabala Mondal had no issue and she adopted Tarun Kumar Mondal as her son on 25/10/1985 in the presence of his natural parents as well as her husband, Umapada Mondal. Further case of the union is that Monabala Mondal filed an application before ECL along with a copy of deed of adoption praying for inclusion of Tarun Kumar Mondal in her Service Record as the adopted son. A Note Sheet was initiated by the management for incorporating the name of Tarun Kumar Mondal in the Service Record of Monabala Mondal and the same was forwarded to the General Manager, Kunustoria Area vide Note Sheet bearing No. ECL/PC/P&IR/98/2443 dated 19/09/1998. On receipt of Note Sheet and proposal for incorporating the name of Tarun Kumar Mondal as adopted son, legal opinion was sought for from the panelled advocate of the company. Mr. P. K. Goswami, advocate of the company submitted his legal opinion stating that adoption of Tarun Kumar Mondal by Monabala Mondal is a legal adoption. Legal opinion was submitted to the Personnel Manager, Kunustoria Area by letter dated 24/09/1998 and Monabala Mondal expired on 11/10/1998 while in service of the company.
3. After death of Monabala Mondal, Tarun Kumar Mondal being wholly dependent upon his adopted mother claimed for employment before ECL and submitted all documents. It is contended that management did not consider the claim for employment of the adopted son for which this Industrial Dispute has been raised by the union. According to the union, various death benefits of Monabala Mondal like Gratuity, CMPF and LCS amounts have been paid to Tarun Kumar Mondal, the legally adopted son which is a clear proof that Tarun Kumar Mondal is entitled to benefit of employment as a dependent. In support of the claim for employment of Tarun Kumar Mondal, union has asserted that Ration Card and Relationship Certificate issued by local authority in the name of Tarun Kumar Mondal and countersigned by the Member of Legislative Assembly have described him as the son of Late Monabala Mondal. Referring to School Leaving Certificate dated 23/01/1998 issued by the Head Master of Jote Janki Free Primary School it is asserted that the name of Umapada Mondal, husband of Monabala Mondal has been recorded as the father of Tarun Kumar Mondal. Union claimed that above documents clearly prove that Umapada Mondal and Monabala Mondal adopted Tarun Kumar Mondal as their son when he was four years of age. It is prayed that the management of ECL be directed for offering employment to the adopted son of Monabala Mondal at the earliest.
4. Agent, Parasea Group of Mines, ECL contested the Industrial Dispute by filing written statement on 13/07/2015. It is contended that the instant dispute is not for adjudication of the claim for employment but it is in fact a dispute whether Tarun Kumar Mondal is the legally adopted son of Monabala Mondal, as such it is not an Industrial Dispute but a dispute of civil nature. Further case of the management is that this Tribunal cannot consider the validity of adoption which is required to be adjudicated prior to determination of the justification in not providing employment. Management urged that initiating Note Sheet or obtaining legal opinion cannot help in proving that the alleged adoption is valid. It is urged that union and Tarun Kumar Mondal are duty bound to prove that adoption is valid. Furthermore, there are several irregularities in the claim of adoption made by the union. Management urged that the instant case is liable to be dismissed and the concerned person is not entitled to any relief.
5. Short point for consideration before the Tribunal is whether the action of the management of Parasea Colliery, ECL in not providing employment to Tarun Kumar Mondal, claiming to be the adopted son of Monabala Mondal, is legal and justified?
6. In order to establish the claim for employment, union examined Tarun Kumar Mondal as Workman Witness-I. An affidavit-in-chief has been filed reiterating their case disclosed in the written statement. Workman witness was initially cross-examined on 02/02/2016 where he deposed that his father's name in the school record is registered as Umapada Mondal. He also stated that he can produce his certificate from the school and Ration card where his father's name is recorded as Umapada Mondal. He further stated that he received service benefits of Monabala Mondal and that Monabala Mondal had no child out of natural birth. He denied the suggestion that he is not the lawfully adopted son of Monabala Mondal and is not entitled to any relief. When the case came up for hearing of argument, union recalled Workman Witness-I on 14/11/2023 for his re-examination. Several documents which were not admitted earlier were produced as follows:
 - (i) Copy of deed of adoption by which Monabala Mondal w/o Late Umapada Mondal adopted Tarun Kumar Mondal as son on 25/10/1985 is marked as Exhibit W-1.
 - (ii) Copy of order passed in favour of Tarun Kumar Mondal for payment of Gratuity in respect of Monabala Mondal, in two pages is collectively marked as Exhibit W-2.

- (iii) Xerox copy of his Voter ID card is marked as Exhibit W-3.
- (iv) Xerox copy of his Aadhaar card is marked as Exhibit W-4.
- (v) Xerox copy of his Ration card is marked as Exhibit W-5.
- (vi) Copy of his school certificate is marked as Exhibit W-6.
- (vii) Copy of death certificate of Monabala Mondal is marked as Exhibit W-7.
- (viii) Copy of application dated 28/07/2001 under which he submitted some documents before the Agent, Parasea colliery is marked as Exhibit W-8.
- (ix) Copy of application dated 24/01/2005 submitted by him before the Agent, Parasea colliery for his employment as dependent son is marked as Exhibit W-9.

Witness was recross-examined. It transpires from the evidence of Workman Witness-I that husband of Monabala Mondal died on 07/12/1995. He further stated that before adoption, he had no relation with Monabala Mondal. During cross-examination by the management, workman witness identified signature of Monabala Mondal as Exhibit M-1 on her service record. Tarun Kumar Mondal deposed that he is unaware about the procedure by which Monabala Mondal took him in adoption in the year 1985. Suggestion was put to the witness that deed of adoption was prepared only for seeking employment under ECL, which the witness denied. He also denied the suggestion that claim for employment under ECL was not justified.

7. Facts which transpire from evidence of Workman Witness-I is that alleged adoption of Tarun Kumar Mondal as son was made by Monabala Mondal in the year 1985. At the relevant time, Umapada Mondal, husband of Monabala Mondal was alive and he died on 07/12/1995. It may also be gathered that Monabala Mondal died in harness on 11/10/1998 and the name of Tarun Kumar Mondal was not recorded in her Service Record as the adopted son.

8. Management examined Mr. Soram Sanjoy Singh as Management Witness-I. He filed an affidavit-in-chief where the witness stated that in order to support the claim of employment, Tarun Kumar Mondal filed a copy of registered deed of adoption dated 30/09/1997. He further stated that in the Service Record, Tarun Kumar Mondal has been recorded as grandson. Management produced the following documents in support of the case:

- (i) copy of Death Registration Certificate of Monabala Mondal is marked as Exhibit M-2.
- (ii) copy of an application with Attestation form dated 11/12/2003 submitted by Tarun Kumar Mondal is marked as Exhibit M-3.
- (iii) copy of an application dated 25/07/2000 submitted by Tarun Kumar Mondal for receiving CMPF, Gratuity and life cover in respect of Monabala Mondal and also for getting employment under ECL, which was received by the office of the Agent, Parasea colliery is marked as Exhibit M-4.
- (iv) copy of service book of Monabala Mondal in which Tarun Kumar Mondal is stated to be the grandson of Monabala Mondal appearing in Column. No. 17 and 18 is marked as Exhibit M-5.
- (v) copy of Nomination form of Monabala Mondal in respect of her Gratuity, in Form-E whereby she nominated Tarun Kumar Mondal as her grandson is marked as Exhibit M-6.
- (vi) copy of letter dated 15/03/2004 issued by the management informing Tarun Kumar Mondal that his proposal for employment was not approved as it was time barred and his name was recorded as grandson of the deceased employee, is marked as Exhibit M-7.

According to the Management Witness, Tarun Kumar Mondal is not entitled to get employment as per the terms of NCWA. It is stated that by letter dated 15/03/2004, management informed Tarun Kumar Mondal that his prayer for employment was not in order and it was time barred and as he was the grandson of the deceased, his proposal was not processed. During cross-examination, witness deposed that in service book of Monabala Mondal, name of Tarun Kumar Mondal has been recorded as grandson and there is no mention of names of son or daughter. He further stated that gratuity amount of the employee was deposited with the Assistant Labour Commissioner and he was not in a position to state as to whom gratuity amount was paid. It further emerged from the cross-examination that the management obtained legal opinion before rejecting the prayer of Tarun Kumar Mondal. Legal opinion dated 11/11/2006 furnished by Mr. P. K. Das has been produced as Exhibit M-8, legal opinion dated 08/04/2010 furnished by Mr. Indrajit Mukherjee is produced as Exhibit M-9 and legal opinion dated 24/09/1998 furnished by Mr. P. K. Goswami has been produced as Exhibit M-10.

9. Mr. Rakesh Kumar, union representative advancing argument on behalf of the union submitted that Monabala Mondal was a permanent employee of ECL and she died in harness leaving behind Tarun Kumar Mondal as her adopted son. Adoption took place on 25/10/1985 with the consent of boys' family and adoptive parents. Tarun Kumar Mondal studied in Jote Janki Free Primary School and in the School Leaving Certificate issued by the Head

Master on 23/01/1998 (Exhibit W-6), name of Umapada Mondal, husband of Monabala Mondal appears as father of Tarun Kumar Mondal. Referring to the copy of Voter ID card, Ration card and Aadhaar Card, Mr. Kumar submitted that in all documents, father's name of Tarun Kumar Mondal has been recorded as Umapada Mondal. Monabala Mondal during her lifetime had made a representation before ECL to incorporate the name of Tarun Kumar Mondal as her adopted son but while the management was considering the matter, a legal opinion was sought for from the advocate, Mr. P. K. Goswami. Unfortunately, Monabala Mondal died in harness. Tarun Kumar Mondal after death of his adoptive mother, submitted application before the management claiming employment as per NCWA but the management did not consider the same. It is urged that as per the provision of clause 9.3.3 of NCWA, a legally adopted son has to be considered as dependent for employment. In the instant case, adopted son was wholly dependent upon earnings of the deceased and the management is duty bound to provide employment to him according to NCWA at the earliest.

10. Mr. P. K. Das, learned advocate in reply argued that Tarun Kumar Mondal is not a legally adopted son of Monabala Mondal and he is not entitled to the benefit of employment as per clause 9.3.3 of NCWA. Referring to the copy of Service Book of Monabala Mondal (Exhibit M-5) it is submitted that her date of appointment under the company was 07/12/1995 and in column. No. 17 and 18, name of Tarun Kumar Mondal has been recorded as nominee in the capacity of grandson. Referring to the cross-examination of Workman Witness-I dated 02/02/2016, Id. Advocate argued that the witness clearly stated that Monabala Mondal had no child, therefore, there cannot be any scope for Tarun Kumar Mondal to be the real grandson. Witness in his recross-examination stated that he had no relationship with Monabala Mondal before his adoption. Therefore, there cannot be any scope for recording the name of Tarun Kumar Mondal as grandson. Id. Advocate for the management further argued that story of adoption has been concocted with the sole object to raise a claim for employment under the management by way of false representation. It is argued that if any adoption of Tarun Kumar Mondal actually took place on 25/10/1985, at his age of four years, why would it take eleven years to execute the deed of adoption on 30/09/1997. It is pointed out that only after Monabala Mondal was appointed on 07/12/1995, process was started to make provision for employment of Tarun Kumar Mondal in the capacity of her adopted son. A deed of adoption was prepared with recital that the act of adoption took place on 25/10/1985. Said adoption was not a valid adoption for the simple reason that Umapada Mondal, husband of Monabala Mondal was alive and no adoption can be taken by the wife when her husband is alive and not relinquished the world. On perusal of the deed of adoption dated 30/09/1997 (Exhibit W-1), it appears that the alleged adoption took place on 25/10/1985 when Tarun Kumar Mondal was four years of age. It implies that adoption did not take place for the first time on the basis of deed on 30/09/1997. Monabala Mondal passed away after one year and one month from the date of execution of the deed of adoption. Claim for employment was therefore initiated even before the management of ECL had opportunity of recording the name of Tarun Kumar Mondal as the adopted son of the employee. Id. Advocate for the management on concluding the argument submitted that Monabala Mondal died on 11/10/1998 i.e. after one year from executing the deed of adoption but at the relevant time, her prayer for incorporating the name of Tarun Kumar Mondal had not been allowed. It is urged that the claim for employment of Tarun Kumar Mondal is not legally tenable and the Industrial Dispute is liable to be dismissed.

11. I have considered the fact and circumstances of the case emerging from the respective pleading, evidence adduced by parties and argument advanced by the union and the management. It appears from the evidence on record that the date of appointment of Monabala Mondal under the employer company was 07/12/1995. It may be gathered from School Leaving Certificate of Tarun Kumar Mondal that his date of birth is 07/01/1981. In the voter ID card of Tarun Kumar Mondal his date of birth has been recorded as 01/05/1981. Therefore, age of Tarun Kumar Mondal at the time of alleged adoption was four years and at the time of appointment of Monabala Mondal on 07/12/1995, age of Tarun Kumar Mondal would be near about fourteen and half years if the month of May is taken as the month of his birth. Therefore, name of Tarun Kumar Mondal certainly would have been described in Column. 16 for recording details of her dependents, their relationship and Date of Birth but I find that Column No. 16 of Service Record of Monabala Mondal (Exhibit M-5) is left blank.

12. It would now be prudent to consider the legality of alleged adoption of Tarun Kumar Mondal by Monabala Mondal on 25/10/1985. According to the provision of Section 8 of Hindu Adoption and Maintenance Act, 1956, a female Hindu can take in adoption if she is of sound mind, not a minor and not married. If a female Hindu is married, she can take in adoption only if her marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind. In the present case, Monabala Mondal at the alleged time of adopting Tarun Kumar Mondal was married and Umapada Mondal, her husband was alive. Therefore, during lifetime of a Hindu married male, his wife did not have the capacity to adopt a son or daughter. Therefore, adoption of Tarun Kumar Mondal by Monabala Mondal on 25/10/1985 is not a valid adoption. Mr. Indrajit Mukherjee, advocate in his letter dated 08/04/2010 addressed to the Agent, Parasea Colliery (Exhibit M-9) has rightly opined that deed of adoption cannot be treated to be legal and valid for the reason that Monabala Mondal having a husband living in the year 1985, didn't have the capacity or competence to take any child in adoption.

13. In view of legal position and facts of the case I hold that the management of Parasea Colliery, ECL is justified in not providing employment to Tarun Kumar Mondal as the adopted son of Monabala Mondal and the Industrial Dispute is liable to be dismissed.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest against the union. Tarun Kumar Mondal is not entitled to get employment as the dependent son of Monabala Mondal, ex-employee. Let an Award be drawn up in the light of my above discussion. Let copies of Award be communicated to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2026

का.आ. 188.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट(संदर्भ संख्या-06/2025) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/02/2026 को प्राप्त हुआ था।

[सं. एल-22013/01/2026-आई आर(सी.एम-II)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 12th February, 2026

S.O. 188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference./06/2025**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **ECL** and their workmen, received by the Central Government on 11/02/2026.

[No. L-22013/01/2026 – IR (CM-II)]

SALONI, Dy. Director/Link officer

ANNEXURE

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

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

REFERENCE CASE NO. 06 OF 2025

PARTIES: Fulmoni Bhuia
(wife of Late Rajdhar Bhuia)

Vs.

Management of 1 and 2 Incline, Jhanjra Project, ECL.

REPRESENTATIVES:

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 11.12.2025.

AWARD

In exercise of powers conferred under sub-Section (5) of Section 12 read with sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Ministry of Labour, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Asansol, vide its Order **No. 1(24)/2025/E** dated 19.08.2025 has been pleased to refer the following dispute between the employer, that is the Management of 1 and 2 Incline, Jhanjra Project under Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of 1 & 2 Incline, Jhanjra Project, Jhanjra Area, M/s ECL in not providing employment and not paying monetary compensation to Smt Fulmoni Bhuia, W/o Late Rajdhar Bhuia is justified or not? If not, what relief the applicant is entitled to? ”

1. On receiving Order **No. 1(24)/2025/E** dated 19.08.2025 from the Office of the Deputy Chief Labour Commissioner (Central), Asansol, Ministry of Labour, Government of India, for adjudication of the dispute a Reference case was registered on 27.08.2025 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. The union of Koyala Mazdoor Congress filed their written statement on 13.10.2025 representing the case of Fulmoni Bhuia, wife of Late Rajdhar Bhuia. The fact of the case in brief, as disclosed in the written statement is that Rajdhar Bhuia was employed as Tyndal at 1 and 2 Incline of Jhanjra Project under Jhanjra Area of Eastern Coalfields Limited (hereinafter referred to as ECL). Due to illness, he was under medical treatment at the Durgapur Steel Plant Hospital at Durgapur and Central Hospital at Kalla under ECL. The workman died on 05.12.1996 in harness, leaving behind Fulmoni Bhuia as his dependent. Initially, Fulmoni Bhuia applied for providing employment to her as per provisions of National Coal Wage Agreement (hereinafter referred to as NCWA). The management of the employer company processed her claim for employment. She was asked to appear before the Screening Committee and her medical examination was conducted by the Initial Medical Examination Board (hereinafter referred to as IME Board). The proposal was sent from Area Level to the ECL Headquarters for approval. The Director (Personnel), ECL instead of considering the prayer for employment directed payment of Monthly Monetary Cash Compensation (hereinafter referred to as MMCC) in lieu of employment but at that time the wife of the deceased was eager for her employment. A letter bearing No. AGT/JNR/1&2/P/2008/1180 dated 13/14.12.2008 was issued by the management of ECL which was replied by Fulmoni Bhuia but the management did not take any action. Union raised the Industrial Dispute before the Regional Labour Commissioner (C), Asansol where management agreed to send the employment file to the ECL Headquarters along with her reply to the queries. In this matter management signed a Memorandum of Settlement on 17.07.2019 before the Regional Labour Commissioner (C), Asansol. Despite such assurance the employment file was not sent to the ECL Headquarters for employment of the dependent wife, as a consequence the claim for employment of Fulmoni Bhuia is still unresolved. It is stated that after several representation by Fulmoni Bhuia management did not communicate their final decision regarding the claim for employment. The dependent wife having no source of income to maintain livelihood claimed MMCC from the date of death of her husband till she attained the age of 60 years. The union claimed that management should either provide employment to the widow or they should provide MMCC to her according to the provision of NCWA.

3. Management contested the claim by filing their written statement on 02.12.2025. The management disclosed that Fulmoni Bhuia applied for providing her employment in place of her deceased husband on 09.06.1997. After screening, her proposal was sent to the ECL Headquarters on 13.11.1998 where the Competent Authority approved payment of MMCC in lieu of employment. Fulmoni Bhuia refused to accept the MMCC and requested for her employment. An Industrial Dispute has been raised before the Regional Labour Commissioner (C), Asansol, over denial of her employment in the year 2016. Thereafter, she submitted a representation claiming MMCC from the date of death of her husband. According to the management she is at the verge of attaining sixty years of age and not entitled for MMCC as she made such application after lapse of almost 30 years from the date of death of her husband. The main contention for the management is that the initial request for employment of the widow was not considered instead the Competent Authority offered MMCC to her but she refused the same on 18.01.2000. Since the dependent repeatedly refused the MMCC in the year 2000 and 2015 she is not entitled to receive MMCC after nearly thirty years and the Industrial Dispute raised is liable to be dismissed. It is alternatively contended that once the wife of the deceased exercised the option under Clause 9.3.2 of NCWA, she is not entitled to make any claim under Clause 9.5.0 of NCWA. On the basis of such assertion management claimed that it is totally justified on the part of ECL in not providing employment and not paying monetary compensation to the wife of the deceased employee.

4. Union examined Fulmoni Bhuia as Workman Witness No. 1. She filed an affidavit-in-chief asserting her claims for monetary compensation from the employer company till she attained the age of sixty years. The witness produced the following documents in support of her case :

- (i) Copy of the Identity Card of Rajdhar Bhuia is produced as Exhibit W-1.
- (ii) Copy of the Service Record of Rajdhar Bhuia, as Exhibit W-2.

- (iii) Copy of the Death Certificate of Rajdhar Bhuia issued by the Central Hospital at Kalla, as Exhibit W-3.
- (iv) Copy of the Death Registration Certificate of Rajdhar Bhuia, as Exhibit W-4.
- (v) Copy of letter dated 13/14.12.2008 whereby management asked Fulmoni Bhuia to produce documents for her employment, as Exhibit W-5.
- (vi) Copy of the application whereby Fulmoni Bhuia informed the management about death of her husband and produced his treatment papers, as Exhibit W-6.
- (vii) Copy of the reply of Fulmoni Bhuia dated 18.08.2009 to the management's letter dated 14.12.2008, as Exhibit W-7.
- (viii) Copy of the letter of Fulmoni Bhuia dated 08.12.2015 addressed to the Agent, 1 and 2 Incline, Jhanjra Project, seeking employment, as Exhibit W-8.
- (ix) Copy of the application dated 14.07.2018 of Fulmoni Bhuia submitted before the General Manager, Jhanjra Area for payment of Monetary, as Exhibit W-9.

It appears from the evidence-in-chief that after death of her husband Rajdhar Bhuia she prayed for payment of monetary compensation on 14.07.2018.

5. In cross-examination by the management, the workman witness deposed that when she applied for employment against the death of her husband management proposed to pay MMCC at the rate of Rs. 3,000/- (Rupees three thousand) per month in lieu of employment. She further stated that as the claim for employment was pending, she refused to accept monetary compensation at that time. Thereafter, she submitted an application for payment of MMCC and also the arrear amount. The copy of the application which was shown to her by the management has been marked as Exhibit M-2. On being asked by the Tribunal if the management rejected her application for employment, the witness replied in the negative and disclosed the reason of delay on her part in agreeing to accept monetary compensation. In course of cross-examination a copy of her application dated 18.01.2000, refusing monetary compensation in lieu of employment was also shown to her by the management and on admission the same was marked as Exhibit M-1.

6. Mr. Jayanta Gorai, Manager, Human Recourses at Jhanjra Project of ECL has been examined as Management Witness No. 1. He filed an affidavit-in-chief and admitted the entire case of the union regarding death of Rajdhar Bhuia on 05.12.1996 and his wife Fulmoni Bhuia applying for employment. The proposal was sent to the ECL Headquarters on 13.11.1998. The witness also deposed that the Competent Authority approved payment of Rs. 3,000/- (Rupees three thousand only) in lieu of employment. It appears from the averment in the affidavit-in-chief that there is no scope for providing employment to the claimant dependent who is now fifty-seven (57) years old. It is stated by the witness that once she had exercised the option under Clause 9.3.2 of NCWA she is not entitled to claim monetary compensation under Clause 9.5.0 of NCWA. Further case of the management is that the family of the deceased employee survived thirty (30) years without any assistance as such she is not entitled to any monetary compensation. It is their case that the management is justified in not providing employment and not paying monetary compensation from the date of death of her husband.

7. In course of cross-examination the witness deposed that the claim for employment was processed from 2000 till 2015 and she filed relevant documents. It further transpires from his testimony that management did not consider her prayer for employment and at the same time no communication was made to Fulmoni Bhuia that she was not entitled to any employment. The witness admitted that management received application dated 14.07.2018 submitted by Fulmoni Bhuia praying for monetary compensation and till date management has not considered her prayer for monetary compensation and went ahead to deposed that management has not committed any illegality by not providing employment and monetary compensation. Copies of the Note Sheets filed by the union representative were marked as Exhibit M-3 collectively in three pages on admission.

8. The moot question to be considered is whether the action of the management in not providing employment and not paying monetary compensation to Smt. Fulmoni Bhuia is justified or not? If not, what relief the applicant is entitled to.

9. Mr. Rakesh Kumar, Union Representative argued that the management of ECL deliberately did not consider the prayer for employment of the wife of the deceased and no communication was made to her as to the fate of her prayer. It is argued that after nearly thirty years from the date of death of Rajdhar Bhuia on 05.12.1996, the management witness in order to avoid the responsibility of ECL has stated in paragraph no. (10) of his affidavit-in-chief that as the claimant is fifty-seven (57) years old and she is not entitled to employment. Mr. Kumar further argued that she claimed employment twenty-nine years earlier and she was much younger by 29 years, eligible for employment. At the relevant time management of ECL did not reject her claim for employment but issued a letter dated 03/05.12.1999 asking her to accept the monetary compensation of Rs. 3000/- (Rupees three thousand only) per month in lieu of employment. Mr. Kumar submitted that the management arbitrarily did not process her prayer for

employment and alternatively tried to impose their decision upon her disregarding her right to exercise option under NCWA. It is argued that as the management did not provide her with any employment nor rejected her prayer on any plausible ground, the wife of the deceased employment cannot be debarred from claiming monetary compensation at a later stage. It is contended that management's claim that once she opted for employment, she had no right to claim monetary compensation, is without foundation and there is no such provision in NCWA debarring the wife of the deceased employee from receiving monetary compensation when management deliberately withheld her entitlement to employment. Mr. Kumar in support of his argument relied upon the ratio of the decision of the Hon'ble High Court at Calcutta in the case of **Smt. Shanti Devi Vs M/s. Eastern Coalfields Limited and Others [Writ Petition No. 2243/2022]** where the Hon'ble Court observed that twenty-four years have passed between the death of the petitioner's husband but neither compassionate employment nor MMCC has been given. The whole object of Chapter IX of NCWA is on the verge of being frustrated. None of the NCWA applicable to the petitioner's case has taken away the benefits of compassionate employment or MMCC in lieu thereof. The Hon'ble High Court on the aforesaid fact and circumstances of the case held that the claim made by the petitioner for MMCC is justified. The ECL is directed to pay MMCC to the petitioner at the rate prevailing from time to time from the date of death of her husband along with an interest at the rate of three percent per annum. Mr. Rakesh Kumar, referring to Exhibit M-3, a Note Sheet dated 26.10.1999 argued that the Competent Authority accorded approval to process the case vide Note Sheet dated 03/10.1999 and the age of Fulmoni Bhuia was assessed as thirty years as on 12.12.1997 by the P.M.E Board at Jhanjra and she was declared fit. Mr. Kumar strenuously argued that after the conditions for employment were found in her favour, the management without rhymes and reasons approved payment of maintenance allowance to the dependent wife which they are now denying.

10. Mr. P. K. Das, learned advocate admitted that the management did not issue any letter, informing the widow of the deceased that her prayer for employment was regretted. The only argument advanced by the learned advocate for the management is that once the prayer for employment is made and the offer for monetary compensation was refused by the wife, her payer for monetary compensation at a later stage could be accepted. It is argued that the Industrial Dispute is liable to be dismissed.

11. I have considered the rival arguments, the pleadings of the parties, evidence adduced and the relevant provisions of NCWA related to payment of monetary compensation to the female dependent of the deceased employee. Admittedly, after the death of Rajdhar Bhuia, his wife filed an application before the management for her employment. It appears from the document of the management that the claim for employment was made on 12.01.1997 and the Screening Committee of 1 and 2 Incline, Jhanjra, examined the proposal for employment on 20.06.1997. It appears from the evidence of Mr. Jayanta Gorai (Management Witness No. 1) the claim for employment was under process from 2000 till the year 2015. It is also admitted by the witness that the management did not consider the prayer for employment and no communication was made to Fulmoni Bhuia after 2015 that she was not entitled to get any employment. Exhibit W-8, a letter issued by Fulmoni Bhuia addressed to the Agent, 1 and 2 Incline, Jhanjra Project reveals that the widow of the deceased was expecting her employment on 08.12.2015 as she requested the management to issue necessary direction for processing the employment without further delay and that her family members are suffering starvation for the last twelve years. According to Clause 9.5.0 (i) of NCWA-V : In case of death due to mine accident, the female dependant would have the option to either to accept the monetary compensation of Rs. 3,000/- per month or employment irrespective of her age.

Clause 9.5.0 (ii) of NCWA-V : In case of death / total permanent disablement due to cause other than mine accident and medical unfitness under Clause 9.4.0., if the female dependant is below the age of 45 years, she will have the option either to accept the monetary compensation of Rs. 3,000/- per month or employment. In case the female dependant is above 45 years of age she will be entitled only to monetary compensation and not to employment.

Clause 9.5.0 (iv) of NCWA-V : Monetary compensation wherever applicable, would be paid till the female dependant attains the age of 60 years.

Clause 9.5.0 (v) of NCWA-V : The rate of monetary compensation which stands at Rs. 2,000/- and Rs. 3,000/- per month as mentioned above would be reviewed w.e.f. 01.07.1996.

12. In the present case the wife of the deceased opted for employment while she was thirty years of age but management without refusing her prayer for employment approved payment of monetary compensation to Fulmoni Bhuia at the rate of Rs. 3,000/- per month by letter dated 03/05.12.1999. Such proposal was initially declined by the widow in her letter dated 18.01.2000 (Exhibit M-1). Management of ECL exhibited extreme apathy to the legal rights of the dependent wife as well as their obligation towards the family of the deceased. After passage of several years when the claim for employment became irrelevant to the aged lady, she has been compelled to turn to her right for monetary compensation, only to choose between two odds. The management has exhibited extreme lack of fairness, firstly, by not considering the claim for employment in the right prospective as per NCWA and thereafter refusing to pay monetary compensation on the basis of an imaginary condition that once the dependent opts for employment she is not entitled to monetary compensation. In my considered view the management of ECL cannot escape its duty in paying monetary compensation to the dependent wife from the date following the date of death of

the workman i.e., 06.12.1996 till Fulmoni Bhuia attains the age of sixty years. There is no provision in NCWA that if the dependent wife opts for employment she cannot later on opt for monetary compensation. The case of the dependent wife is also fortified by the decision of the Hon'ble High Court in the case of **Smt. Shanti Devi Vs M/s. Eastern Coalfields Limited and Others [Writ Petition No. 2243/2022]**, where the Hon'ble High Court found it justified to direct ECL to pay MMCC to the petitioner at the prevailing rate from time to time from the date of death of her husband and the arrear to be paid along with the interest of three percent per annum. It appears to me that long delay in paying monetary compensation to the widow has caused immense hardship to the dependent family of the deceased employee. The management firstly on account of their indecisive nature and subsequently by their inaction has frustrated the legitimate claim of the dependent wife. Furthermore, there has been devaluation of money from 1996 to 2025 in many folds. Therefore, it is appropriate that the management of ECL is directed to pay an interest of five percent per annum on the arrear of monetary compensation from the date following the date of death of her husband till January, 2026. The management should also pay the monetary compensation at the prevailing rate till the wife attains sixty years of age.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against 1 and 2 Incline, Jhanjra Project under Jhanjra Area of Eastern Coalfields Limited. The management of Eastern Coalfields Limited is directed to pay Monthly Monetary Cash Compensation to Fulmoni Bhuia at the prevailing rate from 06.12.1996 till she attains the age of sixty years. The management is also directed to pay the arrear of maintenance up to 31.01.2026 with interest of five percent per annum and also pay the current maintenance from time to time. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 19, 20, 21, 22/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20013/01/2026-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 19, 20, 21 and 22/2017**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of CCL. and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20013/01/2026 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

ID Case No. 19/2017

Sri Binod Rajak

Qr. No. Type 2/73

Swang Hazari More

P.O. Swang Colliery,

Dist.-Bokaro,.....Applicant

Vs.

Management of Swang Washery

of M/s. C. C. Ltd.

P.O.Swang Colliery

Dist.-Bokaro.....Opposite Party

ID Case No. 20/2017

Sri Bodhan Rajak

Swang Hazari More

Qr. No. Type 2, D-31

P.O. Swang Colliery,

Dist.-Bokaro,.....Applicant

Vs.

Management of Swang Washery

of M/s. C. C. Ltd.

P.O.Swang Colliery

Dist.-Bokaro.....Opposite Party

ID Case No. 21/2017

Sri Jyoti Ram

P.O. Swang Colliery,

Dist.-Bokaro,.....Applicant

Vs.

Management of Swang Washery

of M/s. C. C. Ltd.

P.O.Swang Colliery

Dist.-Bokaro.....Opposite Party

ID Case No. 22/2017

Smt. Dropadi Bai

Swang Old Miners

Qr. No. 76

P.O. Swang Colliery

Dist.-Bokaro,.....Applicant

Vs.

Management of Swang Washery

of M/s. C. C. Ltd.

P.O.Swang Colliery

Dist.-Bokaro.....Opposite Party

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For Applicant :- Sri D. Mukherjee, Advocate.

For Opp. Party :- Sri D.K. Verma, Advocate

State : Jharkhand.

Industry:- Coal

Dated 06/01/2026

AWARD

2. The case of the workmen as per the petition filed on 05.10.2013 is that the petitioner along with others was working in Swang Colliery and later on the Secretary of the Union namely Sri Suresh Kumar Sharma raised an Industrial Dispute demanding regularization of some workmen including the concerned workmen which was referred

to CGIT No.1, Dhanbad being Ref. Case No. 58 of 1992 and ultimately the Award was passed in favour of the workmen for their regularization that was confirmed by the Hon'ble Jharkhand High Court as well as by the Hon'ble Supreme Court but even thereafter the management did not implement the Award and ultimately the management entered into a settlement with the union on 04.08.2009 whereby it was agreed to reinstate the workmen who submit individual claim application in prescribed format along with photographs and other testimonials duly attested by the Secretary of Sponsoring Union. Subsequently the petitioners complied with the mandatory condition of the settlement and thereafter they were reinstated in the year 2010 as per Award passed by this Tribunal in Ref. Case No. 58 of 1992. But thereafter when the petitioners and other workmen started demanding their back wages, the management started victimizing them and issued false, motivated and illegal charesheet dated 06.06.2012 under the signature of the Project Officer under Certified Standing Order 26.9 and 26.22 for misconduct alleging that they had submitted false information regarding their name, age, father's name, academic qualification in connection with their employment and deliberately doing such act which breaches the discipline and is subversive of the interest of the company. The petitioners submitted their reply denying the charges. Thereafter the enquiry was held through biased and prejudiced Enquiry Officer and ultimately he was dismissed illegally by the unauthorized persons by the order dated 01.04.2017. It has further been stated that the dismissal of the petitioner is illegal and void ab initio because the copies of documents, evidence and names of the witnesses were not supplied to the workmen along with the charge sheet. The allegations of entering into service below the age of 18 years is not a misconduct as per the provisions of the Certified Standing Order of the Company and the management can issue charge sheet and dismissal order only when the charges of misconduct are as per provision of the certified standing order. During enquiry the petitioners produced authentic documents to prove their identity namely:- Voter I.D. Card, Aadhaar Card, PAN Card, Bank Pass Book, Residential Certificate issued by S.D.O., Identification by Ward Members and Union Membership Receipt and other documents. As per settlement it was agreed to reinstate on the basis of identification by the Union Secretary and the petitioners were identified by the Union Secretary namely Sri Suresh Sharma. The management has also referred the Identification matter to the Police and the Police also given report to the management that the petitioners are genuine persons. The petitioners were appointed by the G.M. (P&IR) Head Quarters whereas they were dismissed by the Project Officer who is below the rank of Appointing Authority and so also dismissal is illegal. The alleged ground of entry into service allegedly in underage is neither a crime nor a misconduct under the provisions of the Standing Order and on this score neither any charge sheet can be issued nor any Disciplinary action can be taken and in the worst case if it is accepted, the management has committed crime and is liable to be prosecuted under Child Labour Act and at last it was prayed to set aside the dismissal order and reinstate the workmen concerned.

3. On the other hand the case of the management as per written statement cum rejoinder filed on 18.02.2019 is that the petition u/s 2A of the I.D. Act, 1947 is not maintainable. The petitioners entered into the employment of M/s CCL claiming themselves as workmen concerned of Ref. Case No. 58 of 1992 fraudulently. As the act of the petitioners are serious misconduct in view of clause 26.9 and 26.22 of the Certified Standing Orders. The management of Swang Washery issued a charge sheet dated 05.06.2012 to the petitioners and the petitioners submitted their reply that was not found satisfactory and therefore the disciplinary authority appointed Enquiry Officer to conduct domestic enquiry in accordance with principles of natural justice. The enquiry was conducted in presence of the petitioners/workmen. They engaged Sri Chandra Shekhar Jha, Zonal Secretary, United Coal Workers Union, Regional Office, Jarangdih, Bokaro as co-worker. The management witnesses were examined in presence of the petitioner workmen and their co-worker. The Enquiry Officer allowed the petitioner workmen as well as the co-worker to cross examine the management witnesses. The workmen were allowed to adduce evidence in their defence who also produced the same as well as examined witnesses in their defense. The enquiry conducted by the Enquiry Officer is fair and proper and in accordance with principles of natural justice and ultimately the Enquiry Officer submitted report holding therein the allegation leveled against the petitioner workmen in the aforesaid charge sheet as duly proved and they were found guilty of the charges and thereafter the second show cause notice dated 08.03.2017 was issued to the petitioner/workmen who again submitted their explanation to the same but that was not found satisfactory and therefore the Disciplinary Authority dismissed them from the services of the company vide dismissal letter dated 01.04.2017 for proved misconduct. The dismissal of the petitioner/workmen is legal and justified and it was submitted to decide the fairness of enquiry in a preliminary hearing and if it is found that the enquiry is not fair and proper then allow him to adduce evidence afresh. In rejoinder it has been stated that in reply to the statement of the petitioners in Para-1 of the petition it is submitted that the petitioners fraudulently entered into the employment of CCL. It is stated in reply of Para-2 that the petitioners were dismissed for commission of serious misconduct after holding fair and proper enquiry. In reply to Para 3 it is submitted that the dismissal order was passed by the management which is legal and valid and the petitioners are not entitled to any relief. The statement of Para-4 and 5 of the petitioners is matter of record. In reply to the statement of Para-6 and 7 it is stated that for want of identification, the management could not be able to implement the Award. In reply to Para-8 and 9 it is stated that these are matters of record. In reply to Para-10 to 12 it is stated that the petitioners entered into the employment fraudulently. In reply of Para-13 it is stated that as they committed serious misconduct the management issued them charge sheet. In reply to Para-14 of the petition it is stated that the reply of the petitioners were not satisfactory. In reply to Para-15 and 16 it is stated that the Enquiry Officer conducted domestic enquiry in accordance with the principles of natural justice. In reply to Para-17(i) to (xiv) it is stated that the ground mentioned by the petitioners are not good grounds. The petitioners committed serious misconduct which was duly proved in the domestic enquiry that

was conducted in accordance with the principles of natural justice and at last it was prayed to hold that the action of the management in dismissing the concerned workmen namely Sri Binod Rajak (ID-19/2017), Sri Bodhan Rajak (ID-20/2017), Sri Jyoti Ram (ID-21/2017) and Smt. Dropadi Bai (ID-22/2017) is legal and further to be pleased to hold that the petitioners are not entitled to get any relief.

4. A rejoinder in reply to the W/S of the management was also filed on behalf of the workmen on 14.03.2019 in which they have denied the entire claims and allegations of the management.

5. To decide the fairness and propriety of enquiry report as Preliminary point, the following evidence has been adduced:

ID No.19/2017

MW-1-Sri Kuwar Kant Jha

Ext.M-1-Memo dated 25.05.16 regarding appointment of enquiry officer and management representative,

Ext.M-2-Chargesheet dated 5.06.12 issued to Binod Rajak,

Ext.M-3 series- Enquiry Proceeding etc.

Ext.M-4-Enquiry Report,

Ext.M-5- 2nd show cause notice,

Ext.M-6-Reply of 2nd show cause,

Ext.M-7-Dismissal Order dated 1.04.17.

From the side of Workman

WW-1-Sri Binod Rajak

ID No.20/2017

From the side of Management

MW1- Sri Kuwar Kant Jha

Ext.M-1-Memo dated 25.05.16 regarding appointment of enquiry officer and management representative,

Ext.M-2-Chargesheet dated 6.06.12 issued to Bodhan Rajak,

Ext.M-3 series-Enquiry Proceeding etc

Ext.M-4-Enquiry Report,

Ext.M-5- 2nd show cause notice,

Ext.M-6-Reply of 2nd show cause,

Ext.M-7-Dismissal Order dated 1.04.17.

From the side of Workman

WW-1-Sri Bodhan Rajak

ID NO.21/2017

From the side of Management

MW1- Sri Nath Prasad Yadav

Ext.M-1-Chargesheet dated 5.06.12 issued to Jyoti Ram

Ext.M-2 series-Enquiry Proceeding

Ext.M-3-Enquiry Report

Ext.M-4-2nd Show cause Notice

Ext.M-5-Reply of 2nd show cause

Ext.M-6-Dismissal Order dated 1.04.17

From the side of the workman

No Evidence

ID NO. 22/2017**From the side of Management**

MW1- Sri Nath Prasad Yadav

Ext.M-1-Chargesheet dated 6.06.12 issued to Dropadi Bai

Ext.M-2 series-Enquiry Proceeding

Ext.M-3-Enquiry Report

Ext.M-4-2nd Show cause Notice

Ext.M-5-Reply of 2nd show cause

Ext.M-6-Dismissal Order dated 1.04.17

From the side of the workman

No Evidence

6. On perusal of the case record it transpires that vide order dated 09.10.2020 this Tribunal has held the domestic enquiry conducted by the management as fair and proper deciding the same on preliminary point and thereafter the case record was posted for final argument.

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

8. The Ld. Counsel on behalf of the workmen has submitted that the concerned workmen were working in Swang Washery Colliery as Slurry Remover since long but when they were not regularized by the management, they raised industrial dispute through the union and ultimately the same was referred to this Industrial Tribunal vide Ref. Case No. 58 of 1992 that was awarded by this Tribunal in favour of the workmen and they were directed to be regularized by the management. That Award was confirmed by the Hon'ble Jharkhand High Court as well as by the Hon'ble Supreme Court but the management was not ready to implement the award and ultimately a settlement was entered into between the management and the union on 04.08.2009, whereby it was agreed to reinstate the workmen on their submission of claim application in prescribed format along with photographs and testimonials duly attested by the Secretary of Sponsoring Union and accordingly the concerned workmen submitted their required documents and the management reinstated their services in the year 2010 but later on, the management issued a false and motivated charge sheet on 05.03.2012 when they demanded their back wages and ultimately without following the principles of natural justice, dismissed the services of the concerned workmen vide order dated 01.04.2017 on the ground of misconduct calculating their age from 31st March 1982 which has no basis. It has further been submitted that the workmen were appointed by G.M. (P&IR) Head Quarters whereas they were dismissed by the Project Officer who is below the rank of the Appointing Authority and so the dismissal is illegal. The workmen were identified by the Union Secretary and therefore the management cannot be allowed to raise any doubt in the identity of the workmen. The management also referred the identification matter to the Police and Police has given report to the management that the petitioners are genuine persons. The workmen have also filed their Voter I.D. Card, Aadhaar Card, PAN Card, Bank Pass Book, Residential Certificate issued by S.D.O., Identification by Ward Members, Union Membership Receipt and all these things go to establish that they are the real workmen and the Enquiry Officer also in his cross examination accepted that no rival claimants appeared in place of concerned workmen claiming themselves as genuine workmen. The Ld. Counsel for the petitioners has further submitted that the age of the petitioners were assessed by the Medical Board only on the basis of their appearance and no ossification test was conducted and therefore the assessment of age by the Medical Board is not reliable rather illegal and for all these reasons prayed to set aside the dismissal order and issue direction for reinstatement of the workmen.

9. On the other hand the Ld. Counsel on behalf of the management has submitted that this Tribunal vide order dated 09.10.2020 held the domestic enquiry conducted by the management as fair and proper and therefore the workmen cannot be allowed to raise the matter of legality in conducting the enquiry. He has further submitted that the petitioners have committed serious misconduct in view of clause 26.9 and 26.22 of the Certified Standing Order by fraudulently submitting their false claim for reinstatement as is evident from the age that they have claimed, medical board assessment as well as their date of initial joining and thus their age comes between 7 to 11 years at the date of their initial joining which go to establish that they are not the actual awardee of Ref. Case No. 58 of 1992 and after proper and fair domestic enquiry they were dismissed on the ground of serious misconduct and they are not entitled to any relief and prayed to dismiss this case.

10. **Issue**

Whether the action of the management in dismissing Sri Binod Rajak (ID-19/2017), Sri Bodhan Rajak (ID-20/2017), Sri Jyoti Ram (ID-21/2017) and Smt. Dropadi Bai (ID-22/2017) on the allegation of fraudulent entry into services of CCL is legal and justified and whether they are entitled to get any relief ?

11. On perusal of the entire case record it transpires that this Tribunal in Ref. Case No. 58 of 1992 passed an Award dated 03.10.1996 in favour of the workmen directing the management to regularize them. It further transpires that the management challenged the Award before the Hon'ble High Court as well as before the Hon'ble Supreme Court but that was confirmed up to that stage and it further transpires that later on, a settlement was entered into between the management and the union on 04.08.2009 and accordingly the petitioners were also taken into services of the company in the year 2010 by the management on being identified by the union secretary but subsequently the management issued charge sheet on 05.06.2012 and 06.06.2012 respectively against the petitioners on the ground of misconduct under clause 26.9 and 26.22 of the Certified Standing Order in which it was alleged that they had fraudulently entered into the services of the management by wrongly submitting their documents, certificates, name and father's name in their employment that was a deliberate act which breaches discipline and is subversive of the interest of the company. The reply were given to the charge sheets but those were not found satisfactory by the management and therefore Enquiry Officers were appointed and enquiry was conducted by them and ultimately the Enquiry Officers found the charges against the petitioners proved and then second show cause notices were issued and reply of the same were also submitted by the petitioners but that were also not found satisfactory by the management and ultimately vide office order dated 01.04.2017 the management/Project Officer imposed the penalty of dismissal on the petitioners from the services of the CCL with immediate effect on the ground of serious misconduct.

12. Though, the Ld. Counsel on behalf of the concerned workmen has raised the issue of not following the principles of natural justice during the enquiry proceeding but as this Tribunal vide order dated 09.10.2020 has held the enquiry conducted by the management as fair and proper on preliminary point, that point cannot be re-opened. But the Tribunal has to examine whether the penalty of dismissal is legal and justified in the facts, circumstances and the materials on record.

13. On perusal of Ext.M 3 Series in ID No.19/2017 and ID No.20/2017 and Ext.M 2 Series in ID No.21/2017 and 22/2017 it is evident that on the point of date of birth the petitioners have not adduced any matriculation or school leaving certificate or panchayat/municipal birth certificate but they have submitted notary affidavits sworn in on 8.10.2009 in which the petitioner Binod Rajak has declared his age as 35 years, Bodhan Rajak has declared his age as 34 years, Jyoti Ram has declared his age as 38 years and Dropadi Bai has declared her age as 33 years and though the original statement of claim or the Award does not speak any specific initial date of joining by the workmen but the management has calculated the age of the petitioners since 31st March 1982 and found the age of petitioner Binod Rajak as 7 years, 05 months and 22 days on the date of his initial joining and likewise the age of the petitioner Bodhan Rajak has been found as 6 years, 05 months and 22 days, the age of the petitioner Jyoti Ram has been found as 10 years, 05 months and 23 days and that of the petitioner Dropadi Bai has been found as 5 years, 05 months and 21 days on their respective date of initial joining which is not at all practically feasible in view of section 67 of the Factories Act, 1948 which strictly forbids anyone under the age of 14 from working in any factory aiming to safeguard children's health, safety and education aligning with constitutional mandates and international labour standard and to prevent child labour and protect children from exploitation in industrial settings.

14. It further transpires from the above two management exhibits that the age of these petitioners were also assessed by medical examination in which their age was ascertained by their appearance which is not legally acceptable for want of ossification test as was also rightly submitted by the learned counsel of the petitioners.

15. As regards the submissions of the learned counsel of the petitioners that there is no basis of the date 31.03.82 from which the management is calculating the age of the petitioners, he is right because in the statement of claim/WS of the workmen of Ref.no.58/92 they have not claimed any specific date from which the workmen initially started working but on perusal of the testimony of WW 2 Binod Rajak in Ref. no.58/1992, it is evident that he has been working there since 1978 and if we calculate his age from the year 1978 to 8.10.2009 when he sworn in notary affidavit and declared his age as 35 years, his age at the time of initial joining ie in the year 1978, comes to 4 years only which further complicates the age of the petitioners in this case and makes the story of the petitioners out and out impossible.

16. Now as regards the contention of the learned counsel of the petitioners that the petitioners were appointed by G.M. (P&IR) Head Quarters whereas they were dismissed by the Project Officer who is below the rank of the Appointing Authority and so the dismissal is illegal, this Tribunal is of the view that the petitioners who were found to be imposters by the CCL and their services were terminated on that basis, can not claim reinstatement merely on the ground that the dismissal order was issued by an officer lower in rank than the appointing authority. The protection under Article 311 of the constitution of India which mandates that a person can not be dismissed or removed by an authority subordinate to that by which they were appointed, primarily applies to government servants ie civil servants whereas the workmen of the company like CCL are governed by the company's Articles of Association and Service Rules and not by the direct constitutional guarantee of Article 311(1) in the same manner as civil servants.

17. So in view of the age of the petitioners as declared by them in their respective notary affidavits sworn in on 8.10.2009, it is crystal clear that they are not the actual workmen in whose favour the award dated 3.10.96 was

passed by this Tribunal rather their documents appear to have been procured subsequently and they appear to have entered in the services of the CCL on those basis which is a serious misconduct being fraudulent and accordingly the dismissal order does not appear illegal in the above facts and circumstances of this case.

18. In the result, on the basis of the above discussed facts, circumstances and materials available on the case record, this Tribunal finds and holds that the action of the management in dismissing Sri Binod Rajak (ID-19/2017), Sri Bodhan Rajak (ID-20/2017), Sri Jyoti Ram (ID-21/2017) and Smt. Dropadi Bai (ID-22/2017) on the ground of fraudulent entry into services of CCL, is quite legal and justified and the petitioners are not entitled to get any relief.

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 02/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/283/1991-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 190.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 02/1993**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of CCL. and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20012/283/1991 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 02/1993

Parties:

Employers in relation to the management of Rajrappa Coal Washery
Of M/s. CCL, Rajrappa, Hazaribagh

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

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

State : Jharkhand.

Industry:-Coal

Dated 06/01/2026

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order

No. L-20012/283/1991-IR(C-I) dated 17/12/1992 has been pleased to refer the following dispute between the employer i.e. management of Rajrappa Coal Washery of M/s. CCL, Hazaribagh and their workman through Secretary, Colliery Kamgar Union, Rajrappa, Hazaribagh for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Rajrappa Coal Washery of M/S C.C.L. in not regularising S/Shri Kartik Mahato and 160 other workers is legal and justified? If not, what relief they are entitled to?”

2. It is important to mention here that the present Reference Case No. 2/1993 was previously disposed of vide Award dated 25.10.2000 but thereafter the management challenged the said Award before the Hon'ble Jharkhand High Court by filing WP(L) No. 3106 of 2001 and in that writ petition the Hon'ble Court was pleased to set aside the award of this Tribunal and remanded the matter to this Tribunal to decide the case in the light of ratio laid down by the Hon'ble Supreme Court in case of Steel Authority of India Ltd. Thereafter the Tribunal again decided this case by passing Award dated 19.05.2014 in favour of the workmen and the said Award was again challenged before the Hon'ble Jharkhand High Court in W.P.(L) No. 6327 of 2014 that was allowed vide his Lordship order dated 28.07.2022 and thereafter the union filed LPA No. 609 of 2022 before the Hon'ble Jharkhand High Court against the said order that was disposed of by the Hon'ble Court vide their Lordship order dated 01.02.2024 and the matter was again remanded back to this Tribunal for passing fresh award after giving opportunity to the parties to adduce evidence and in the light of the judgment passed by the Hon'ble Supreme Court in case of Steel Authority of India Ltd.

3. The case of the workmen as per the written statement filed on behalf of the workmen is that Kartik Mahato and 160 other concerned workmen had been working as Slurry Cleaning Mazdoor since long with unblemished record of service. The concerned workmen had been working in permanent nature of job with the precinct and premises of the Washery under the direct control and supervision of the management. They had been working in permanent nature of job and have put in 240 days attendance in each calendar year. The slurry pond is a mine as decided by the Hon'ble Supreme Court. All the implements for execution of the job were being supplied by the management. For all purposes the workmen were the employees of the management still then the anti-labour management had been paying the concerned workmen much below the rate of NCWA. The management to camouflage the real issue and to perfect paper arrangement was not maintaining the statutory record of the workmen. They had been working in prohibited nature of job since long with unblemished record of service. The job of slurry removal/cleaning was declared prohibited category of job from November, 1990 and the job of loading coal was declared prohibited category of job in February, 1975. The concerned workmen had been working in prohibited category of job illegally at least on and from the date of prohibition the workmen shall be deemed to be glided into the service of the management. All the employees of the mines/washeries are getting wages as per NCWA. The workmen also represented before the management to pay their wages as per NCWA but till date without any effect. All other slurry cleaning mazdoors at Sudamdih Washery, Dugda Washery and other Washeries have been regularized by the management of M/s. BCCL after the pronouncement of the award and after the order of prohibition. The concerned workmen and the union represented before the management several times for their regularization as slurry cleaning mazdoors with retrospective effect and wages as per NCWA but without any effect. Seeing no other alternative the union on behalf of the concerned workmen raised an industrial dispute before the A.L.C.(C), Hazaribagh for their regularization on 11.4.1991. The management submitted its comments on 18.06.1991 taking various plea to defect legal claim of the concerned workmen. During the course of conciliation proceeding the management made defence that the job of slurry cleaning is not permanent nature of job and all the concerned workmen whose name and photographs enclosed by the union along with copies of complain were not working. The union challenged the contention of the management by drawing the attention of the management to the various decisions of Hon'ble Supreme Court and also the prohibition order declared by the Govt. of India. The union also challenged to produce the statutory documents to prove that all the concerned workmen were not working but the management failed to establish the same and ultimately this case was referred to this Tribunal by the Govt. of India, Ministry of Labour. During the pendency of the dispute the management stopped the concerned workmen from duty w.e.f. 01.08.1992 and the action of the management in doing so is illegal, malafide, unfortunate. The action of the management in not regularizing the service of the concerned workmen was illegal and unjustified. For doing the same and similar nature of job other slurry cleaning mazdoors are getting wages as per NCWA and at last it was prayed to answer the reference in favour of the workmen.

4. On the other hand the case of the management as per the written statement cum rejoinder filed on their behalf is that the reference is bad in law and not maintainable. There is no industrial dispute in the present case within the meaning of Section 2(k) of the I.D. Act, 1947. The so called persons referred to in the list attached to the reference order are not the members of the union and it is not competent to sponsor their case or raise any dispute with reference to them. There is no employer-employee relationship between the management and the so called persons referred to in the list. They are the strangers to this management. The reference order is misconceived and baseless because it calls upon the management to justify an action which is not required to take and the proposition contained in reference order is preposterous. The Rajrappa Coal Washery is one of the coal washeries of the C.C.L located in Hazaribagh District. It is a factory registered under the Factories' Act, 1948 and it is not a Mine within the meaning of

Section 2(j) of the Mines Act, 1952 or a colliery. The said washery is headed by a Project Officer all along who directly reports to the General Manager of Rajrappa Area under which Rajrappa Colliery and other connected units fall. Rajrappa Washery is engaged in washing raw coal and to produce clean coal suitable for use in the steel plants. The raw coal is medium coking coal and in process of beneficiation, the volatiles like ash and moisture are reduced to the maximum extent possible through the very costly machinery of an elaborate nature and the carbon content of the final product, called the clean coal, is retained. In this process, some fluid with fine particles of sand and other coal rejects etc. and the rejects flows out of the Washery which is referred to as the slurry. The slurry is collected outside the washery premises as the washery is a factory under the Factories Act. For area into which the slurry flows, the appropriate Govt. is not the Central Govt. and on this ground the reference order made by the Central Govt. is without jurisdiction. The slurry i.e. tailings and rejects flows out into the ponds located far away from the washery. The ponds are not a part of the washery. The job of washery is complete when it produces the clean coal which is transported by rail to the steel plants for the purpose of iron, smelting and waste products like tailings/rejects generally referred to as slurry is not a part of the process of the washery. For some time the removal of slurry from the slurry ponds referred to above was entrusted on a contract basis to a Co-operative of some persons who all work by themselves. The workers are the shareholders of the Co-operative in question which is called the "Asangathit Shramik Sahayog Samiti Ltd.", Rajrappa Washery. The said society is a Co-operative society registered under the Co-operative Societies Act. It never had so many shareholders/workers as referred to in the Reference Order and the union concerned has fraudulently inflated the number of persons for securing employment for them by unfair means. The contract for removal of slurry was awarded to the above Co-operative Society during the following periods in different spells and the quantities of slurry removed by the said Co-operative Society during the different periods for which payment was made to it are indicated below:-

	<u>Period</u>	<u>quantity of slurry removed in</u>
	<u>Metric Tonnes.</u>	
A	11.4.88 – 25.8.88	3,320.295
B	24.10.88 – 23.1.89	4,999.408
C	20.5.89 – 11.1.90	12,561.285
D	27.8.90 – 26.2.91	11,743.093

The central Government purported to issue a notification prohibiting the removal of slurry through the contractors under section 10 of the Contract Labour (Regulation & Abolition) Act, 1970 in December, 1990. It was a defective notification and it is non est in the eye of law. It did not refer to any particular Coal Washery and its name has not been mentioned. In contradistinction, a similar notification issued in 1975 by the Labour Ministry prohibiting contract system in some jobs in Coal Mines specifically mentioned that such prohibition would apply to all collieries. There is no such mention of all washeries in the notification issued prohibiting engagement of contractors in slurry removal in respect of coal washery as referred above. Considering the duration of each spell of contract and also the quantity of slurry removed the number of workers required would be only fraction of the number indicated in the Annexure to the Reference Order. At any rate after the aforesaid notification issued by the Labour Ministry towards the end of 1990, the contract system in regard to the removal of slurry from the above ponds at Rajrappa Coal Washery was stopped. Even if the notification issued by the Labour Ministry is valid and if it is sought to be applied to the Rajrappa Washery it could not interfere with the contract running. The industrial establishments have no obligation to provide employment to the ex-workers of an ex-contractor and therefore the present reference is misconceived. The employers are not required to take any action such as that referred to in the Reference Order and it was prayed to hold that the management is not required to regularize any of the persons referred to this reference order and they are not entitled to any relief. By way of rejoinder it has been stated that the statement made in Para-1 is denied. It is submitted that only a very small no. of workers were working as slurry cleaning mazdoors for different periods. The statement made in Para-2 and 3 are false and baseless and are denied accordingly. The job is also not permanent. There is no demand for clean coal the functioning of the washery will stop. The concerned workers did not work continuously nor under the control or supervision of the management. The statement made in Para-4 is also false and denied the nature of job on which they are engaged is not permanent. The statement made in Para-5 is also false and denied accordingly. It is stated that only some of the persons worked for some time. The statement made in Para- 6, 7 and 8 are misrepresentation and denied being false. It is submitted that the contractor had provided implements to the workers engaged by him as per the contract agreement. The co-operative society to pay workers wages as agreed between them. The statement made in Para-9 and 10 are false and not correct. As principal employer, the management did maintain all necessary records. The statement made in Para-11 and 12 are false and misconceived hence denied. The loading and unloading of coal manually is prohibited under C.L. (R&A) Act only in coal mines. The statement made in Para-13 and 14 are not correct hence denied. There are some coal mines and other mines and in the coal mines of B.S.M.D.C. workers are not getting wages as per NCWA and the contractors workers are also not entitled to the wages as per the same. The statement made in Para-15 and 16 are not correct and relevant hence denied accordingly. In reply to the statement made in Para-17 it is submitted that the union concerned raised a purported dispute before

the A.L.C.(C), Hazaribagh and this is a matter of record. In reply to the statement made in Para-18 it is submitted that save and except what is a matter of record the rest of the statements are denied. It is denied that the management failed to establish its stand or that it took any frivolous plea. In reply to Para-19 it is stated that the management did not employ any of the persons so no question of stopping them from duty. In reply to Para-20, 21 and 22 it is stated that these are denied being false and misconceived. In reply to Para-23 it is stated that the Eastern Coalfields Ltd. does not have any coal washeries. Therefore, the reference to E.C.L. is irrelevant. In reply to Para-24 it is stated that it is based on misrepresentations and the prayer is not legally tenable at any rate and at last it was prayed to reject the prayer/claim of the union.

5. A rejoinder has also been filed on behalf of the workmen to the W/S filed by the management in which all claims of the management have been denied.

6. The workmen have examined three witnesses namely WW-1 Brijlal Mahato, WW-2 Sohan Bedia and WW-3 Sri Dhaniram Mahato.

7. In support of their case the following documents have been adduced on behalf of the workmen:-

Exhibit W-1 – Muster Roll

Exhibit W-2 – Letter dated 10.07.1995 written by Sri P.N. Singh to the Secretary, M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Washery Project.

Exhibit W-2/1 – Letter dated 30.07.1996 of P.N. Singh, Asstt. Labour Commissioner (Central), Hazaribagh.

Exhibit W-3 – Office Order dated 13.09.1996 of the CCL, Rajrappa Area.

Exhibit W-4 – Request Letter dated 16.08.1997 to arrange meeting.

Exhibit W-5 – Certificate dated 04.02.1997 in FORM-V.

Exhibit W-6 – Order dated 30.07.1995 passed by Assistant Labour Commissioner (Central), Hazaribagh.

Exhibit W-7 – Post-Facto Work Order

Exhibit W-8 – Communication of approval for extension of time dated 22.06.1991.

Exhibit W-9 – Letter dated 24.04.1991 written by Executive Engineer (C), Rajrappa Washery to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

Exhibit W-10 – Letter dated 07.12.1988 written by Addl. General Manager, Rajrappa Area to the Secretary Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

Exhibit W-11 – Letter dated 12.01.1990 written by Staff Officer (Mining) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa.

Exhibit W-12 – Letter dated 28.02.1996 written by Staff Officer (Mining) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd.(Co-operative Society), Rajrappa Project.

Exhibit W-13 – Letter dated 02/03.02.1997 written by Staff Officer (Mining) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

Exhibit W-14 – Letter dated 19.23.11.1990 by A.C.M.E./S.O. to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

8. On the other hand the management has examined MW-1, Swapan Kumar Kar Mazumdar.

9. The following documents have been adduced from the side of the management:-

Exhibit M-1 – Letter dated 19/28.11.90 written by A.C.M.E. to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

Exhibit M-1/1 – Letter dated 25.06.1989 written by Staff Officer (M) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa.

Exhibit M-1/2 – Letter dated 12.01.1990 written by Staff Officer (Mining) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa.

Exhibit M-1/3 – Letter dated 23.01.89

Exhibit M-1/4 – Letter dated 7/8.12.88 written by A.G.M., Rajrappa Area to the Secretary, Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

Exhibit M-1/5 – Post-Facto Work Order dated 12.01.1990.

Exhibit M-2 to Exhibit M-2/10 – Forwarding Memo

Exhibit M-3 to Exhibit M-3/10 – Carbon copy of Pay Bill

Exhibit M-4 – Letter dated 05.07.1989 written by Staff Officer (Mining) Rajrappa Area.

Exhibit M-4/1 – Articles of Agreement

Exhibit M-5 to Exhibit M-5/9 – Statement showing store material

Exhibit M-6 – Sanction Order dated 12.01.1990.

Exhibit M-7 to Exhibit M-7/9 – Statement showing other deductions

Exhibit M-8 –Letter No. 4434 dated 8/16.12.88

Exhibit M-9 – Letter No. 4307 dated 7/8.12.88

Exhibit M-10 – Forwarding Memo dated 20.12.1988

Exhibit M-11 – Forwarding Memo dated 27.01.1989

Exhibit M-12 – Forwarding Memo dated 29.03.1989

Exhibit M-13 – Forwarding Memo dated 03.06.1989

Exhibit M-14 – Letter dated 05.07.1989 issued by Staff Officer (Mining) Rajrappa Area.

Exhibit M-15 – Carbon copy of Pay Bill dated 19.07.1989

Exhibit M-16 – Forwarding Memo dated 29.08.1989

Exhibit M-17 – Forwarding Memo dated 04.10.1989

Exhibit M-18 – Forwarding Memo dated 04.01.1990

Exhibit M-19 – Forwarding Memo dated 12.01.1990

Exhibit M-20 – Forwarding Memo dated 23.08.1990

Exhibit M-21 – Letter dated 19/28.11.1990 written by ACME to Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project.

Exhibit M-22 – Forwarding Memo dated Nil

Exhibit M-23 – Receipt of Licence issued by Government of Bihar

Exhibit M-24 – Letter dated 12/18.11.92 written by G.M. (B&M) to the C.G.M., Rajrappa Area

Exhibit M-25 – Map

Exhibit M-26 – Statement showing the quantity of raw coal

Exhibit M-27 – Statement showing the name of contractors who were awarded the job during the years 1987-88 to 1991-92

Exhibit M-28 – Circular of Union

Exhibit M-29 –Letter No. 3271

Exhibit M-30 – Receipt Voucher

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

11. The Ld. Counsel on behalf of the concerned workmen has submitted that all the workmen had been working in slurry removal/cleaning work in Rajrappa Coal Washery since 1988 regularly and continuously under the direct control and supervision of the management and they had been producing goods for the benefit of the management. The work of slurry removal is permanent nature of job but they had not been paid by the management their wages as per the rate of NCWA in the name of intermediaries namely Asangathit Shramik Sahayog Samittee Ltd. Rajrappa. They were not member of that alleged Samittee and they had never worked under the control and supervision of the same. The slurry cleaning job was prohibited by the Central Government notification from 11.12.1990 but even thereafter they have been continuously working in slurry removal and therefore they are entitled for regularization.

12. On the other hand the Ld. Counsel on behalf of the management has submitted that the work of removal of slurry from the slurry pond was entrusted on contract basis to the co-operative of persons who all worked by themselves. The workers are the shareholders of the co-operative which is called Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Washery and the said Co-operative Society is registered under the Co-operative Societies Act and it never had so many shareholders/workers as referred to in the reference order and the union has fraudulently inflated the number of persons for securing employment for them by unfair means. A contract for removal of slurry

was awarded to the above Co-operative Society from 1988 to 1990 in different spells of the period. The Central Government issued notification under section 10 of the C.L.(R&A) Act, 1970 in December, 1990 prohibiting the Category-I of Slurry through the contractors but that was meant for the collieries and are not applicable to coal washery. The concerned workmen are the contractor workmen and they have neither been issued the appointment letter nor the pay slip nor identity cards by the management and the contractor's workmen are not entitled to regularization. Even after Central Government notification under Section 10 of the C.L. (R&A) Act, 1970 the contract workers are not entitled to automatic regularization and at last it was prayed to reject the reference and the prayer of the union for regularization of the workmen.

13. **Issue**

Whether the action of the management of Rajrappa Coal Washery of M/S C.C.L. in not regularising S/Shri Kartik Mahato and 160 other workers is legal and justified? If not, what relief they are entitled to?

14. Now as regards the oral evidence of the workmen, WW-1, Brij Lal Mahato has deposed that he has been working at Rajrappa Washery since 1988, engaged in slurry removal work. The concerned workmen removed this slurry from the tanks which are also called ponds, stack at outside the pond and also load the same on trucks daily. This work is of permanent nature and the management of CCL supervised their work and they are paid their wages. He has denied that they were appointed by a Co-operative Society and they worked under it. The slurry work shall continue so long the washery is functioning there. He has denied that slurry is removed only when electricity is off. All the concerned workmen have worked for more than 240 days in a year but they are not getting the wages as per NCWA. They demanded wages and facility of a permanent worker and have claimed regularization from the date they started working with back wages. In the cross-examination he has stated that they have not been provided Identity Cards nor were given appointment letters, wage slips. They entered into the premises of the washery without using any identity card and he has denied that no one can enter into the washery premises without identity cards. He has also denied that the management never had put them to this work or that sometimes this work is given by the management to Co-operative Societies. He has further denied that for this work Co-operative Society appoints its own work-force and for doing this work the management makes payment to those Co-operative Societies and that the workers are paid by the Co-operative Society. He has also denied that neither the management has made any payment to the concerned workmen nor ever gave them working implements nor supervised their work. Daily 40 to 50 trucks are loaded with slurry and 16 to 18 tons of slurry are loaded on one truck.

WW-2 Sohan Bedia and WW-3 Dhaniram Mahato have also supported and corroborated the facts stated by WW-1 in his examination- in-chief. In the cross-examination WW-2 has stated that he can not produce any appointment order given to him by the management. He can not produce any I.D. Card of Mine to show that he was working in CCL. Their union supplied photo copies of documents that they have filed and he can not produce any document that CCL was paying to him.

Likewise WW-3 has stated in his cross-examination that he was not issued any I.D. Card nor anyone else was issued the same. He was working since 20.04.1988 but neither any appointment letter nor any pay slip was issued to him. They were not engaged through the contractor. The Officers of CCL were directly taking work from them. The work of slurry removal was done manually by them and not by the machine. Even if the work of slurry removal was given to workers Co-operative Society prior to the deployment of machine but that was being done by these workmen themselves. He has very clearly admitted that they were working under Workers Co-operative Society.

15. As regards the documentary evidence of the workmen, **Exhibit W-1** is the muster roll in which the name and address of the contractor has been mentioned as Asangathit Shramik Sahayog Samittee Ltd. Rajrappa Washery, the name of work has been mentioned as removal of slurry manually and stacking the same as directed by the management. It further transpires that this is in the name of Kartik Mahato and other employees and this is of the period from 01.04.1991 to 30.04.1991, 28 to 31 March 1992, 1 to 31 May 1992, 1 to 8 June 1992 and 1 to 30 April 1992 in the name of the workmen Kartik Mahato and others. It transpires that they have put their attendance for the entire period mentioned above and all the dates mentioned above. **Exhibit W-2** is the letter dated 10.07.1995 written by Assistant Labour Commissioner (Central) Hazaribagh to the Secretary M/s. Asangathit Shramik Sahayog Samittee Ltd., Contractor Camp, Rajrappa Washery Project with regard to the renewal of Licence No. 17/92 dated 31.07.1992 in which it has been mentioned that the Labour Enforcement Officer (Central), Hazaribagh has inspected his establishment on 30.06.95 under the Contract Labour (R&A) Act, 1970 and reported vide letter dated 7.7.95 that the nature of work 'Removal of Debris and Dirt mixed with coal particles etc. from the Drain along Railway siding & Stacking the same being executed by him is actually removal of slurry which has been prohibited under Notification No. S.O.3400 dated 11.12.1990 by the Central Govt. Hence the employment of contract labour in the aforesaid nature of work amounts to Breach of Sec. 10(1) of the Contract Labour (R&A) Act, 1970. Therefore he was requested to show cause within 10 days from the date of receipt of this letter as to why his Licence should not be revoked under Sec. 14(b) of the C.L.(R&A) Act, 1970 and if his reply is not received by 26.7.95 his Licence would be revoked by him and if he wants personal hearing he may appear before him on 26.08.1995. **Exhibit W-2/1** is the Office Order dated 30.7.95 issued by the Asstt. Labour Commissioner (Central) Hazaribagh/Licensing Officer under the Contract Labour (R&A) Act, 1970 in which it has been mentioned that Licence No. 17/92 dated 31.7.92 under Section 12(1) of

the Contract Labour (Regulation & Abolition) Act, 1970 was granted to M/s. Asangathit Shramik Sahayog Samittee Ltd. Contractor, Camp Rajrappa Washery Project was revoked by the Assistant Labour Commissioner under Section 14(1) (b) of the C.L. (R&A) Act, 1970 on the ground of misrepresentation and suppression of material fact as their work of slurry removal was found to be under prohibited category of job on inspection by the Labour Enforcement Officer and his report. **Exhibit W-3** is the Office Order dated 13.09.1996 of the Staff Officer (M), Rajrappa Area and on its perusal it transpires that consequent upon the failure on the part of M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project in submitting the valid Labour Licence against the work of removal of Debris etc. manually and stacking of the same as directed by the management was cancelled w.e.f. 17.05.1996. **Exhibit W-4** is request letter dated 16.08.1997 written by S.P. Sahu, Rajrappa requesting a short meeting of slurry workers with DT. **Exhibit W-5** is a Certificate in FORM-V issued by Project Officer, Rajrappa Washery, Hazaribagh dated 04.02.1997 in which he has certified that he has engaged M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Washery Project as a contractor in his establishment and he has undertaken to be bound by all the provisions of C.L.(R&A) Act, 1970 and its rules in so far as the provisions are applicable to him in respect of employment of contract labour by the applicant in his establishment. **Exhibit W-6** is the order dated 30.07.95 of the A.L.C.(C), Hazaribagh and this document is nothing but repeat of Exhibit W-2/1. **Exhibit W-7** is Post-Facto Work Order in the name of M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa and on its perusal it transpires that the work of removal of slurry manually from the settling ponds (outside washery) and stacking the same within a radius of 30 metres has been awarded to the said contractor and its date of commencement is 15.08.89 and date of completion 20.12.89 and its approval has been given by the Chief General Manager (R). **Exhibit W-8** is the communication letter dated 22.06.1991 by which final extension of time upto 27.3.91 against the work awarded to M/s. Asangathit Shramik Sahayog Samittee Ltd., Contractors vide Award dated 28.11.1990 was extended finally. **Exhibit W-9** is letter dated 24.04.1991 to M/s. Asangathit Shramik Sahayog Samittee Ltd. written by the Executive Engineer (C) Rajrappa Washery by which the samittee has been informed that several times he had been verbally told by the Executive Engineer to stop the work but still he continued the same and he was directed to stop work immediately till further order. **Exhibit W-10** is letter dated 07.12.88 written by Addl. General Manager, Rajrappa Area to the Secretary, Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project regarding award of work for removal of slurry by which he has informed that as per his tender dated 26.9.88 and subsequent revised offer given by him for execution of the work at the rate of Rs. 7.73/Cu.m. the G.M. (R) has approved the recommendation of the tender committee made in his favour for awarding the work with the terms and conditions mentioned therein. **Exhibit W-11** is Post-Facto Award of work dated 12.01.1990 and is nothing but repeat of Exhibit W-7. **Exhibit W-12** is the letter dated 28.02.1996 written by the Staff Officer (Mining) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd., (Co-Operative Society), Rajrappa Project requesting to take up the work of removal of Debris immediately subject to the rates, terms and conditions as will be finalized in the tender which is in process and in case he does not participate in the tender or does not become lowest bidder, he will have to discontinue the above work. **Exhibit W-13** is the letter dated 2/3.2.97 written by the Staff Officer (M) Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd. informing that his tender rate for the subject work submitted by him on 24.01.97 has since been approved by the G.M., Rajrappa Area, the Post-facto award of work was placed upon him subject to the terms and conditions mentioned therein. **Exhibit W-14** is the letter dated 19/28.11.1990 written by Addl. C.M.E. to Asangathit Shramik Sahayog Samittee Ltd. informing that as the tender submitted by him on 3.4.90 was approved by the C.G.M, Rajrappa Area, the award of work was placed upon him subject to the terms and conditions mentioned therein.

16. Now as regards the evidence adduced from the side of the management, MW-1 Swapan Kumar Kar Mazumdar has deposed that he has been working in Rajrappa Washery since 1988 as Sr. Executive Engineer. When the slurry was flowing towards the river they had given contract to Asangathit Shramik Sahayog Samittee for stacking the slurry flowing outside at a suitable place so that the management could sell the same and the Samittee submitted its bills which the management verified and then made payment. The slurry collection work is not a job of permanent nature because it was only occasionally that the slurry was going out. Now they have developed a system that excepting in the case of power failure, no slurry can go out under premises and they don't have any work for employing the concerned workmen. In cross-examination he has stated that this is incorrect to say that slurry is fine particle of coal mixed with natural water. He has denied that the concerned workmen removed this slurry also from inside ponds and that slurry inside the pond is not extracted mechanically. He cannot say the job of collection of slurry through contractor has been legally prohibited. He does not know the concerned workmen load the slurry in dumping trucks.

17. As regards the documentary evidence, **Exhibit M-1** is Letter dated 19/28.11.90 written by A.C.M.E. to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project regarding award of /work for removal of slurry manually from the settling pond outside washery and stacking the same within radius of 30 mtrs as and when required at Rajrappa Washery Project against tender notice dated 16/17.03.90 and he has been informed that award of work was placed upon him subject to terms and conditions mentioned therein.

Exhibit M-1/1 is letter dated 25.06.89 written by Staff Officer (M), Rajrappa Area to M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa regarding Award of work for removal of slurry manually from the settling ponds (outside washery) and stacking the same within a radius of 30 mtrs. and on its perusal it is evident that it has been informed that Rs. 11/- Per Cu.M. offered by him has been approved by the General Manager vide order dated

19.06.89 and the award of the work was placed upon him subject to terms and conditions mentioned therein. **Exhibit M-1/2** is Post-Facto Work Order dated 12.01.1990 in the name of M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa and on its perusal it transpires that the work of removal of slurry manually from the settling ponds (outside washery) and stacking the same within a radius of 30 mtrs. has been awarded to the said contractor and its date of commencement is 15.08.89 and date of completion 20.12.89 and its approval has been given by the Chief General Manager (R). **Exhibit M-1/3** is letter dated 8/16.12.88 written to the Secretary, Asangathit Shramik Sahayog Samittee, Rajrappa Project Branch which is regarding award of work for removal of slurry and on its perusal it transpires that the same is approved by the General Manager (Rajrappa). **Exhibit M-1/4** is letter dated 07/08.12.88 written by Addl. General Manager, Rajrappa Area to the Secretary, Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project Branch regarding award of work for removal of slurry by which he has informed that as per his tender dated 26.9.88 and subsequent revised offer given by him for execution of the work at the rate of Rs. 7.73/Cu.m. the G.M. (R) has approved the recommendation of the tender committee made in his favour for awarding the work with the terms and conditions mentioned therein. **Exhibit M-1/5** is Post-Facto Work Order dated 12.01.1990 in the name of M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa and on its perusal it transpires that the work of removal of slurry manually from the settling ponds (outside washery) and stacking the same within a radius of 30 mtrs. has been awarded to the said contractor and its date of commencement is 15.08.89 and date of completion 20.12.89 and its approval has been given by the Chief General Manager (R). **Exhibit M-2 to M-2/10** are the forwarding memo regarding final bill of M/s. Asangathit Shramik Sahayog Samittee for removal of slurry from slurry pond for their audit and payment. **Exhibit M-3 to M-3/10** are the carbon copy of pay bill in the name of the contractor Asangathit Shramik Sahayog Samittee for removal of slurry manually from the settling ponds (outside side washery) and stacking the same within a radius of 30 mtrs. as and when required. **Exhibit M-4** is letter of agreement dated 5.7.89 executed between G.M. (Rajrappa) on behalf of CCL Ranchi and M/s. Asangathit Shramik Sahayog Samittee Ltd., Contractors for the work of removal of slurry manually from the settling ponds (outside washery) and stacking the same within a radius of 30 mtrs. as and when required. **Exhibit M-4/1** is the Article of Agreement of the Central Coalfields Ltd., Rajrappa Area made on 3rd July 1989 between Central Coal Field Ltd., Ranchi and M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa as contractor and on its perusal it is evident that the corporation invited tender for the work of slurry removal manually from the settling ponds (outside washery) and stacking the same within a radius of 30 mtrs. vide tender notice dated 20/22.2.89 and M/s. Asangathit Shramik Sahayog Samittee Ltd. submitted tender and agreed that Rs. 5000/- towards the amount of earnest money shall be deducted from their first on A/c bill by the company etc. **Exhibit M-5 to M-5/9** are the statements showing store material and these are also related to removal of slurry manually from settling ponds by the Asangathit Shramik Sahayog Samittee Ltd. **Exhibit M-6** is the Sanction Order dated 12.01.1990 and on its perusal it is evident that this is an approval of the Chief General Manager, Rajrappa Area with the concurrence of his associate finance dated 8.1.90 for balance quantity of 4417.096 Cu.m. to be divided equally between M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa and Mantari Punervas Rajrappa Shramik Sahayog Samiti Ltd. Sandi for the work removal of slurry manually from the settling ponds. **Exhibit M-7 to M-7/9** are the statement showing other deductions for removal of slurry manually by the concerned workmen. **Exhibit M-8** is the letter No. 4434 dated 8/16.12.88 and on its perusal it is evident that this has been written to the Secretary Asangathit Shramik Sahayog Samittee, Rajrappa Project Branch regarding work order for slurry removal which has been approved by General Manager, Rajrappa. **Exhibit M-9** is letter dated 07.12.88 written by Addl. General Manager, Rajrappa Area to the Secretary, Asangathit Shramik Sahayog Samittee Ltd., Rajrappa Project regarding award of work for removal of slurry by which he has informed that as per his tender dated 26.9.88 and subsequent revised offer given by him for execution of the work at the rate of Rs. 7.73/Cu.m. the G.M. (R) has approved the recommendation of the tender committee made in his favour for awarding the work with the terms and conditions mentioned therein. **Exhibit M-10** is the forwarding memo dated 20.12.88 regarding 1st on a/c bill of M/s. Asangathit Shramik Sahayog Samittee Ltd., Rajrappa regarding the work of removal of slurry. **Exhibit M-11** is forwarding memo dated 27.1.89 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-12** is forwarding memo dated 29.3.89 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-13** is forwarding memo dated 3.6.89 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-14** is nothing but repeat of Exhibit M-4. **Exhibit M-15** is nothing but repeat of Exhibit M-3. **Exhibit M-16** is forwarding memo dated 29.8.89 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-17** is forwarding memo dated 4.10.89 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-18** is forwarding memo dated 4.1.90 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-19** is forwarding memo dated 12.1.90 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-20** is forwarding memo dated 23.8.90 in the name of the concerned contractor Asangathit Shramik Sahayog Samittee for the work of removal of slurry. **Exhibit M-21** is nothing but repeat of Exhibit M-14. **Exhibit M-22** is nothing but repeat of Exhibit M-2. **Exhibit M-23** is Receipt of licence issued by Govt. of Bihar and on its perusal it is evident that this licence has been issued under Rules 4 to 10 of the Bihar Factories Rules, 1950 and Section 6(1) (d) of the Factories Act, 1948 in the name of M/s. Rajrappa Project. **Exhibit M-24** is letter dated 12/18.11.92 and on its perusal it is evident that it has been written by General Manager (B & M) to the Chief General Manager, Rajrappa Area

regarding liberalized sale of slurry of Rajrappa Washery invited by C.I.L., Calcutta opened on 4.8.92 for releasing of 4 MT of Rajrappa Slurry on realization of the payment in advance. **Exhibit M-25** this is a Map of CCL, Rajrappa Washery. **Exhibit M-26** is the statement showing the quantity of raw coal consumed, middlings, flotation tailings etc. during 1987-88 to 1993-94. **Exhibit M-27** is the statement showing the name of contractors who were awarded the job of removing tailings/rejects from Kutcha ponds & drains located outside Rajrappa Washery during the year 1987-88 to 1991-92 in which the name of Asangathit is also mentioned on the 1st number along with others. **Exhibit M-28** is the Circular of Union Asangathit Shramik Sahayog Samiti Ltd. **Exhibit M-29** is the letter no. 3271 dated 21st November 1988 and on its perusal it transpires that this is related to tender opened on 8.7.88 regarding supply order of Shovel etc. to M/s. Bharat Earth Movers Ltd. by this letter M/s. Bharat Earth Movers Ltd. has been requested to supply the materials regarding Hydraulic Excavator powered with Korloskar Cummins diesel engine complete with operator's cabin, fire extinguisher, one set of standard tools and one set of catalogue consisting of shop manual, operation & maintenance manuals on terms and conditions noted in the same. **Exhibit M-30** is receipt voucher dated 19.1.89 of Rajrappa Washery and on its perusal it transpires that this is related to the supply order receipt voucher of Hydraulic Excavator and other materials.

18. On perusal of the entire oral as well as documentary evidence available on the case record it is evident that M/s. Asangathit Shramik Sahayog Samiti Ltd is a licensed contractor (co operative samiti) and under agreement and under different work orders issued by the CCL Rajrappa Area it has been awarded the work of slurry removal manually from the settling ponds (outside washery) and stacking the same within a radius of 30 Mtrs and WW-3 Dhaniram Mahato in Paragraph 15 of his cross-examination has very clearly admitted that they were working under Co-operative Society and in Paragraph-10 of his cross-examination he has admitted that he was working since 20.4.88 and the oral evidence of the workman as well as the agreement and work orders of the different dates goes to establish and support the case of the workmen that since the year 1988 these workmen have been doing the work of removal of slurry from settling ponds of Rajrappa Washery manually and judicial notice is taken to the fact that on 11th December 1990 the Central Govt. issued a notification u/s 10 of the C.L.(R&A) Act, 1970 prohibiting the removal of slurry manually by the contract workers and this is also a fact that the work of removal of slurry in a coal washery is a perennial and permanent nature of job and after the said notification by the Central Government it became the prohibited category of job but the case record shows that even after this notification the Rajrappa Washery continued to take this work from the concerned workmen and even after that they are not being paid the wages equal to those of the permanent employees. The **Hon'ble Supreme Court** in case of **Steel Authority of India Ltd. & Others Vs. National Union Waterfront Workers and others**, have been pleased to hold that on issuance of prohibition notification under Section 10(1) of the C.L.R.A Act, 1970 prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to the conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance of various beneficial legislations so as to deprive the workers of the benefit thereunder and if the contract is found to be not genuine but a mere camouflage, the so called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of Para 6 hereunder and in Para 6 of the said judgment it has been held that if the contract is found to be genuine and prohibition notification under section 10(1) of the CLRA Act, 1970 in respect of the establishment concerned has been issued by the appropriate government prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process/operation or other work of the establishment, the principal employer intends to employ regular workmen, he shall give preference to be erstwhile contract labour, if otherwise, found suitable and if necessary, by relaxing the condition as to maximum age appropriately taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualifications other than technical qualifications.

19. Here in the instant case the **Contract vide Ext.M-4/1** made on 3rd July 1989 between Central Coal Field Ltd. Rajrappa Area, Ranchi and M/s. Asangathit Shramik Sahayog Samittee Ltd. Rajrappa as contractor is quite genuine and the Central Government has also issued a notification on 11th December 1990 in respect of the prohibition of slurry removal prohibiting the employment of contract labour, it is directed to the management that if he intends to employ regular workmen for the removal of slurry he shall give preference to the concerned workmen, if they are found otherwise suitable by relaxing the conditions as to maximum age appropriately taking into consideration the age of the concerned workmen at the time of their initial employment by the contractor and also by relaxing the conditions as to academic qualifications if any. The reference is answered accordingly.

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 332/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/310/2000-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 191.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 332/2000**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and **their workmen** received by the Central Government on **16/02/2026**

[No. L-22012/310/2000 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 332/2000

Parties:

Employer in relation to the management of Sijua Area of

M/s. BCCL, Sijua, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 22/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-20012/310/2000 (C-I) dated 22/11/2000 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL, Dhanbad and their workman through Organizing Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“क्या बी. सी. सी. एल., मुदिदीह कोलियरी के प्रबंधतंत्र द्वारा श्री निदरवा भुइया को उनकी अनुपस्थिति के कारण दि. 18.7.94 से बर्खास्त किया जाना विधिवत, उचित एवं न्यायसंगत है? यदि नहीं तो कर्मकार अथवा उनके आश्रित किस राहत के पात्र हैं?”

2. On receiving order no. L-20012/310/2000 (C-I) dated 22/11/2000 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 332 of 2000 was registered on 26.12.2000 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It appears from the case record that this case is received from the Ministry for workman namely Nidekha Bhuiya but on 15.01.2002 a corrigendum letter dated 10.01.2022 issued by Ministry received by this Tribunal stating therein that the name of workman is corrected as “Nidarwa Bhuiya” in place of “Nidekha Bhuiya”. After that this case is running in the name of concerned workmen namely Nidarwa Bhuiya. It further appears that after 2006 this case was put up after a long gap on 01.10.2019 and registered notices were issued to both the parties but both the parties failed to appear before this Tribunal. Though on 26.09.2025, Sri N. Nath, O.S. Legal HQ appeared for the management but workman/union again failed to appear. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2019 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 82/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/463/1996-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 82/2001**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-22012/463/1996 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 82/2001

Parties:

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

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workmen :-Sri Ashok Kr. Singh (In Person)

State : Jharkhand.

Industry:-Coal

Dated 06/01/2026

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No.L-20012/463/1996-IR(C-I) dated 29/03/2001 has been pleased to refer the following dispute between the employer i.e. management of Katras Area of M/s. BCCL, Dhanbad and their workman through Secretary, Rashtriya Colliery MazdoorSangh, Dhanbadfor adjudication by this Tribunal:

SCHEDULE

“क्या राष्ट्रीय कोलियरी मजदूर संघ की मांग कि भा. को. को. लिमि.,कतरास क्षेत्र-4 के प्रबंधतंत्र द्वारा श्री दिलीप कुमार एवं सूची में दिए गए 13 अन्य कर्मकारों (जनरल मजदूर, ड्रेसर एवं स्वीपर) को जिन्हें वर्ष 1985 से काम से हटाया गया, सेवा मे पुरःस्थापित किया जाए तथा भा. को. को. लिमि. में नियमित किया जाए उचित एवं न्यायसंगत है? यदि हां तो उक्त कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

List of workmen

Sl. No.	Name	Designation
1.	Dilip Kumar Gope	Dresser
2.	Dilip Kumar Rajak	Dresser
3.	Ashok Kumar Singh	Sweepress
4.	Surti Devi	Sweeper
5.	ObirHari	Sweeper
6.	Prem Dome	Sweeper
7.	Bimla Devi	Sweepress
8.	Ms.BilasiBarala	Sweepress
9.	Bipin Kumar Singh	General Mazdoor
10.	LakhanRajak	General Mazdoor
11.	BishuDey	General Mazdoor
12.	Ms.Alpana	Sweepress
13.	Smt. SailoBourin	Sweepress
14.	Uma KantaTiwari	General Mazdoor

2. The case of the workmen as per the written statement filed on their behalf is that Sri Dilip Kumar Gope and 13 others as mentioned in Annexure of the order of reference had been performing the work in different jobs as a casual workman at Central Hospital, Katras under Katras Area No. IV of BCCL prior to 1983. They had been engaged in different jobs against the permanent vacant post and they continuously worked in different jobs upto 1985. Prior to their illegal & arbitrary stoppage the management had not complied section 25F & 25G of the I.D. Act, 1947. Central Hospital Katras was earlier known as Regional Hospital, Katras and was directly under the control and supervision of the then Coal Mines Welfare Organizgation (Ministry of Labour, Govt. of India). At the time of take over of this Regional Hospital there were more than 21 casual workers who had been performing work in different jobs. Although this strength of casual workers were not sufficient for such a big hospital yet due to sincerity of these workmen this Hospital was smoothly running. After prolong discussion between the union and management, 8 casual

workers out of 22 were taken back in employment and allowed to do the job in the year 1988. At that time it was assured that rest workmen shall also be taken in employment immediately but later on the management declined to allow them in duty. These workmen were continued in service up to 1985 on the basis of the approval accorded by the General Manager and the other higher authority. For the purpose of their regularization the Medical Superintendent, Central Hospital, Katras had initiated several note sheet but all went in vain. On 10.10.84 the Medical Superintendent, Central Hospital, Katras had requested the higher authority to accord approval for permanent deployment of these workmen as there was an acute shortage of Para Medical Staffs & Workers. The Medical Superintendent of Central Hospital Katras has highly recommended and forwarded the case of the workmen concerned to the General Manager, Katras Area for their regularization vide letter dated 21.11.85. In response to the said letter the Personnel Manager had also requested to the Medical Superintendent to furnish some information vide letter dated 14.12.85. The Medical Superintendent had sent a reply of the same on 24.12.85 and thus the Medical Superintendent several times had recommended and forwarded their case for regularization through different letters but all went in vain. The workmen concerned had also made several representations to the higher authority for their regularization but nothing was done. Their matter was also discussed in the meeting held between the union and management on several dates but they were only assured. When the management regularized Sri Jadu and 7 others of similar situated case then by not regularizing the services of Sri Dilip Kumar Gope and 13 others in their respective posts itself shows discriminatory policy of the management and all these facts and circumstances clearly show that the action of the management is unjustified and ultimately this industrial dispute was raised and it was prayed to pass award directing the employer to reinstate Sri Dilip Kumar and 13 others in the services of the M/s. BCCL in their respective posts with retrospective effect and all consequential benefits.

3. On the other hand the case of the management as per the written statement cum rejoinder filed on their behalf is that the reference is not legally maintainable. The persons concerned were never appointed by the employer and they never worked in BCCL in any permanent sanctioned post. They were in fact engaged by Central Hospital Katras which was under the control and ownership of Coal Mines Welfare Organization purely on casual basis as and when required. Consequent upon taking over of Central Hospital Katras by BCCL from Coal Mines Welfare Organization all the permanent employees who were on the roll of Central Hospital Katras were taken over by BCCL in the roll of the Company. The persons concerned were not on the roll of the erstwhile owner of the Central Hospital Katras, hence the question of taking over their services in BCCL does not arise. The Union under the banner of Rastriya Colliery Mazdoor Sangh who has raised the present dispute had earlier raised an industrial dispute in the year 1988 demanding regularization of casual workers in the roll of BCCL. The aforesaid dispute ended in an amicable settlement and a bipartite settlement was arrived at between the management and union on 30.3.88 and it was agreed that 8 casual sweepers who had completed 240 days attendance in one year would be taken as Badli Sweeper. In fact there were total 22 casual workers under Coal Mines Welfare Organization out of which 8 persons were taken on roll of BCCL as explained above, and the remaining 14 persons i.e. concerned persons did not complete 240 days attendance in any year starting from 1983, 1984 and 1985. The attendance of these persons for 3 years has been given as under:-

Sl. No.	Name	1983	1984	1985
1.	S/Sri Dilip Kr. Gope	36	105	03
2.	Dilip Kumar Rajak	38	85	02
3.	Ashok Kr. Singh	6	111	05
4.	Smt. Surti Devi	15	47	00
5.	Sri ObirHari	8	0	00
6.	Sri Prem Dome	-	28	00
7.	Smt. Bimla Devi	-	11	-
8.	Smt. BirasiBarla	9	1	-
9.	Sri Bipin Kr. Singh	-	15	-
10.	LakhanRajak	-	13	-
11.	Sri BishuDey	-	1	-
12.	Smt. Alpana	-	4	-
13.	ShailoBourin	1	4	-
14.	Sri Uma Kant Tiwary	-	2	-

It is clear from the above that none of the person concerned has got any claim for regularization in the roll of BCCL as they have failed to fulfill the requisite conditions for demanding regularization. By way of rejoinder it has been stated inter-alia that as the persons concerned were not retrenched from the services, Section 25F and 25G of the I.D. Act, 1947 do not apply. None of these persons had put on continuous service for 240 days in any year during 1983, 1984 and 1985, hence they are outside the purview and jurisdiction of Section 25F of the I.D. Act, 1947 and consequently Section 25G of the said Act is not applicable and all other claims of the workmen have been denied stating that Sri Dilip Kumar Gope and 13 others have not completed 240 days attendance in a year.

4. In support of the case of the workmen, WW-1 Ashok Kumar Singh has been examined.

5. He has also adduced the following photo copies of the documentary evidence:

Mark X for Identification- Request of Approval for deployment of casual workers.

Mark X/1 - Copy of proforma for regularization of casual workers.

Mark X/2 - Letter dated 17.09.2010 and 10.02.2011 written to Joint Secretary, R.C.M.S by the workmen.

Mark X/3 – Copy of Award dated 10.09.2014.

Mark X/4 – Notary Affidavit

Mark X/5 – Copy of order dated 29.8.2023 passed by Hon'ble Jharkhand High Court.

Mark X/6 – Note sheet and copy of Memorandum of Settlement arrived at between management and union dated 17.3.1988.

6. The Management has examined MW-1 Rana Santosh Kumar Singh but has not adduced any documentary evidence.

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

The workman namely Sri Ashok Kumar Singh himself advanced his arguments and submitted that total 22 casual labourers were working as Sweeper, Dresser and general mazdoor in Central Hospital Katras that was subsequently taken over by the BCCL out of whom 8 were taken on the roll of the company and their services were regularized as Badli Mazdoor in the year 1988 but the others whose cases were similar, were left by the BCCL which is discrimination and they are entitled to be regularized like the other casual workers and prayed to allow his case and pass award in favour of the workmen.

8. On the other hand the Ld. Counsel on behalf of the management has submitted that out of 22 casual workers, 8 casual workers/sweepers who had completed 240 days attendance in a year, were taken on the roll of the BCCL as Badli Sweeper and the cases of the concerned workmen were not considered because none of them had completed 240 days of the attendance in a year and thus they have no right to regularization nor they have right to the compensation under section 25F and 25G of the I.D. Act, 1947 and prayed to reject the award.

9. Issue

Whether the demand of the Rashtriya Colliery Mazdoor Sangh that Sri Dilip Kumar and 13 other workers (General Mazdoor, Dressers and Sweepers) listed in the annexure, who were removed from service by the management of BCCL, Katras Area-4 in 1985, be reinstated and regularized in BCCL, is just and proper? If so, to what reliefs are the said workers entitled to and from which date?

10. As regards the oral evidence of the workmen, WW-1 Ashok Kumar Singh who is one of the concerned workmen, has deposed that he was appointed in the Central Hospital Katras BCCL as Casual Worker on 01.03.1983 for the post of Dresser. Total 22 persons had been working on different posts on casual basis since 01.03.1983 and they were being paid wages at the rate of Rs. 8.70 per day. They submitted their application to the management of BCCL requesting to declare their services as permanent but the management on 19.05.1988 declared only 8 persons as permanent employee and remaining others were left on the ground that their attendance were less than 240 days in a year but the true fact is that none of the workmen including those 8 persons, had completed attendance of 240 days in a year. As the management has shown discriminatory policy and violated Articles of law and denied regularization, which is totally unjust step taken against them by the management. In the cross-examination he has stated that he was working in the BCCL as Casual worker and not as permanent worker. He was paid Rs. 8.70/- per day. He has annexed the documents that has details of 22 employees and all of them were working as casual workers and were being paid Rs. 8.70/- per day.

11. As regards the documentary evidence though all the documents are photo copies but all are important for the purpose of this case out of which **mark 'X' for Identification** is the request letter for approval written by Medical Superintendent Central Hospital Katras dated 10.10.1984 for deployment of casual workers describing that vide note sheet dated 7.7.83 approval for deployment of casual workers was given earlier which has been extended up to December 1984. On its perusal it is evident that the strength of the workers on roll are few in comparison to the

minimum required strength and that is why to run the hospital deployment of casual workers will continue till minimum requirement is recruited to maintain cleanliness of hospital as well as day to day work and the names of the concerned casual workmen are also mentioned therein. **Mark X/1** is Proforma for regularization of casual workers that contains the names of the casual workers which shows that they were working as sweepers, dressers etc since 1.3.83 and they worked up to 1985. **Mark X/2** is the letter written by the concerned workmen to the Joint Secretary of R.C.M.S. for change of the panel advocate. **Mark X/3** is the copy of Award dated 10.09.2014 and on its perusal it transpires that previously No Dispute Award was passed in this case. **Mark X/4** is notary affidavit of Sri Giridhar Mishra which is not legible. **Mark X/5** is the copy of order dated 29.08.2023 passed by the Hon'ble Jharkhand High Court in L.P.A.No. 128 of 2022 and on its perusal it transpires that the Hon'ble Court have been pleased to set aside the award passed by this Tribunal as well as the order of the Hon'ble High Court in W.P. (L) No. 5571 of 2019 and this reference has been restored with direction to provide opportunities to the parties to lead evidence and pass an award in accordance with law. **Mark X/6 Series** are the note sheet of the Medical Superintendent dated 06.12.1984 by which the General Manager, Katras Area was requested to extend the approval earlier given for the deployment of casual workers in the hospital etc. Another important document of this series is the photo copy of **Memorandum of Settlement** arrived at between the management of Area-IV and Shri L.P. Singh, Secretary, R.C.M.S. on 17.3.1988 and on its perusal it transpires that 8 casual workers who were working as Sweeper in Regional Hospital Katras, after it was taken over by the BCCL, they were kept in casual pool of sweepers at Central Hospital Katras for deployment as Badli Sweeper against leave and sick vacancy of permanent sweepers in the hospital.

12. On the other hand MW-1, Rana Santosh Kumar Singh has deposed that in the year 1983, BCCL had taken over the management of Katras Central Hospital in which 22 casual workers were working at that time out of whom 8 suitable persons who had complete 240 days attendance in a year were regularized whereas the attendance of Sri Ashok Kumar was only 111 days and therefore, he was not regularized. In cross-examination he has stated that he does not remember the names of all the 22 workers working on casual basis and he also does not remember the names of those 8 workers who were regularized. He also does not remember the date of settlement. It has further stated that he also does not remember in which year Ashok Kumar Singh has 111 days attendance and he also does not remember whose attendance out of those 8 suitable persons, was 240 days or above the same.

13. Admittedly total 22 casual workers were working in Central Hospital Katras some of whom were working as Sweeper and others were working as Dresser etc. out of whom 8 casual workmen/sweepers were regularized vide settlement arrived at between the management and the union on 17.03.1988 but rest 14 casual workers were left and not considered for the same.

14. Now the Management has taken the plea that those casual workers who had completed 240 days attendance in a year were regularized as Badli Sweeper and as the other casual workers had not completed 240 days attendance therefore, their cases were not considered for the same and in support of the same the management has also given oral evidence of MW-1 Rana Santosh Kumar Singh who has deposed that the 8 casual workers had completed 240 days attendance in a year so they were regularized and the concerned workmen had not completed 240 days attendance in a year so they were not considered for regularization but to corroborate the same the management has failed to submit/furnish/produce even a single chit of paper which may reveal/prove that 8 casual workers who were regularized by the BCCL, had completed 240 days attendance in a year and on the contrary WW-1 Ashok Kumar Singh has given his testimony that those 8 workmen had also not completed 240 days attendance in a year which goes to prove that the management has adopted pick and choose policy which is illegal.

15. Thus on the basis of the above discussions of the facts, circumstances and evidences on record it is crystal clear that the Management regularized the services of only 8 casual workmen but left other similarly situated workmen which is out and out discrimination and violation of principles of natural justice as well as the spirit of Article-14 and 16 of the Constitution of India. The principle of equality and non-discrimination is the corner stone of Indian Labour Jurisprudence. This is settled principle of law that similarly situated workmen can not be discriminated solely on the ground that they have not completed 240 days of attendance in a year.

16. So in the light of the above this Tribunal comes to the conclusion that all the concerned 14 workmen are entitled to be reinstated by the BCCL but it appears that they were stopped from working in the year 1985 and now 40 years have already gone so in the best interest of justice the Management is directed to give compensation of **Rs. 5,00,000/-** to each of the concerned workmen within a period of 3 months from the date of publication of the Award. The reference is answered accordingly.

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 257/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/461/2001-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 257/2001**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-22012/461/2001 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 257/2001

Parties:

Employer in relation to the management of Sudamdih Incline Mine
of M/s. BCCL, Sudamdih, Dhanbad

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 22/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/461/2001-IR(C-I) dated 29/11/2001 has been pleased to refer the following dispute between the employer i.e. management of Sudamdih Incline Mine of M/s. BCCL, Dhanbad and their workman through Vice President, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the management of Sudamdih Incline Mine is justified in dismissing Sri Dhani Bhuian from service? If not, to what relief is the workman entitled?”

2. On receiving order no. L-20012/461/2001-IR(C-I) dated 29/11/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 257 of 2001 was registered on 06.12.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2007 this case was put up after a long gap on 18.01.2021 and registered notices were issued to both the parties but workman/union did not appear before this Tribunal and the notice of the workman returned with endorsement "Addressee Left". However Sri D.K. Verma, Ld. Advocate on behalf of the management appeared. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 48/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/196/2005-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 48/2010**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20012/196/2005 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 48/2010

Parties:

Employers in relation to the management of Bhowra (N) Colliery of

M/s. BCCL, Bhowra, Dhanbad

AND

Their Workmen

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workmen :- Sri A.D. Choudhary, Ld. Advocate

State : Jharkhand.

Industry:-Coal

Dated 06/01/2026

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) Government Of India through the Ministry of Labour, vide its Order No. L-20012/196/2005-IR(C-I) dated 04/10/2010 has been pleased to refer the following dispute between the employer i.e. management of Bhowra (N) Colliery of M/s. BCCL, Bhowra, Dhanbad and their workman through General Secretary, Colliery KarmcharySangh, Patherdih, Dhanbadfor adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Bhowra(N) Colliery of M/s. BCCL in dismissing Shri Bishnu Kumhar and Dwarka Kumhar Bhowra(G) Colliery of M/s. BCCL is justified? If so, to what relief the concerned workmen are entitled?”

2. The case of the workmen as per the written statement filed on 15.12.2010 is that the workmen Bishnu Kumhar and Dwarika Kumhar respectively were taken into employment vide order dated 04.05.1987-21.05.1987 No. GM-PER/TEMP-Rectt (M) L/87-5807 -11 and dated 04.05.1987-21.05.1987 No.GM-PER/TEMP-Rectt. (M) L/87/5812-16. Both of them were charge sheeted vide No. PS/95/(N) U.G. Mines/CS/152 dated 09-11/12/1995 and PS/95/(N) U.G. Mines/CS/151 dated 09-11/12/1995 respectively and dismissed from employment by the management vide office order dated 03.12.1996, No. PS/96/(N) U.G. Mines/Dismiss/1584 and dated 03-09/12/1996, No. PS/96 (N) U.G. Mines/Dismiss/1583 respectively. It has further been stated that they were taken into employment by the management against especial vacancy of 5000 Miners/Loaders for SC/ST/Land Losers/prospective land-Losers in the year 1986 whose land acquired by the Govt./Govt. Coal Company, vested in BCCL and name sponsored by the employment exchange as per guidelines of the management, meant for the purpose followed by Circular No. D(P)/PS/87/122 dated 03.02.1987. Enquiry was ordered by the Disciplinary Authority after submission of reply of charge sheet of the workmen concerned. The enquiry was conducted and ultimately the concerned workmen were held guilty by hook & Crook proving charge on which basis the concerned workmen were dismissed by the Disciplinary Authority on concocted allegation. The claim of the concerned workmen to reinstate them are just and proper and must be considered to save the family of dismissed workmen from starvation and at last it was prayed to set aside the action of the management and pass order for reinstatement of the workmen concerned with full back wages and attendance.

3. On the other hand the case of the management as per the W/S filed on 10.07.2012 is that the above named workmen i.e. Bishnu Kumhar S/o Sri Jagarnath Kumhar was appointed under Land Looser Scheme to the post of U.G. Miner/Loader in Group VA vide offer of appointment No. 5807-11 dated 4/21.5.87 and posted at Bhowra (North) Colliery initially for a period of 3 months and Sri Dwarika Kumhar S/o Sri Sahadeo Kumhar under Land Looser Scheme to the post of UG Miner/Loader in Group VA vide offer of appointment No. 5812-16 dated 4/21.05.1987 and posted at Bhowra (North) Colliery initially for a period of 3 months with the laid down terms and conditions. The above named persons/their father had offered the land for getting employment under the Land Looser Scheme as under:-

Bishnu Kumhar S/o Jagarnath Kumhar of Bhowra:

<u>Mauza</u>	<u>Mouza No.</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Area</u>
Bhowra	112	37	2028	0.10
			2347	0.24

Dwarika KumharS/o Sahdeo Kumhar:

<u>Mauza</u>	<u>Mouza No.</u>	<u>Khata No.</u>	<u>Plot No.</u>	<u>Area</u>
Bhowra	112	37	1812	0.02
		49	2119	0.06

After scrutiny of the papers it was detected that Sri Bishnu Kumhar had got employment fraudulently and a charge-sheet was issued to him for making false declaration that he owns 0.34 decimal of land under Khata No. 37 as per details indicated in Para 3 above and subsequently it was proved that one Sri Munilal Kumhar also put his representation dated 31.05.1995 for getting employment having 50% of the land in question which was declared by the above named employee. Consequently he was issued a charge-sheet No. 152 dated 9/11.12.95 under Para 26.1.11 & 26.1.15 of the Certified Standing Orders of the Company by the Disciplinary Authority. In case of Sri Dwarika Kumhar it was detected on scrutiny later on that the said quantum of land did not belong to Sri Sahdeo Kumhar as one Sri Munilal Kumhar has submitted his representation dated 31.01.1995 before the management claiming that 50% of land under Plot No 1817, Khata No. 37 Area 0.2 decimal in question belong to him and had requested for getting employment against the said land. Thus it was found that the above named employee had got employment by giving false declaration. He was issued a charge-sheet vide No. 151 dated 9/11.12.1995 under Para 26.1.11 and 26.1.15 of the Certified Standing Order of the company by the Disciplinary Authority. The reply submitted by them were not

found satisfactory and so the Disciplinary Authority decided to get the matter enquired into by appointing the Enquiry Officer and M.R. Both the above named workmen had fully participated in the enquiry, ample opportunities were afforded to them in the course of enquiry by way of natural justice. The notices were issued by the Enquiry Officer with copy to all concerned and submitted his findings. The Disciplinary Authority had given the copy of the enquiry report by way of 2nd show cause notice vide letter no. PS/96/(N)/UG Mines/1534 dated 29.11.1996 to Sri Bishnu Kumhar and vide No. PS/96(N)/UG Mines/1533 dated 29.11.1996 but no reply was submitted to the above notice. The Disciplinary Authority on getting the Enquiry Report from the Enquiry Officer and exhibited documents etc. had applied his mind and come to the conclusion that the charges leveled against both the workmen were fully established and had decided to impose the penalty of dismissal from services of the company upon both the above named employees. The Disciplinary Authority had issued the letter vide No. 1584 dated 3/9.12.1996 to the workman Sri Bishnu Kumhar for his dismissal from the services of the company with immediate effect and thus he was dismissed and accordingly advised to handover all the articles and quarter etc. if any, allotted and get the legal dues from the office. The Disciplinary Authority had issued the letter vide No. 1583 dated 3/9.12.1996 to the workman Sri Dwarika for his dismissal from the services of the company with immediate effect and thus he was dismissed and accordingly advised to handover all the articles and quarter etc. if any, allotted and get the legal dues from the office. Both the above named ex-employees had filed a Writ vide CWJC No. 201/2001 and 202/2001 and subsequently had withdrawn the same which were allowed with the liberty of raising an Industrial Dispute. It has further been stated that it is evident that the action of the management of Bhowra (North) Colliery under E.J. Area, Bhowra of M/s. BCCL is just, fair and quite reasonable in dismissing Sri Bishnu Kumhar and Dwarika Kumhar from the services of the company who got the employment fraudulently by giving false declaration of land although the said quantum of land did not belong to them and thus they are not entitled to get any relief in the case. In rejoinder it has been stated that the contents vide Para-1 of the W/S are about the reference. The contents vide Para-2 of the W/S of the workmen are about getting employment against Land Looser Scheme. The contents vide Para-3 of the W/S of the workmen are about taking disciplinary action by the Disciplinary Authority. The contents of Para-4 of the W/S are about the method of employment and selection after declaration of land. The contents vide Para-5 of the W/S are about holding of the enquiry after getting reply. The contents of Para-6 of the W/S are not correct and baseless. The enquiry was held by the Enquiry Officer where full opportunity was provided to both the charge-sheeted workmen to defend themselves. No complaint against the enquiry officer was there about holding the enquiry. The contents of Para-7 of the W/S are not correct and baseless. The pre-condition of the offer of appointment was declaration of quantum of land and upon that the employment was provided to both of them but later on it was found that the said quantum of land did not belong to them and another claimant from the same plot etc. has demanded employment apart from the employment provided once to the workmen. Thus the employment was obtained fraudulently by the false information. The contents of Para-8 of the W/S has not been commented and at last it was stated that if the enquiry was not found fair and proper, the management may be allowed to lead evidence to prove their case before this Court and prayed that necessary Award may be passed in view of the forgoing submissions.

4. A rejoinder dated 27.12.2012 has also been filed on behalf of the workmen to the W/S of the management in which all the submissions of the management made in his W/S has been denied submitting that the above workmen Bishnu Kumhar and Dwarika Kumhar were taken into employment against special appointment of 5000 vacancies and their names were sponsored by the employment exchange and after passing departmental test satisfactorily they were offered employment in Cat-IV and Certificate of the Land Loser was meant for purpose to meet out with the employment condition and has also challenged the fairness and propriety of the enquiry conducted by the management as well as the dismissal order passed by the Disciplinary Authority.

5. It transpires from the case record that on Preliminary Point no evidence has been laid from the side of the workmen in this case whereas the management has examined MW1 Ram Gahan Ram and adduced the following documentary evidence in his favour:-

In case of Sri BishnuKumhar

Exhibit M-1 – Copy of Charge sheet dated 9/11.12.1995 issued to Bishnu Kumhar.

Exhibit M-2 – A reply dated 15.12.1995 to the charge sheet dated 09/11.12.1995.

Exhibit M-3 –Appointment letter to Sri Bishnu Kumhar dated 04.05.1987.

Exhibit M-4 – Application dated 17.02.1996 of Sri Bishnu Kumhar.

Exhibit M-5 – Enquiry Proceeding.

Exhibit M-6 – Enquiry Report

Exhibit M-7 – Note Sheet

Exhibit M-8 – Letter of dismissal dated 03/09.12.1996 issued to Sri Bishnu Kumhar.

In case of Sri Dwarika Kumhar

Exhibit M-9 – Copy of Charge sheet dated 09/11.12.1995 issued to Sri Dwarika Kumhar

Exhibit M-10 – Reply to the charge sheet dated 15.12.1995.

Exhibit M-11 – Appointment of Enquiry Officer/M.R vide letter dated 16.02.1996.

Exhibit M-12 – Application dated 17.02.1996 of Sri Dwarika Kumhar

Exhibit M-13 – Enquiry Proceeding

Exhibit M-14 – Enquiry Report

Exhibit M-15 – Letter dated 29.11.1996

Exhibit M-16 – Note Sheet dated 04/12.10.1996

Exhibit M-17 – Letter dated 21/22.11.1996 to Project Officer, Bhowra (North).

Exhibit M-18 – Letter of dismissal dated 03/09.12.1996 issued to Sri Dwarika Kumhar.

7. On perusal of the case record it transpires that vide order dated 09.12.2014, this Tribunal has held the enquiry conducted by the management as fair and proper.

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

7. The Ld. Counsel on behalf of the workmen has submitted that both the concerned workmen were taken into employment by the management against Land Loser Scheme of the year 1986 by the management following circular No. D(P)/PS/87/122 dated 03.02.1987 but they were illegally issued charge sheet on the false allegation that they had entered into the services of the BCCL fraudulently by suppressing the material facts. Reply of the same were given by the concerned workmen submitting that prior to their appointment in the year 1987 the petitioners were already registered as Land Loser and were temporarily working there and later on they were given training and after interview they were finally selected and posted. Neither the petitioners nor their father had ever shown themselves to be the absolute and full owner of 34 Decimal of land bearing Plot No. 2028 and 2347 and the allegation levelled against the petitioners are totally false and fabricated. They were given appointment because their fathers were deprived of some land for the purpose of collieries works. They had never denied 50% shares of Munilal Kumhar upon their ancestral land and in the Land Loser Scheme there is no mention of any prescribed area for the job but their reply was illegally rejected and enquiry was conducted illegally and without following the principles of natural justice and their services were terminated without any basis and fault which are illegal and prayed to hold the action of the management of Bhowra Colliery in dismissing the workmen unjustified and illegal and set aside the dismissal order and pass Award in their favour.

8. On the other hand the Ld. Counsel on behalf of the management has submitted that both the concerned workmen were appointed by the management under Land Loser Scheme on the post of UG Miner/Loader on the ground of their claim that they were absolute owner of the land that were acquired by the BCCL but subsequently it was detected that Sri Bishnu Kumhar has got employment fraudulently and a charge sheet was issued to him for making false declaration that he owns 0.34 decimal of land under Khata No. 37 as per details indicated but it was later on found that Sri Munilal Kumhar who submitted his representation on 31.01.1995 for getting employment was also having 50% of the land in question which were declared by the concerned workmen and ultimately this charge sheet was issued and after conducting fair and proper enquiry their services were legally terminated by the BCCL on the ground of entry into services of the company by false declaration and misrepresentation that they were the absolute owner of the acquired land and at last prayed to hold that the action of the BCCL in terminating the services of the concerned workmen is justified and they are not entitled to any relief.

9. **Issue**

Whether the action of the management of Bhowra(N) Colliery of M/s. BCCL in dismissing Shri Bishnu Kumhar and Dwarka Kumhar Bhowra(G) Colliery of M/s. BCCL is justified? If so, to what relief the concerned workmen are entitled?"

10. As regards the oral evidence of the management, MW1 Ram Gahan Ram was the enquiry officer in this case and he has supported the story of the management deposing that the enquiry was held fairly and properly and ample opportunity was provided to both the charge sheeted workmen by way of principles of natural justice to defend their case. In his cross-examination he has admitted that the workmen were given employment as they were land loser and no area for acquisition required for employment.

Now as regards the documentary evidence available on the case record, on perusal of Exhibit M-1 it transpires that this is a copy of charge sheet dated 09/11.12.1995 issued to Sri Bishnu Kumhar Miner/Loader by the Project Officer, Bhowra (N) UG, Mines and on its perusal it is evident that the management had acquired 34 decimal of land under Khata No. 37 Plot No. 2028 & 2347 under Bhowra Mouza No. 112 through Land Acquisition Act in the

year 1981-82 and his father Sri JagarnathKumhar had claimed proprietary right over 34 decimal of land as mentioned above and nominated Sri BishnuKumhar for the employment and accordingly he was offered employment and posted at Bhowra (N) UG Mines vide letter dated 10/18.06.1987. One Sri Munilal Kumhar put up a representation dated 31.01.1995 before the management claiming that 50% of the land in question is belonging to him and requested the management to provide employment against said land and on verification it has been found true and so it was established that he had entered into the employment in the Company fraudulently and his act constitutes misconduct under section 26.1.11 and 26.1.15 under the Certified Standing Order and he was directed to submit his written and signed explanation within 72 hours after receipt of this charge sheet. Exhibit M-2 is the reply of Sri Bishnu Kumhar dated 15.12.95 of the charge sheet issued to him in which he had mentioned that the charges leveled against him are absolutely false, baseless, unjustified, concocted and motivated. Similar allegation was made against him by the Estate Manager Sri J. Prasad vide letter dated 9th May'94 and in reply he had given his explanation that was found to be satisfactory and hence further enquiry was dropped and it is surprising that on the same false and baseless allegations again a charge sheet has been submitted which is absolutely illegal and void ab initio. Prior to his appointment in the year 1987, the petitioner was already registered as a Land Looser and thereafter he was given training and after interview he was selected and posted on 21.05.1987. Neither petitioner nor their father had ever shown themselves to be the absolute owner of 34 decimal of land. They had never denied 50% share of Munilal Kumhar in the same. Neither in letter of appointment nor in the circular dated 28.11.1986 there is any mention of the area of land for which he was regarded as a land looser etc. Exhibit M-3 is the copy of letter dated 04.05.1987 to Sri BishnuKumhar regarding appointment to the post of Temporary UG Miner/Loader in Group VA and on its perusal it transpires that the terms and condition of the appointment have been mentioned therein. Exhibit M-4 is the application dated 17.02.1996 of Sri BishnuKumhar written to Enquiry Officer with request to engage Sri GupteshwarNath Mishra as Co-worker. Exhibit M-5 is the entire enquiry proceeding in which the statement of Sri J. Prasad, M.R. has been recorded in which he has disclosed regarding the facts of the case of the management. The statement of the concerned workman Sri BishnuKumhar has also been recorded in which he has admitted 50% share of MunilalKumhar. Thereafter M.R. has been cross-examined by the co-worker in which he has admitted that there is no mention in the Circular regarding the quantum of land for employment. It further transpires that the statement of Sri Navin Prasad Sharma, Revenue Inspector has also been recorded. The statement of co-workman has also been recorded. Exhibit M-6 is the Enquiry report which further reveals that the statement of M.R C/S workmen, Revenue Inspector and witnesses of C/S workmen has been recorded and ultimately the Enquiry Officer has held the charge sheeted workman BishnuKumhar guilty for not intimating the management for being only 50% shareholder of the land at the time of appointment. Exhibit M-7 is the note sheet dated 04/12.10.1996 and on its perusal it transpires that the Project Officer has come to the conclusion that as the charges leveled against Bishnu Kumhar have been fully established and are of serious nature, he may be dismissed from the services of the Company. Exhibit M-8 is the dismissal order dated 3/9.12.1996 addressed to Sri Bishnu Kumhar and on its perusal it transpires that on the basis of the enquiry report in which the charges leveled against charge sheeted workman Bishnu Kumhar were proved and the same constituted misconduct, he has been dismissed from the services of the Company with immediate effect by the Project Officer, Bhowra (N) UG Mines. Exhibit M-9 is the copy of charge sheet dated 09/11.12.1995 issued to Sri Dwarika Kumhar and on its perusal it transpires that it has been issued by the Project Officer stating that the management had acquired 8 decimal of land under Khata No. 37, Plot No. 1817 Area .2 decimal and Plot No. 2119, Khata No. 49 Area 0.6 decimal under Bhowra Mouza No. 112 through the Land Acquisition Act in the year 1981-82 and his father Sri Sahadeo Kumhar had claimed proprietary right over 8 decimal of land as mentioned above and nominated him for employment and accordingly he was offered employment vide letter dated 4/21.5.87 and posted at Bhowra (N) UG. Mines vide letter dated 10/18.6.87 but Sri Munilal Kumhar put up his representation dated 31.01.1995 before the management claiming 50% of land and requested to provide him employment and on verification it was established that Sri Munilal Kumhar is 50% shareholder of Plot No. 1817 Area 0.2 decimal and thus it has established that he entered into employment in the Company on fraudulent manner which constitutes misconduct under section 26.1.11 and 26.1.15 under the Certified Standing Order and he was directed to submit written and signed explanation within 72 hours of the receipt of charge sheet. Exhibit M-10 is the reply of Sri Dwarika Kumhar dated 15.12.95 of the charge sheet issued to him in which he has mentioned that the charges leveled against him are absolutely false, baseless, unjustified, concocted and motivated. Similar allegation was made against him by the Estate Manager Sri J. Prasad vide letter dated 9th May'94 and in reply he had given his explanation that was found to be satisfactory and hence further enquiry was dropped and it is surprising that on the same false and baseless allegations again a charge sheet has been submitted which is absolutely illegal and void ab initio. Prior to his appointment in the year 1987, the petitioner was already registered as a Land Looser and thereafter he was given training and after interview he was selected and posted on 21.05.1987. Neither petitioner nor his father had ever shown themselves to be the absolute owner of 34 decimal of land. They had never denied 50% share of Munilal Kumhar in the same. Neither in letter of appointment nor in the circular dated 28.11.1986 there is any mention of the area of land for which he was regarded as a land looser etc. Exhibit M-11 is the copy of letter dated 16.02.1996 written to Dwarika Kumhar in which he has been informed that his reply was not found satisfactory and therefore it was decided to hold enquiry for which Sri R.G. Ram, Sr. P.O., Bhowra (N) is appointed as Enquiry Officer and Sri J. Prasad is appointed as Management Representative and he was advised to appear on 17.02.1996 at 11:00 A.M. along with his witness and documents, if any, for his defence and he will be given full opportunity to defend and cross-examine the witnesses, if any.

Exhibit M-12 is the application dated 17.02.1996 of Sri Dwarika Kumhar written to Enquiry Officer with request to engage Sri GupteshwarNath Mishra, Regional President as Co-worker. Exhibit M-13 is the entire enquiry proceeding in which the statement of Sri J. Prasad, M.R has been recorded in which he has disclosed regarding the facts of the case of the management. The statement of the concerned workman Sri Dwarika Kumhar has also been recorded in which he has admitted 50% share of Munilal Kumhar. Thereafter M.R. has been cross-examined by the co-worker in which he has admitted that there is no mention in the Circular regarding the quantum of land for employment. It further transpires that the statement of Sri Navin Prasad Sharma, Revenue Inspector has also been recorded. The statement of co-workman has also been recorded. Exhibit M-14 is the Enquiry report which further reveals that the statement of M.R C/S workman, Revenue Inspector and witness of C/S workman has been recorded and ultimately the Enquiry Officer has held the charge sheeted workmen Dwarika Kumhar guilty for not intimating the management for being only 50% shareholder of the land at the time of appointment. Exhibit M-15 is letter dated 29.11.1996 written by the Project Officer, Bhowra (N) UG. Mines to Sri Dwarika Kumhar in which it has been mentioned that he was charge sheeted for getting employment on fraudulent manner in the Company and Sri R.G. Ram, Sr. P.O, Bhowra (N) UG. Mines was appointed as Enquiry Officer for conducting domestic enquiry in the charge sheet issued to him and he has submitted report and copy of the same was being served to him for information. Exhibit M-16 is the note sheet dated 04/12.10.1996 and on its perusal it transpires that the Project Officer has come to the conclusion that as the charges leveled against Dwarika Kumhar have been fully established and are of serious nature, he may be dismissed from the services of the Company. Exhibit M-17 is a confidential letter dated 21/22.11.1996 written by the Dy. Chief Personnel Manager, Bhowra Area No.-XI to the Project Officer stating that the competent authority has accorded his approval to award punishment as Dismissal from service in respect of Sri Dwarika Kumhar on 16.11.1996 and further action may be taken from his end and he has been requested to ensure supply of enquiry report to the workman before issuance of dismissal letter. Exhibit M-18 is the dismissal order dated 3/9.12.1996 addressed to Sri Dwarika Kumhar and on its perusal it transpires that on the basis of the enquiry report in which the charges leveled against charge sheeted workman Dwarika Kumhar were proved and the same constituted misconduct, he has been dismissed from the services of the Company with immediate effect by the Project Officer, Bhowra (N) UG Mines.

11. On perusal of the entire evidence on record as adduced from the side of the management it is evident that the concerned workmen were given employment under Land Loser Scheme on the basis that their land that was acquired by the BCCL and in pursuance of their appointment letter they joined in the services of the BCCL as UG. Miner/Loader in the year 1987 and it further transpires that subsequently about 8 years later ie on 31.01.1995, one Munilal Kumhar submitted his representation before the BCCL claiming that 50% of the land belonged to him and requested for providing employment against the said land and on verification it was found that Sri MunilalKumhar was 50% shareholder of the land in question and thereafter the charge sheets were issued to both the concerned workmen i.e. Bishnu Kumhar and Dwarika Kumhar alleging that they have entered into the services of the BCCL fraudulently claiming themselves to be the full owner of the land in question that was acquired by the BCCL under land loser scheme and thereafter both the concerned charge sheeted workmen submitted their reply that were not found satisfactory by the management and enquiry was conducted and on the basis of the enquiry report, ultimately both the charge sheeted workmen were dismissed from the services of the company. Though the Ld. Counsel for the workmen has contended that the enquiry was conducted without following the principles of natural justice but vide order dated 09.12.2014 this Tribunal has already held the enquiry as fair and proper which makes it clear that the procedure of the enquiry was fair and there is no procedural illegality but despite that the legality or illegality of the issuance of charge sheet as well as the dismissal order can still be challenged by a workman and here in the instant case on perusal of the entire materials on record it is evident that the management has alleged that concerned workmen entered into the services of the BCCL by claiming themselves to be the full owner of the land in question whereas they are only the 50% shareholder but in its reply the workmen have repeatedly submitted that they never claimed or submitted any application to the effect that they are the full owners of the land in question rather they have already admitted that they have only 50% share under the same and the management, though has submitted overwhelming documents regarding the enquiry proceeding but has utterly failed to submit even a single chit of paper /document either before this Tribunal or during enquiry proceeding itself, which may prove that the concerned workmen had ever claimed before the BCCL that they were the absolute/full owners of the land in question and thus there is no evidence on record to prove any misrepresentation/misconduct by the workmen or that they ever misled the management which breaks down the very back bone of the case of the management and secondly, on perusal of **Exhibit M-5 as well as Exhibit M-13** it is crystal clear that the management representative, J. Prasad in his cross-examination has very clearly admitted that there is no mention in the Circular regarding the quantum of land for employment and the same has also been admitted in the cross-examination by MW-1. At the same time, on perusal of Rule 6.1(iii) of the copy of Circular No. D(P)/PS/87/122 dated 03.02.1987 of the BCCL it is evident that the quantum of land would not be a criteria offering appointment and thus it is crystal clear that there is no specific mention/requirement of the quantum of land under the Land Loser Scheme of the BCCL to offer and get employment and therefore, in the above facts, circumstances and materials available on the case record, this Tribunal comes to the conclusion that as the management has utterly failed to prove any misrepresentation/misconduct by the concerned workmen, the issuance of charge sheets dated 11.12.95 to the concerned workmen as well as the dismissal orders dated 9.12.96 passed against them, are itself highly unwarranted and illegal and accordingly the charge sheets are hereby quashed and dismissal orders are set aside and it is held that the action of the management of Bhowra (N)

Colliery of M/s. BCCL in dismissing Sri Bishnu Kumhar and Dwarika Kumhar Bhowra(G) Colliery of M/s. BCCL is highly unjustified and illegal and they are entitled to their reinstatement and accordingly the management is directed to reinstate them with all consequential benefits from the date of dismissal itself within 1 month from the date of the publication of this Award. This reference is answered accordingly.

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 82/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/263/2001-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 82/2002**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20012/263/2001 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 82/2002

Parties:

Employer in relation to the management of Akashvani, Patna

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- None.

For the workman :- None.

State : Bihar.

Industry:-Information & Broadcasting

Dated 13/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No. L-42012/263/2001-IR(CM-II) dated 24/07/2002 has been pleased to refer the following dispute between the employer i.e. management of Akashvani, Patna and their workman Sh. Deepak Kumar for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of Akashvani, Patna in terminating the services of Sh. Deepak Kumar, workman is legal and justified? If not, to what relief the workman is entitled to?”

2. On receiving order no. L-42012/263/2001-IR(CM-II) dated 24/07/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 82 of 2002 was registered on 02.08.2002 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 02.08.2021, registered notices were sent to both the parties but even thereafter no step was taken from workman side. However Sri Navin Kumar, LDC on behalf of the management appeared on 04.10.2021 and filed his letter of authority thereafter he remained present till 15.12.2021 and second regd. notice was issued to workman and the same was returned with endorsement “नहीं पता चला”. Thereafter on 31.03.2022, 06.05.2022 and 01.07.2022, Sri M. B. Pankaj, Tech. appeared on behalf of the management and filed his letter of authority and thereafter he failed to appear before this Tribunal. It transpires from the case record that workman/union never appeared before the Tribunal which shows that workman/union has lost his interest in this case.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 43/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/18/2011-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 43/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20012/18/2011-IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 43/2011

Parties:

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

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 13/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/18/2011 -IR(CM-I) dated 02/09/2011 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL, Kusunda, Dhanbad and their workman through Area President, Janta Mazdoor Sangh, Kusunda, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of South Balihari Colliery section of P.B. Project of M/s BCCL in not regularizing Sri Siya Ram Yadav to the post of Transport Supervisor is fair and justified? To what relief the workman concerned is entitled to?”

2. On receiving order no. L-20012/18/2011- IR(CM-I) dated 02/09/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 43 of 2011 was registered on 12.09.2011 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 19.01.2022, registered notices were sent to both the parties but even thereafter no step was taken from both sides thereafter again regd. notice was issued to workman/union and the same notice of the workman/union returned with endorsement “Refused”. Thereafter on 27.06.2025 and 29.08.2025, Sri Ranjit Kr. Jha, Legal Inspector for the management appeared but union/workman did not appear before this Tribunal. Though on 19.09.2025, Sri N. Nath, O.S. Legal H.Q for the management appeared before this Tribunal and filed notice of retirement of concerned workmen, Sri Siya Ram Yadav and stating that concerned workman was retired from service on 31.01.2019. So case may be closed.

4. On perusal of the entire case record it transpires that the workman never appeared before this Tribunal since 2022 which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 197.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 84/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/39/2003-आई आर(सी.एम-I)]

सलोनी, उप निदेशक/लिंग अधिकारी

New Delhi, the 16th February, 2026

S.O. 197.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 84/2003**) of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20012/39/2003 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 84/2003

Parties:

Employer in relation to the management of P.B. Area
of M/s. BCCL, Kusunda, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 13/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/39/2003-IR(C-I) dated 19/08/2003 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL, Dhanbad and their workman through Secretary, Rashtriya Mazdoor Union, Bhuli, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of P.B. Area of M/s BCCL in not providing employment to Sri Nagina Bhuia, the dependent son of Late Kripali Bhuia under the provisions of 9.3.2 of NCWA-V and instead considering monetary compensation to the wife of the late workman is fair and justified? If not, to what relief is the said dependent of late Kripali Bhuia entitled?”

2. On receiving order no. L-20012/39/2003-IR(C-I) dated 19/08/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 84 of 2003 was registered on 06/13.10.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2006 this case was put up after a long gap on 17.09.2021 and registered notices were issued to both the parties but both the parties failed to appear before this Tribunal. Thereafter on 12.09.2022 Sri R.K. Jha, Legal Inspector on behalf of the management appeared and after that failed to appear before this Tribunal. Though on 11.07.2025 and 19.09.2025, Sri R.K. Jha, Legal Inspector appeared and on 11.07.2025 second regd. notice was issued to workman/union but even then failed to appear before this Tribunal. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 09/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/97/2006-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I as shown in the Annexure, in the industrial dispute between the Management of BCCL and their workmen received by the Central Government on 16/02/2026.

[No. L-20012/97/2006 – IR (CM-I)]

SALONI, Dy. Director/Link officer

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

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

Reference Case No. 09/2007**Parties:**

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

Of M/s. BCCL, Kusunda, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

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

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 13/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/97/2006 -IR(CM-I) dated 07/02/2007 has been pleased to refer the following dispute between the employer i.e. management of P.B. Area of M/s. BCCL, Kusunda, Dhanbad and their workman through President(C), Coal India ITI Employees Association, Bhuli, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the action of the management of P.B. Project under P.B. Area of M/s. BCCL in denying promotion of S/Sh. Ram Lagan Singh, Sh. Arbind Prasad and Sh. Shambhu Dayal Verma as Foreman(Mech.) T&S Grade ‘B’ is legal and justified? If not, to what relief are these concerned workmen entitled?”

2. On receiving order no. L-20012/97/2006- IR(CM-I) dated 07/02/2007 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 09 of 2007 was registered on 21.02.2007 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After issuance of regd. notice, none appeared on behalf of both the parties. It further transpires from the case record, when the case record was put up after a long gap on 06.01.2022, registered notices were sent to both the parties but even thereafter no step was taken from both sides and the notice of the workman/union returned with endorsement "Addressee cannot be located". Thereafter on 11.01.2024 and 29.08.2025, Sri Ranjit Kr. Jha, Legal Inspector for the management appeared but union/workman did not appear before this Tribunal. Though on 19.09.2025, Sri N. Nath, O.S. Legal H.Q for the management appeared before this Tribunal and filed notice of retirement of all concerned workmen and stating that all the concerned workmen were retired from service. So case may be closed.

4. On perusal of the entire case record it transpires that the workman never appeared before this Tribunal since 2022 which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 16 फरवरी, 2026

का.आ. 199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 03/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/02/2026 को प्राप्त हुआ था।

[सं. एल-20012/195/2002-आई आर(सी.एम-1)]

सलोनी, उप निदेशक/लिंक अधिकारी

New Delhi, the 16th February, 2026

S.O. 199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 03/2003**) of the **Central Government Industrial Tribunal-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL**, and **their workmen** received by the Central Government on **16/02/2026**.

[No. L-20012/195/2002 – IR (CM-I)]

SALONI, Dy. Director/Link officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 03/2003

Parties:

Employer in relation to the management of Incline Mine

Sudamdih of M/s. BCCL, Dhanbad.

AND

Their Workman

Present: Shri Sachindra Kumar Pandey

Presiding Officer

Appearances:

For the Employers :- Sri Dhiraj Kumar, (Legal Inspector).

For the workman :- None.

State : Jharkhand.

Industry:-Coal

Dated 13/01/2026

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/195/2002-IR(C-I) dated 10/12/2002 has been pleased to refer the following dispute between the employer i.e. management of Incline Mine Sudamdih Colliery of M/s. BCCL, Dhanbad and their workman through Joint Secretary, Janta Shramik Sangh, Jharia, Dhanbad for adjudication by this Tribunal:

SCHEDULE

“Whether the management of BCCL, Incline Mine Sudamdih is justified in dismissing Sri Chandan Roy Manjhi from service w.e.f. 24.12.2000? If not to what relief is the workman entitled?”

2. On receiving order no. L-20012/195/2002-IR(C-I) dated 10/12/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 03 of 2003 was registered on 01.01.2003 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents and witnesses in support of their claims.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2007 this case was put up after a long gap on 16.08.2021 and registered notices were issued to both the parties but both the parties failed to appear before this Tribunal and the notice of the workman/union returned with endorsement “Not located”. Though on 27.06.2025 and 19.09.2025, Sri Dhiraj Kumar, Legal Inspector on behalf of the management appeared. It transpires from the case record that workman/union failed to appear before the Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

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

SACHINDRA KUMAR PANDEY, Presiding Officer

आवासन और शहरी कार्य मंत्रालय

नई दिल्ली, 18 फरवरी, 2026

का.आ. 200.—केंद्रीय सरकार एतद्वारा आवासन और शहरी कार्य मंत्रालय के प्रशासनिक नियंत्रणाधीन केंद्रीय लोक निर्माण विभाग के निम्नलिखित कार्यालयों, जिनके 80% से अधिक अधिकारियों और कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम-10 के उप-नियम (4) के अंतर्गत अधिसूचित करती है:

1. कार्यपालक अभियंता, दिल्ली विद्युत मंडल-41, केन्द्रीय लोक निर्माण विभाग, द्वितीय तल, एंड्रूस गंज, नई दिल्ली-110049 (दिल्ली)
2. कार्यपालक अभियंता, अखिल भारतीय आयुर्विज्ञान संस्थान परियोजना मंडल, केन्द्रीय लोक निर्माण विभाग, डी-II, 26-28, किदवई नगर पश्चिम, नई दिल्ली-110023 (दिल्ली)
3. अधीक्षण अभियंता मुंबई-1 का कार्यालय, केन्द्रीय लोक निर्माण विभाग, 5 वी मंजिल, ओल्ड सी.जी.ओ. 101 एम.के.रोड, न्यू मरीन लाइंस, मुंबई-400020 (महाराष्ट्र)

4. अधीक्षण अभियंता, मुंबई-2 का कार्यालय टाइप ई-1/2 सी.जी.एस.कॉलोनी, घाटकोपर (पश्चिम), केन्द्रीय लोक निर्माण विभाग, मुंबई-400086 (महाराष्ट्र)
5. संसद निर्माण मंडल-3, सी-405, चौथा तल, आई.पी. भवन, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली-110002 (दिल्ली)
6. कार्यपालक अभियंता एवं वरिष्ठ प्रबंधक (सिवल-3), आई.आई.टी.प्रो., मंडल-3, केन्द्रीय लोक निर्माण विभाग, नई दिल्ली-110016 (दिल्ली)
7. कार्यालय मुख्य अभियंता, केन्द्रीय लोक निर्माण विभाग, बी-विंग, प्रथम तल, केन्द्रीय सचिवालय भवन, सेक्टर-24, अटल नगर, नया रायपुर-492018 (छत्तीसगढ़)
8. कार्यालय कार्यपालक अभियंता (सिवल), रायपुर-II, केन्द्रीय लोक निर्माण विभाग, केन्द्रीय सचिवालय बिल्डिंग, सेक्टर-24, अटल नगर, नया रायपुर-492018 (छत्तीसगढ़)
9. संसद निर्माण मंडल-1, कमरा न. सी-328, आई.पी. भवन, केन्द्रीय लोक निर्माण भवन, नई दिल्ली-110002 (दिल्ली)
10. क्षेत्रीय प्रशिक्षण संस्थान, केन्द्रीय लोक निर्माण विभाग, तीसरा तल, केन्द्रीय सदन, सेक्टर-VII, सी.जी.एस. कॉलोनी, अन्टोप हिल, मुंबई-40037 (महाराष्ट्र)
11. मुख्य अभियंता एवं कार्यकारी निदेशक, आई.आई.टी. परियोजना रोपड़, केन्द्रीय लोक निर्माण विभाग, बिरला फॉर्म, रोपड़-140001 (पंजाब)
12. कार्यालय कार्यपालक अभियंता (वि), देहरादून, केन्द्रीय लोक निर्माण विभाग, 20-सुभाष रोड, देहरादून-248001 (उत्तराखंड)
13. कार्यालय मुख्य अभियंता-सह-कार्यकारी निदेशक (गुरुग्राम), केन्द्रीय लोक निर्माण विभाग, ब्लॉक-1, लेवल-4, सी.जी.ओ. काम्प्लेक्स, एन.एच.-IV, एन.आई.टी. फरीदाबाद-121001 (हरियाणा)
14. कार्यालय कार्यपालक अभियंता (वै), केन्द्रीय लोक निर्माण विभाग, गाजियाबाद वैद्युत मंडल, एयर फोर्स स्टेशन हिंडन, गाजियाबाद-201004 (उत्तर प्रदेश)
15. कार्यालय कार्यपालक अभियंता (ग्वालियर), 35 सिटी सेंटर, ग्वालियर-474001 (मध्य प्रदेश)
16. कार्यालय कार्यपालक अभियंता-भुवनेश्वर-2, निर्माण भवन, प्लॉट संख्या 188/623-624, पोखरीपुट, भुवनेश्वर-751020 (ओडिशा)
17. कार्यालय मुख्य अभियंता-भुवनेश्वर, निर्माण भवन, प्लॉट संख्या 188/623-624, पोखरीपुट, भुवनेश्वर-751020 (ओडिशा)
18. कार्यपालक अभियंता, डब्ल्यू मंडल, केन्द्रीय लोक निर्माण विभाग, डी-II, 26-28 किदवई नगर पश्चिम, नई दिल्ली-110023 (दिल्ली)
19. मुख्य अभियंता, सेंट्रल विस्टा प्रोजेक्ट जोन-II, केन्द्रीय लोक निर्माण विभाग, सुनहरी बाग, नई दिल्ली-110011 (दिल्ली)
20. कार्यपालक अभियंता और वरिष्ठ प्रबंधक का कार्यालय, आई आई एस ए आर परियोजना मंडल-I, दरवाजा नंबर-22-2-157/5, 102, पहली मंजिल, जेपीआर टॉवर्स, भूपाल हाउसिंग कॉलोनी, टी.एन.पालम, करकंबाडी रोड, तिरुपति-517507 (आंध्र प्रदेश)
21. विशेष महानिदेशक मुंबई का कार्यालय, केन्द्रीय लोक निर्माण विभाग, 16 वी मंजिल, ओल्ड सीजीओ अनेक्स, 101 एम.के.रोड, न्यू मरीन लाइन, मुंबई-400020 (महाराष्ट्र)

22. कार्यपालक अभियंता का कार्यालय, केन्द्रीय लोक निर्माण विभाग, नोएडा मंडल, आई.पी. भवन, नई दिल्ली-110002 (दिल्ली)
23. कार्यपालक अभियंता का कार्यालय, मुंबई-I, केन्द्रीय लोक निर्माण विभाग, 5वीं मंजिल, प्रतिष्ठा भवन, 101 एम.के. रोड, न्यू मरीन लाइंस, मुंबई-400020 (महाराष्ट्र)

[सं. ई-11017/5/2013-हिंदी]

गोपाल प्रसाद, आर्थिक सलाहकार

MINISTRY OF HOUSING AND URBAN AFFAIRS

New Delhi, the 18th February, 2026

S.O. 200.— In pursuance of Sub-rule (4) of Rule 10 of Official Language (Use for official purpose of the Union) Rule, 1976, the Central Government hereby notifies the following offices of the Central Public Works Department under administrative control of Ministry of Housing & Urban Affairs, where more than 80% of officers/employees have attained working knowledge of Hindi:

1. Office of The Executive Engineer, Delhi Electrical Division-41, Central Public Works Department, 2nd Floor, Andrews Ganj, New Delhi-110049 (Delhi)
2. Office of The Executive Engineer, All India Institute of Medical Sciences Project Division, Central Public Works Department, D-II, 26-28, Kidwai Nagar West, New Delhi-110023 (Delhi)
3. Office of The Superintending Engineer, Mumbai-1, Central Public Works Department, 5th Floor, Old CGO, 101 MK Road, New Marine Lines, Mumbai-400020 (Maharashtra)
4. Office of The Superintending Engineer, Mumbai-2, Type E-1/2 C.G.S. Colony, Ghatkopar (West), Mumbai-400086 (Maharashtra)
5. Parliament Construction Division-3, C-405, 4th Floor, I.P. Bhawan, Central Public Works Department, New Delhi-110002 (Delhi)
6. Office of The Executive Engineer & Senior Manager (Civil-3), IITP., Division-3, Central Public Works Department, New Delhi-110016 (Delhi)
7. Office of The Chief Engineer, Central Public Works Department, B-Wing, 1st Floor, Central Secretariat Building, Sector-24, Atal Nagar, Naya Raipur-492018 (Chhattisgarh)
8. Office of The Executive Engineer (Civil), Raipur-II, Central Public Works Department, Central Secretariat Building, Sector-24, Atal Nagar, Naya Raipur-492018 (Chhattisgarh)
9. Parliament Construction Division-1, Room No. C-328, I.P. Bhawan, Central Public Works Department, New Delhi-110002 (Delhi)
10. Regional Training Institute, Central Public Works Department, 3rd Floor, Kendriya Sadan, Sector-VII, CGS Colony, Antop Hill, Mumbai-400037 (Maharashtra)
11. Chief Engineer cum Executive Director, IIT Project Ropar, Central Public Works Department, Birla Farm, Ropar-140001 (Punjab)
12. Office of Executive Engineer (E), Dehradun, Central Public Works Department, 20-Shubash Road, Dehradun-248001 (Uttarakhand)
13. Office of the Chief Engineer cum Executive Director (Gurugram), Central Public Works Department, Block-1, Level-4, CGO Complex, NH-IV, NIT, Faridabad-121001 (Haryana)
14. Office of the Executive Engineer (E), Central Public Works Department, Ghaziabad Electrical Circle, Air Force Station Hindon, Gaziabad-201004 (Uttar Pradesh)
15. Office of the Executive Engineer (Gwalior), 35 City Centre, Gwalior-474001 (Madhya Pradesh)
16. Office of the Executive Engineer, Bhubaneswar-II, Nirman Bhawan, Plot No. 188/623-624, Pokhariput, Bhubaneswar-751020 (Odisha)
17. Office of the Chief Engineer, Bhubaneswar, Nirman Bhawan, Plot No. 188/623-624, Pokhariput, Bhubaneswar-751020 (Odisha)

18. Executive Engineer, W Division, Central Public Works Department, D-II, 26-28 Kidwai Nagar West, New Delhi-110023 (Delhi)
19. Chief Engineer, Central Vista Project Zone-II, Central Public Works Department, Sunehri Bagh, New Delhi-110011 (Delhi)
20. Office of The Executive Engineer & Senior Manager, IISER Project Division-I, Door No.22-2-157/5, 102, 1st Floor, JVR Towers, Bhupal Housing Colony, TN Palem, Karakambadi Road, Tirupati-517505 (Andhra Pradesh)
21. Office of the Special Director General, Mumbai, Central Public Works Department, 16th Floor, Old CGO Annexe, 101 MK Road, New Marine Line, Mumbai-400020 (Maharashtra)
22. Office of the Executive Engineer, Central Public Works Department, Noida Central Division, I.P. Bhawan, New Delhi-110002 (Delhi)
23. Office of the Executive Engineer, Mumbai-I, Central Public Works Department, 5th Floor, Pratishtha Bhawan, 101 M.K. Road, New Marine Lines, Mumbai-400020 (Maharashtra)

[No. E-11017/5/2013-Hindi]

GOPAL PRASAD, Economic Advisor