रजिस्ट्री सं. डी.एल. (एन) 04/0007/2003—05 REGD. NO. D. L. (N) 04/0007/2003—05

# भारत का राजपत्र
# The Gazette of India

सी.जी.-डी.एल.-सा.-30102020-222826
**CG-DL-W-30102020-222826**

**प्राधिकार से प्रकाशित**
**PUBLISHED BY AUTHORITY**

**साप्ताहिक**
**WEEKLY**

**सं. 39] नई दिल्ली, अक्तूबर 18—अक्तूबर 24, 2020, शनिवार/ आश्विन 26—कार्तिक 2, 1942**
**No. 39] NEW DELHI, OCTOBER 18—OCTOBER 24, 2020, SATURDAY/ASVINA 26—KARTIKA 2, 1942**

**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)**

**(केंद्रीय अप्रत्यक्ष कर एवं सीमाशुल्क बोर्ड)**

नई दिल्ली, 14 अक्तूबर, 2020

**का.आ. 948.**—जबकि केंद्र सरकार का यह मत है कि श्री सी.पी.वाघ, सहायक आयुक्त से संबंधित विभागीय जांच के प्रयोजनार्थ सुश्री अल्लादी अर्चना, श्री के. वेंकटेश्वर राव और श्री टी. वी. रवि प्रकाश को गवाह के रूप में बुलाया जाना आवश्यक है।

अब इसलिए, विभागीय जांच (गवाहों की उपस्थिति और दस्तावेजों की प्रस्तुति का प्रवर्तन) अधिनियम, 1972 (1972 का 18) की धारा 4 की उप-धारा (1) में प्रदत्त शक्ति का प्रयोग करते हुए, केंद्र सरकार एतदद्वारा श्री रघु किरण बी., संयुक्त आयुक्त [आईआरएस (सी एंड सीई); कर्मचारी कोड: 3558] को सुश्री अल्लादी अर्चना,

श्री के. वेंकटेश्वर राव और श्री टी. वी. रवि प्रकाश नामक गवाहों के संबंध में इस अधिनियम की धारा 5 में निर्दिष्ट शक्ति का उपयोग करने के लिए जांच अधिकारी के रूप में प्राधिकृत करती है।

विभागीय जांच (गवाहों की उपस्थिति और दस्तावेजों की प्रस्तुति का प्रवर्तन) अधिनियम, 1972 (1972 का 18) की धारा 5 (4), के द्वारा 'इस अधिनियम के तहत कोई भी विभागीय जांच करने वाले प्रत्येक प्राधिकृत जांच अधिकारी को आपराधिक प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 480 एवं 482 के प्रयोजनार्थ एक सिविल कोर्ट माना जाएगा।'

[फा. सं. सी-14011/12/2017-प्रशा.V]

मुकेश सुंदरियाल, अवर सचिव

**MINISTRY OF FINANCE**

**(Department of Revenue)**

(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

New Delhi, the 14th October, 2020

**S.O. 948.**—WHEREAS the Central Government is of the opinion that for the purpose of departmental inquiry relating to Shri C.P.Wagh, Asst. Commissioner it is necessary to summon as witnesses namely Ms. Alladi Archana, Sh. K.Venkateshwara Rao and Sh.T.V.Ravi Prakash.

NOW THEREFORE, in exercise of the power conferred by sub-section(1) of Section 4 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (18 of 1972), the Central Government hereby authorises Sh. Raghu Kiran B., Joint Commissioner [IRS(C&CE); Emp. Code:3558] as the inquiring authority to exercise the power specified in the Section 5 of the Act in relation to witnesses namely Ms. Alladi Archana, Sh. K.Venkateshwara Rao and Sh. T.V. Ravi Prakash.

Vide Section 5(4) of Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, 'Every authorised inquiring authority making any departmental inquiry under this Act shall be deemed to be a civil court for the purpose of sections 480 and 482 of the code of criminal procedure, 1898 (5 of 1898).'

[F. No. C-14011/12/2017-AD.V]

MUKESH SUNDRIYAL, Under Secy.

---

## विदेश मंत्रालय

**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 5 अक्तूबर, 2020

**का.आ. 949.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के सहायक उच्चायोग, सिलहट में श्री महेंद्र चौधरी और श्री अभिमन्यु, सहायक अनुभाग अधिकारीयों को दिनांक 05 अक्टूबर 2020 से सहायक कोंसुलर अधिकारियों के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/06/2020]

विष्णु कुमार शर्मा, निदेशक (सी.पी.वी.)

**MINISTRY OF EXTERNAL AFFAIRS**

(CPV DIVISION)

New Delhi, the 5th October, 2020

**S.O. 949.**—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 1948), the Central Government hereby appoints Shri Mahendra Choudhary and Shri Abhimanyu, Assistant Section Officers as Assistant Consular Officers in the Assistant High Commission of India, Sylhet to perform the consular services with effect from 05 October, 2020.

[F. No. T-4330/06/2020]

VISHNU KUMAR SHARMA, Director (CPV)

नई दिल्ली, 5 अक्तूबर, 2020

**का.आ. 950.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के दूतावास, वाशिंगटन में श्री पीयूष धर, सहायक अनुभाग अधिकारी को दिनांक 05 अक्टूबर 2020 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/03/2019]

विष्णु कुमार शर्मा, निदेशक (सी.पी.वी.)

New Delhi, the 5th October, 2020

**S.O. 950.**—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 1948), the Central Government hereby authorizes Shri Piyush Dhar, Assistant Section Officer in Embassy of India, Washington as Assistant Consular Officer to perform the consular services with effect from 05 October 2020.

[F. No. T-4330/03/2019]

VISHNU KUMAR SHARMA, Director (CPV)

नई दिल्ली, 7 अक्तूबर, 2020

**का.आ. 951.**—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के प्रधान कोंसलावास, दुबई में श्री वि वि सुब्बाराव और श्री अनंत मणि त्रिपाठी, सहायक अनुभाग अधिकारियों को दिनांक 07 अक्टूबर 2020 से सहायक कोंसुलर अधिकारियों के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/03/2018]

विष्णु कुमार शर्मा, निदेशक (सी.पी.वी.)

New Delhi, the 7th October, 2020

**S.O. 951.**—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 1948), the Central Government hereby appoints Shri V.V. Subba Rao and Shri Anant Mani Tripathi, Assistant Section Officers as Assistant Consular Officers in Consulate General of India, Dubai to perform the consular services with effect from 07 October, 2020.

[F. No. T-4330/03/2018]

VISHNU KUMAR SHARMA, Director (CPV)

## कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
## (कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 अक्तूबर, 2020

**का.आ. 952.**—केन्द्र सरकार, एतदद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) सेक्शन-12 लखनऊ, की आदेश सं. 1299/6-पी-12-2020-14(2)डी/2020, दिनांक 4 अक्तूबर, 2020 के माध्यम से जारी सहमति से बलात्कार, हत्या और अत्याचार के आरोपों के संबंध में भारतीय दण्ड संहिता (1860 का 45) की धारा 307, 376डी, 302 और अनुसूचित जाति एवं अनुसूचित जनजाति (अत्याचार निवारक) अधिनियम, 1989 (1989 का 33) की धारा 3(2)(v) के अन्तर्गत चांदपा थाना, जिला-हाथरस (उत्तर प्रदेश) की मामला अपराध सं.136/2020 के संबंध में किए गए अपराध(धों) के अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा एवं/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/26/2020-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
## (Department of Personnel and Training)

New Delhi, the 10th October, 2020

**S.O. 952.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, issued vide Order No. 1299/6-P-12-2020-14(2)D/2020 dated 4th October, 2020 of Home (Police) Section-12 Lucknow, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Uttar Pradesh for investigation into the offence(s) relating to Case Crime No. 136/2020, under sections 307, 376D, 302 of the Indian Penal Code (45 of 1860) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989) of Police Station Chandpa, District Hathras (U.P.) pertaining to the allegations of rape, murder, atrocity and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/26/2020-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 20 अक्तूबर, 2020

**का.आ. 953.**—केन्द्र सरकार, एतदद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) अनुभाग-11, आदेश सं. 716/6-पी-11-20-05डब्ल्यूआरआईटी/2020, लखनऊ, दिनांक 14 अगस्त, 2020 के माध्यम से जारी सहमति से, बैंक ऑफ इंडिया, सुलेम सराय शाखा, प्रयागराज के मुद्रा तिजोरी से धनराशि के दुर्विनियोजन के संबंध में धूमनगंज पुलिस थाना, प्रयागराज में भारतीय दंड संहिता (1860 का 45) की धाराएं 419, 420, 406, 467, 468 और 120-बी के तहत दर्ज मामला अपराध सं. 701/2019 से जुड़े अपराध(धों) का अन्वेषण

तथा ऐसे अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षडयंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/08/2020-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 20th October, 2020

**S.O. 953.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 ( 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, issued vide Home (Police) Section-11, Order No. 716/6-P-11-20-05WRIT/2020 Lucknow, dated 14th August, 2020, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Uttar Pradesh for investigation into the offences(s) relating to the case Crime No. 701/2019, under sections 419, 420, 406, 467, 468 and 120-B of the Indian Penal Code (45 of 1860), of Police Station Dhoomanganj, Prayagraj, pertaining to misappropriation of amount from the Currency Chest of the Bank of India, Sulem Sarai Branch, Prayagraj and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/08/2020-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 20 अक्तूबर, 2020

**का.आ. 954.**—केन्द्र सरकार, एतदद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) सेक्शन-4 लखनऊ, की आदेश सं. 03सीबीआई/VI-पी-4-2020, दिनांक 18 अक्तूबर, 2020 के माध्यम से जारी सहमति से भारतीय दण्ड संहिता (1860 का 45) की धाराएँ 120बी, 34, 406, 408, 409, 420, 465, 468 के अन्तर्गत हज़रतगंज थाना, जिला- लखनऊ (उत्तर प्रदेश) में दर्ज मामला अपराध सं. 318/2020 के संबंध में किए गए अपराध(धों) में अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा एवं/अथवा षडयंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/29/2020-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 20th October, 2020

**S.O. 954.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, issued vide Order No. 03CBI/VI-P-4-2020 dated 18th October, 2020 of Home (Police) Section-4 Lucknow, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Uttar Pradesh for investigation into the offence(s) relating to Case Crime No. 318/2020, under sections 120B, 34, 406, 408, 409, 420, 465, 468 of the Indian Penal Code (45 of 1860) registered at Police Station Hazratganj, District Lucknow (U.P.) and any attempt, abetment and/or

conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/29/2020-AVD-II]

S. P. R. TRIPATHI, Under Secy.

---

## कोयला मंत्रालय

नई दिल्ली, 19 अक्तूबर, 2020

**का.आ. 955**.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii), तारीख 4 अगस्त, 2017 द्वारा प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 2741(अ), तारीख 3 अगस्त, 2017 के प्रकाशन पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि, (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है), में के सभी अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप में केन्द्रीय सरकार में निहित हो गए है ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि सेंट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची, झारखंड (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित भूमि का माप 300.00 हेक्टेयर (लगभग) या 741.00 एकड़ (लगभग) उक्त भूमि में या उस पर के सभी अधिकार तारीख 4 अगस्त, 2017 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :-

(1) सरकारी कंपनी उक्त अधिनियम के उपबंधों के अधीन और अन्य सुसंगत विधियों के अधीन यथा अवधारित सभी प्रतिकर, ब्याज, नुकसानियों इत्यादि और वैसी ही मदों की बाबत् सभी संदाय करेगी ;

(2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, संदेय रकमों का अवधारण करने के प्रयोजनों के लिए धारा 14 के उक्त अधिनियम के अधीन एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और उक्त अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कंपनी द्वारा वहन किए जाएंगे और इसी प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में अपील आदि विधिक कार्यवाहियों की बाबत उपगत, सभी व्यय भी सरकारी कंपनी द्वारा वहन किए जाएंगे ;

(3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की ऐसे किसी अन्य व्यय के संबंध में क्षतिपूर्ति करेगी जो इस प्रकार निहित उक्त भूमि में या उस पर के पूर्वोक्त अधिकारों के बारे में केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो ;

(4) सरकारी कंपनी के पास उक्त भूमि और उक्त भूमि में या उसके ऊपर इस प्रकार निहित अधिकारों को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और

(5) सरकारी कंपनी, ऐसे निदेशों और शर्तों का पालन करेगी, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिये जाएं या अधिरोपित किए जाएं।

[फा. सं. 43015/32/2017- एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

**MINISTRY OF COAL**

New Delhi, the 19th October, 2020

**S.O. 955.**—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2741(E), dated the 3rd August, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 4th August, 2017, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the land and all rights in or over the said land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas, the Central Government is satisfied that the Central Coalfields Limited, Darbhanga House, Ranchi, Jharkhand (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the land measuring 300.00 hectares (approximately) or 741.00 acres (approximately) and all rights in or over the said land so vested, shall, with effect from 4th August, 2017, instead of continuing to so vest in the Central Government, shall vest in the Government Company, subject to the following terms and conditions, namely:-

(1) the Government Company shall make all payments in respect of compensation, interest, damages, etc. and the like, as determined under the provisions of the said Act and other relevant law;

(2) a Tribunal shall be constituted under section 14 of the said Act, for the purpose of determining the amounts payable by the Government Company under condition (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the said Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vested, shall also be borne by the Government Company;

(3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in the said land so vested;

(4) the Government Company shall have no power to transfer the aforesaid rights in the said land so vested, to any other person without the prior approval of the Central Government ; and

(5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[F. No. 43015/32/2017-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 20 अक्तूबर, 2020

**का.आ. 956.**—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार के, कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना संख्या 403, तारीख 6 मई, 2020, जो भारत के राजपत्र,

भाग II, खण्ड 3 उप-खण्ड (ii), तारीख 9 मई, 2020 में प्रकाशित की गई थी, उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 3.229 हेक्टेयर (लगभग) अथवा 7.980 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना में उपाबद्ध अनुसूची में विहित की गई उक्त भूमि के भाग में कोयला अभिप्राप्त है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 3.229 हेक्टेयर (लगभग) अथवा 7.980 एकड़ (लगभग) माप वाली भूमि में और उस पर के सभी अधिकार के अर्जन करने के अपने आशय की सूचना देती है ।

**टिप्पण 1** : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या आरईवी/03/2020, तारीख 14 सितंबर, 2020 का निरीक्षण उपायुक्त, जिला हजारीबाग, झारखण्ड के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता – 700001 के कार्यालय में या महाप्रबंधक, अरगड़ा क्षेत्र, जिला – हजारीबाग, झारखंड के कार्यालय में या महाप्रबंधक (भूमि और राजस्व), सेंट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची – 834029, झारखंड या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन प्लानिंग एंड डिजाइन इंस्टीच्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची – 834008, झारखंड में किया जा सकता है।

**टिप्पण 2**: उक्त अधिनियम की धारा **8** के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं :-

**"8. अर्जन की बाबत् आपत्तियां.-**(1) कोई व्यक्ति, जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना जारी की गई है, हितबद्ध है, अधिसूचना के निकाले जाने के तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा ।

**स्पष्टीकरण.-** इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएँ करना चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए ।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी अपत्तियों को सुनने के पश्चात और ऐसी अतिरिक्त जाँच, यदि कोई हो, करने के पश्चात जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारो के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफ़ारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा, जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते ।"

**टिप्पण 3:** केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता -700001 को उक्त अधिनियम की धारा (3) के अधीन अधिसूचना संख्या का.आ. 2518, तारीख 27 मई,1983, जो भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) में 11 जून, 1983 में प्रकाशित की गई थी, सक्षम प्राधिकारी नियुक्त किया है।

## अनुसूची

गिद्दी 'ए' विस्तार ओसीपी
जिला हजारीबाग (झारखंड)

( रेखांक संख्या आरईवी/03/2020, तारीख 14 सितंबर, 2020 )

**सभी अधिकार :**

| *खंड* | ग्राम | थाना संख्या | थाना/ सर्किल | जिला | *क्षेत्र* | | टिप्पणियां |
|---|---|---|---|---|---|---|---|
| | | | | | हेक्टेयर में | एकड़ में | |
| क | गिद्दी | 36 | डाड़ी | हजारीबाग | 0.081 | 0.200 | भाग |
| ख | गिद्दी | 36 | डाड़ी | हजारीबाग | 0.142 | 0.350 | भाग |
| ग | गिद्दी | 36 | डाड़ी | हजारीबाग | 0.299 | 0.740 | भाग |
| घ | गिद्दी | 36 | डाड़ी | हजारीबाग | 0.073 | 0.180 | भाग |
| ङ | गिद्दी | 36 | डाड़ी | हजारीबाग | 0.032 | 0.080 | भाग |
| च | गिद्दी | 36 | डाड़ी | हजारीबाग | 2.602 | 6.430 | भाग |
| कुल : (क+ख+ग+घ+ड.+च) | | | | | 3.229 हेक्टेयर (लगभग) | 7.980 एकड़ (लगभग) | |

**भू – अभिलेख के अनुसार अधिग्रहित किए जाने वाले प्लॉट का विवरण :**

| खंड | ग्राम | थाना सं. | खाता सं. | प्लॉट सं. | अधिग्रहण की गई भूमि का क्षेत्र (एकड़ में) | भूमि का प्रकार | अभिलिखित भूस्वामी का नाम |
|---|---|---|---|---|---|---|---|
| क | गिद्दी | 36 | 83 | 82 | 0.20 | पुरान परती | सरकारी भूमि |
| ख | गिद्दी | 36 | 86 | 85 | 0.35 | रास्ता | सर्व साधारण |
| ग | गिद्दी | 36 | 83 | 105 | 0.74 | पुरान परती | सरकारी भूमि |
| घ | गिद्दी | 36 | 55 | 635 | 0.12 | टांड - II | महरंगा गंझु, भीमा गंझु और रथवा गंझु |
| | गिद्दी | 36 | 83 | 704 | 0.06 | पुरान परती | सरकारी भूमि |
| ङ | गिद्दी | 36 | 83 | 96 | 0.08 | जंगल परती | सरकारी भूमि |
| च | गिद्दी | 36 | 35 | 112 | 0.86 | टांड - III | घुजा साव और अमृता साव |
| | गिद्दी | 36 | 43 | 113 | 0.01 | मकान | बिहारी महली |
| | गिद्दी | 36 | 43 | 114 | 0.38 | टांड - II | बिहारी महली |
| | गिद्दी | 36 | 83 | 116 | 0.93 | पुरान परती | सरकारी भूमि |
| | गिद्दी | 36 | 9 | 117 | 0.01 | मकान | कार्तिक महली, खतियान उपलब्ध नहीं है |
| | गिद्दी | 36 | 9 | 118 | 0.40 | टांड - II | कार्तिक महली, खतियान उपलब्ध नहीं है |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | गिद्दी | 36 | 83 | 125 | 0.30 | पुरान परती | सरकारी भूमि |
| | गिद्दी | 36 | 42 | 129 | 1.28 | टांड - III | जगदीश साव और बिगन साव |
| | गिद्दी | 36 | 86 | 130 | 0.44 | रास्ता | सर्व साधारण |
| | गिद्दी | 36 | 83 | 694 | 1.20 | पुरान परती | सरकारी भूमि |
| | गिद्दी | 36 | 83 | 695 | 0.62 | पुरान परती | सरकारी भूमि |

**कुल क्षेत्र: 7.98 एकड़**

**सीमा वर्णन :**

| खंड | सीमा रेखा | सीमा वर्णन |
|---|---|---|
| क | ए1-ए2-ए3-ए1 | रेखा बिन्दु 'ए1' से आरंभ होकर बिन्दु 'ए2' और 'ए3' से गुजरते हुए आरंभिक बिन्दु 'ए1' पर मिलती है। |
| ख | बी1-बी2-बी3-बी4-बी1 | रेखा बिन्दु 'बी1' से आरंभ होकर बिन्दु बी2, बी3 और बी4 से गुजरते हुए आरंभिक बिन्दु 'बी1' पर मिलती है। |
| ग | सी1-सी2-सी3-सी4-सी1 | रेखा बिन्दु 'सी1' से आरंभ होकर बिन्दु सी2, सी3 और सी4 से गुजरते हुए आरंभिक बिन्दु 'सी1' पर मिलती है। |
| घ | डी1-डी2-डी3-डी4-डी5-डी1 | रेखा बिन्दु 'डी1' से आरंभ होकर बिन्दु डी2, डी3, डी4 और डी5 से गुजरते हुए आरंभिक बिन्दु 'डी1' पर मिलती है। |
| ङ | ई1-ई2-ई3-ई1 | रेखा बिन्दु 'ई1' से आरंभ होकर बिन्दु ई2 और ई3 से गुजरते हुए आरंभिक बिन्दु 'ई1' पर मिलती है। |
| च | एफ1-एफ-2-एफ3-एफ4-एफ5-एफ6-एफ7-एफ8-एफ9-एफ10-एफ11-एफ12-एफ13-एफ14-एफ15-एफ16-एफ17-एफ18-एफ-19-एफ20-एफ21-एफ22-एफ23-एफ24-एफ25-एफ26-एफ27-एफ-28-एफ-29-एफ-30-एफ1 | रेखा बिन्दु 'एफ़1' से आरंभ होकर बिन्दु एफ़2, एफ़3, एफ़4, एफ़5, एफ़6, एफ़7, एफ़8, एफ़9, एफ़10, एफ़11, एफ़12, एफ़13, एफ़14, एफ़15, एफ़16, एफ़17, एफ़18, एफ़19, एफ़20, एफ़21, एफ़22, एफ़23, एफ़24, एफ़25, एफ़26, एफ़27, एफ़28, एफ29 और एफ30 से गुजरते हुए आरंभिक बिन्दु 'एफ़1' पर मिलती है। |

[फा. सं. 43015/1/2020-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 20th October, 2020

**S.O. 956.**—Whereas by the notification of Government of India in the Ministry of Coal number S.O. 403, dated the 6th May, 2020, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 9th May, 2020, the Central Government gave notice of its intention to prospect for coal in 3.229 hectares (approximately) or 7.980 acres (approximately) of the land in the locality specified in the Schedule annexed to that notification;

And whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification.

Now, therefore, in exercise of powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 3.229 hectares

(approximately) or 7.980 acres (approximately) and all rights in or over the said lands as described in the Schedule appended hereto.

**Note 1:** The plan bearing number Rev/03/2020, dated the 14th September, 2020, the area covered by this notification may be inspected in the office of the Deputy Commissioner, District Hazaribagh, Jharkhand or at the office of the Coal Controller, 1, Council House Street, Kolkata -700 001 or at the office of the General Manager, Argada Area, District Hazaribagh, Jharkhand or General Manager (Land and Revenue), Central Coalfields Limited, Darbhanga, House, Ranchi – 834029, Jharkhand or General Manager (Exploration Division), Central Mine Planning and Design Institute Limited, Gondwana Place, Kanke Road, Ranchi-834008, Jharkhand.

**Note 2:** Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows:-

**"8. Objection to acquisition.-** (1) Any person interested in any land in respect of which a notification under section 7 has been issued, may within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such land.

**Explanation.-**It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall after hearing all such objections and after making such further inquiry if any, as he thinks necessary either makes a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objections, together with the record of the proceeding held by him, for the decision of that Government.

(3) For the purposes of the section, a person shall be deemed to be interested in land, who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

**Note 3:** The Coal Controller, 1, Council House Street, Kolkata-700 001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 2518, dated the 27th May,1983, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 11th June, 1983.

**SCHEDULE**

GIDI 'A' EXPANSION OCP

DISTRICT- HAZARIBAGH (JHARKHAND)

[ Plan bearing number Rev/03/2020, dated the 14th September, 2020 ]

**All Rights:**

| Block | Village | Thana number | Thana/ Circle | District | Area | | Remarks |
|---|---|---|---|---|---|---|---|
| | | | | | in hectares | in acres | |
| A | Gidi | 36 | Dari | Hazaribagh | 0.081 | 0.200 | Part |
| B | Gidi | 36 | Dari | Hazaribagh | 0.142 | 0.350 | Part |
| C | Gidi | 36 | Dari | Hazaribagh | 0.299 | 0.740 | Part |
| D | Gidi | 36 | Dari | Hazaribagh | 0.073 | 0.180 | Part |
| E | Gidi | 36 | Dari | Hazaribagh | 0.032 | 0.080 | Part |
| F | Gidi | 36 | Dari | Hazaribagh | 2.602 | 6.430 | Part |
| Total : (A+B+C+D+E+F) | | | | | 3.229 hectares (approxi-mately) | 7.980 acres (approxi-mately) | |

**Details of plots to be acquired as per land record:**

| Block | Village | Thana No. | Khata No. | Plot No. | Area under acquisition (in acres) | Class of Land | Name of Recorded Tenant |
|---|---|---|---|---|---|---|---|
| A | Gidi | 36 | 83 | 82 | 0.20 | Puran Parti | Govt. Land |
| B | Gidi | 36 | 86 | 85 | 0.35 | Rasta | sarw sadharan |
| C | Gidi | 36 | 83 | 105 | 0.74 | Puran Parti | Govt. Land |
| D | Gidi | 36 | 55 | 635 | 0.12 | Tand - II | Mahranga Ganjhu,Bhima Ganjhu and Rathwa Ganjhu |
| | Gidi | 36 | 83 | 704 | 0.06 | Puran Parti | Govt. Land |
| E | Gidi | 36 | 83 | 96 | 0.08 | Jangal parti | Govt. Land |
| F | Gidi | 36 | 35 | 112 | 0.86 | Tand - III | Ghuja Saw and Amrita Saw |
| | Gidi | 36 | 43 | 113 | 0.01 | Makan | Bihari Mahli |
| | Gidi | 36 | 43 | 114 | 0.38 | Tand - II | Bihari Mahli |
| | Gidi | 36 | 83 | 116 | 0.93 | Puran Parti | Govt. Land |
| | Gidi | 36 | 9 | 117 | 0.01 | Makan | Kartik Mahli, Khatiyan not available |
| | Gidi | 36 | 9 | 118 | 0.40 | Tand - II | Kartik Mahli, Khatiyan not available |
| | Gidi | 36 | 83 | 125 | 0.30 | Puran Parti | Govt. Land |
| | Gidi | 36 | 42 | 129 | 1.28 | Tand - III | Jagdish Saw and Bigan Saw |
| | Gidi | 36 | 86 | 130 | 0.44 | Rasta | sarw sadharan |
| | Gidi | 36 | 83 | 694 | 1.20 | Puran Parti | Govt. Land |
| | Gidi | 36 | 83 | 695 | 0.62 | Puran Parti | Govt. Land |

**Total area: 7.98 acres**

**Boundary Description :**

| Block | Boundary Line | Boundary Description |
|---|---|---|
| A | A1-A2-A3-A1 | Line starts from point 'A1'and passes through points A2 and A3 and meets at starting point 'A1'. |
| B | B1-B2-B3-B4-B1 | Line starts from point 'B1' and passes through points B2, B3 and B4 and meets at starting point 'B1'. |
| C | C1-C2-C3-C4-C1 | Line starts from point 'C1' and passes through points C2, C3 and C4 and meets at starting point 'C1'. |
| D | D1-D2-D3-D4-D5-D1 | Line starts from point 'D1' and passes through points D2, D3, D4 and D5 and meets at starting point 'D1'. |
| E | E1-E2-E3-E1 | Line starts from point 'E1'and passes through points E2 and E3 and meets at starting point 'E1'. |
| F | F1-F2-F3-F4-F5-F6-F7-F8-F9-F10-F11-F12-F13-F14-F15-F16 -F17-F18-F19-F20-F21-F22-F23-F24-F25-F26-F27-F28-F29-F30-F1. | Line starts from point 'F1' and passes through points F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17, F18, F19, F20, F21, F22, F23, F24, F25, F26, F27, F28, F29 and F30 and meets at starting point 'F1'. |

[F. No. 43015/1/2020-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

## श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 19 अक्तूबर, 2020

**का.आ. 957.**—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार नवम्बर, 2020 की पहले दिन को उस तारीख के रूप में नियत करती है, जिससे उक्त अधिनियम के अध्याय IV (धाराएं 44 और 45 के सिवाय जो पहले से प्रवृत्त की जा चुकी है) तथा अध्याय **V** और VI (धारा 76 की उप-धारा (1) और धाराएं 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध तमिलनाडु राज्य के कड्डालोर जिले में पहले से कार्यान्वित किए जा रहे क्षेत्रों के अतिरिक्त संपूर्ण जिले में प्रवृत्त होंगे।

[सं. एस-38013/01/2020-एस.एस-I]

मदन चौरसिया, अवर सचिव

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th October, 2020

**S. O. 957.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the **1st day of November, 2020** as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77,78,79 and 81 which have already been brought into force) of the said Act shall come into force in the Cuddalore district in the State of Tamil Nadu, in whole, in addition to the already implemented areas in the district.

[No. S-38013/01/2020-SS-I]

MADAN CHAURASIA, Under Secy.

नई दिल्ली, 19 अक्तूबर, 2020

**का.आ. 958.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बडौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (53/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.10.2020 को प्राप्त हुआ था।

[सं. एल-12012/3/2011-आई आर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 19th October, 2020

**S. O. 958.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2011) of the , Jabalpur as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 19.10.2020.

[No. L-12012/3/2011-IR(B-II)]

SEEMA BANSAL, Section Officer

**ANNEXURE**

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

**NO. CGIT/LC/R/53/2011**

**Present:** P.K. Srivastava, H.J.S..( Retd)

Shri Shailendra Kumar Verma
S/o Shri Ram Krishna Verma
C/o Manohar Chandrakar,
Chandrakar Paan thela,
Tulsipur, Rajnandgaon
Chhattisgarh (C.G.) …Workman

**Versus**

The Branch Manager,
Bank of Baroda,
Keeka Bhai Compex,
G.E. Road, Rajnandgaon
Chhattisgarh (C.G.) …Management

**AWARD**

**(Passed on this 12th day of October-2020)**

1. As per letter dated 13-6-2011 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification
No. L-12012/3/2011-IR(B-II). The dispute under reference relates to:

"***Whether the retrenchment/termination of services of Sh. Shailendra Kumar Verma, Ex.Peon w.e.f. 25/`1/2006 by the Management of Bank of Baroda, Rajnandgaon , without observing the provisions of Section 25F of the ID Act is justified and legal? What relief the workman is entitled to ? .***"

1. After registering the case on the basis of reference, notices were sent to the parties. Both the sides have filed their respective statement of claim and defense.

2. The case of the workman as stated in his statement of claim is that the applicant was initially appointed as a Loader in 1998 and worked till 25-1-2006. He discharged his duties with utmost honesty, sincerity and to the satisfaction of the Management. He was dis-engaged by Management from 25-1-2006 without notice or compensation which is why Section 25 of Industrial Disputes Act,1947 hereinafter referred by the word "Act", the workman has further alleged that the action of Management is arbitrary unreasonable, unjustified and unlawful being violative of Section 25 of the 'Act" and has sought the relief of his reinstatement with full back wages, setting aside his dis-engagement.

3. The case of the Management is that their never existed the relationship of employer and employee between parties hence the claimant is not a workman as defined under Section 2(S) of the 'Act'. He was never appointed on any post. He never underwent any selection process. Also, it has been pleaded that the Branch Manager's in order to ensure smooth customer services are entitled to engage casual labourer's who are compensated for rendering services whenever engaged to do the work of temporary/casual nature in the absence of regular staff/due to temporary increased in the work of casual nature. Such type of staff is engaged from the eligible candidates from Employment Exchange as per the rules issued in this respect. The claimant was never appointed. He was never on the muster roll of the Bank. He was on daily wages not entitled to any regular appointment. His dis-engagement is as per law because he never completed 240 days in continuous service of Management in the year preceding the year of his dis-engagement.

4. Accordingly, the Management has prayed that the reference be answered against the workman.

5. During the course of hearing, the workmen absented himself hence vide order dated 28-9-2015 the case proceeded ex-parte against the applicant/workmen.

6. No evidence was adduced by applicant/workman whereas Management filed Affidavit of its witnesses. The workman was not present for cross-examination hence his appointment for cross-examination was closed.

7. Heard Arguments of Shri A.K.Shashi, learned counsel for Management. None was present from the workmen side for arguments. Perused the record.

8. **The reference is the point for determination in the case in hand.**

9. It is required to refer Section 25(F) of the Industrial Disputes Act,1947 which reads as follows:-

**25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-**

**(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice: 1[***]**

**(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of continuous service] or any part thereof in excess of six months; and**

**(c) notice in the prescribed manner is served on the appropriate Government 3[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]**

10. The burden to prove that the workmen was engaged in continuous service of Management for a period of 240 days in the year preceding the year of his dis-engagement lies on the workman. The photocopy documents filed by workman have been denied by the Management; hence they cannot be read in evidence, without being proved according to law. Since the documents relied have been proved as per law and there is nothing on record to substantiate the aforesaid claim of the workman, whereas the Management witness has supported the case of Management in its un-cross-examined Affidavit. It is lawful to hold, that the claim of workman, that he was in continuous service of Management for a period of 240 days in the year preceding the date of his dis-engagement is held not proved.

11. Accordingly On the basis of the above discussion, following award is passed:-

**"A. The retrenchment/termination of services of Sh. Shailendra Kumar Verma, Ex.Peon w.e.f. 25/`1/2006 by the Management of Bank of Baroda, Rajnandgaon , without observing the provisions of Section 25(F) of the ID Act is held legal and justified in law."**

**"B. The workman is held entitled to no relief."**

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 12.10.2020

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 अक्तूबर, 2020

**का.आ. 959.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बडौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (35/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.10.2020 को प्राप्त हुआ था।

[सं. एल-39025/01/2020-आई आर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 19th October, 2020

**S. O. 959.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 19.10.2020.

[No. L-39025/01/2020-IR(B-II)]

SEEMA BANSAL, Section Officer

**ANNEXURE**

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

DATED : 09TH SEPTEMBER, 2020

**PRESENT** : JUSTICE SMT. RATNAKALA, Presiding Officer

**ID 35/2013**

| **I Party** | **II Party** |
|---|---|
| Sh. H U Lakshmappa,<br>S/o Late Ugrappa,<br>R/at Handi Kunte Village & Post,<br>Sira Taluk,<br>Tumkur District - 572 113. | The Deputy General Manager,<br>Bank of Baroda,<br>Personal Department (IRD),<br>Head Office, No. 41/2, M.G. Road,<br>Bangalore - 560 001. |

**Appearance**

Advocate for I Party : Mr. Muralidhara

Advocate for II Party : Mr. P Udayashankar Rai

**AWARD**

1. It is a petition under Sec 2-A of the Industrial Dispute Act, 1947 ('the Act' hereinafter).

The 1st Party workman joined the 2nd Party as a Peon during the year 1985 and was promoted as a Clerk in the year 1995; while working at Halevoor from May 2001 he was placed under suspension w.e.f. 09.03.2009 on certain allegations: that was followed by a charge sheet and Domestic Enquiry into the charges. The Enquiry Officer after conducting the enquiry gave his report holding that the charges 1 to 3 are proved and Charge No. 4 is not proved. Acting on the Enquiry Report the Disciplinary Authority imposed the punishment of dismissal, vide order dated 31.03.2012.

2. The 1st Party workman claims that,

the Domestic Enquiry was conducted without providing him sufficient opportunity, the Enquiry Report was given without regard to the evidence on record and without bestowing consideration to the submissions made by him. Punishment order is passed without considering the facts and circumstance of the case and without regard to his unblemished past records. The punishment order is passed by the Disciplinary Authority without application of mind and is devoid of reasons and justifications. The punishment of dismissal is disproportionate to the alleged acts of misconduct, because of the punishment order he has lost his means of livelihood, he is not gainfully employed.

3. The claim is contested. 2nd Party has sought to justify the fairness of the enquiry and the legality of the punishment order. It is further contended that the Enquiry Officer analysed the evidence both oral and documentary and arrived at the conclusion; his contention against the findings of the Enquiry Officer is without merits. Before imposing the punishment, he was called upon for a personal hearing as desired by him, he gave his representation against the enquiry finding. On consideration of his representation and the enquiry records Disciplinary Authority found him guilty of proven acts of misconduct; he exhibited dishonesty in performance of his duty and the Disciplinary Authority rightly imposed the punishment of dismissal from the service of the Bank and the same commensurates with the gravity of misconduct proved against the workman.

4. Initially the claim was made against the Vijaya Bank / former employer of the 1st Party workman, during the pendency of the appeal Vijaya Bank is merged with Bank of Baroda.

5. On the rival pleading pertaining to the procedure of enquiry a Preliminary Issue was framed, tried and adjudicated by holding that the Domestic Enquiry is conducted in a fair and proper manner.

6. Thereafter the 1st Party workman adduced evidence about his unemployment, subsequent to his dismissal.

7. Both learned advocates submitted their argument.

8. The charge sheet dated 13.09.2010 issued to the CSE runs into pages. The imputation of misconduct was imbibed in the charge sheet itself. Details of date of fraudulent transactions, modus operandi of the transaction and the amount misappropriated were detailed. The pith of the allegation was,

Firstly, he made illegal / unauthorised / fraudulent credits / debits to / from various accounts of the customers to his own, without any authorisation from the customers and utilised the same for his benefit in contravention of the guidelines contained in Manual of Instruction 2002-03 thereby committed gross misconduct under sub clause (d) and (j) of Clause 5 of Memorandum of Settlement of Disciplinary Action procedures for workmen dated 10.04.2002.

Secondly, he issued old passbook instead of computerised passbook to the customers entering only the credits instead of making both debit and credit entries as against the provisions of the above cited MOS.

Thirdly, he made payment of cheques without obtaining second signature of the presenter on the back of the cheque and did not note the denomination of the amounts, paid in breach of the above provisions of MOS.

Fourthly, he did not take the print out of user ID wise scroll (cash / transfer) relating to the day's operations and also did not hand over the same to the Supervisor for checking along with the day's voucher which is against the provisions of the above MOS

9. On behalf of the management seven witnesses were examined and 16 documents were produced. The first witness was the Investigating Officer, the Ex Branch Manager of the Branch was the second witness and the then in-charge Branch Manager of Halevoor Branch was MW-7, four of the customers were examined as MW-3 to MW-6.

CSE was assisted by his representative / a Trade Union Activist and he has cross examined all the management witnesses except MW-4, MW-5 and MW-7. Defence did not opt to adduce evidence or to mark the documents. However, submitted his written brief.

The Investigation Report was marked as MEX-1 along with 149 annexures.

10. The Enquiry Officer while drawing his conclusion on each of the allegations pertaining first charge (a to u) has gone through each bit of documentary evidence supported by the evidence of vital witnesses of MW-1 and MW-2.

Charge No. 1(a) pertains to the account holder Smt. H C Latha SB A/c No. 5800; as per the prosecution evidence while passing and making the payment of cheque CSE had not verified the signature of the account holder with the specimen signature, the signatures contained in the cheques / loose slips was not tallying with the specimen signature available at the branch. In some of the cheques payment are made even though post-dated: while making payment second signature of the account holder was not obtained; denomination of the amount paid was not written in respect of the loose cheque 215615, 216355; though it was a computerised branch CSE made entries in passbooks in his handwriting by mentioning the credits only without showing the debits. The account holder MW-3 had identified her complaint Annexure-7. The witness further had given a letter that she had received Rs. 1,00,000/- out of Rs. 1,72,000/- and Rs. 72,000/- was still pending. This witness categorically denied the signatures found in the cheque slips / withdrawal slips. The evidence of this witness was not at all contradicted during the cross examination, instead assertion was extracted that she has received Rs. 1,72,000/- from the Branch, after giving her complaint Annexure -7.

Likewise, the oral evidence coupled with documentary proof pertaining to charge No. 1 d to u was examined by the Enquiry Officer in threadbare.

Another customer Smt. Venkatamma / MW-6 A/c No. 6664 identified her complaint Annexure-75 pertaining to charge 1 (j); during cross-examination 1st Party extracted from her that she got back her Rs. 17,000/- after giving Annexure-76.

With regard to charge No. 1(m) the customer Smt. Leelavathi SB A/c No. 6685 was examined as MW-5; during the cross examination it was extracted from her that she received Rs. 3,000/- from the branch after giving complaint Annexure-91, however the evidence of the prosecution was Rs. 4,000/- was withdrawn unauthorisedly by CSE.

With regard to allegation 1(n) about unauthorised withdrawal of Rs. 5,000/- the account holder was examined as MW-4; during her cross examination she admitted that she has received her Rs. 5,000/- from the Bank after giving complaint Annexure-96.

On a categorical scrutiny of the above the Enquiry Officer has recorded that CSE made illegal / unauthorised / fraudulent credits / debits to / from various accounts of the customers without authorisation from the customers. The eventuality was finding to Charge No. 2 and 3 went against the CSE.

However, with regard to Charge No. 4 the defence was, there was no practice at the Branch to take printouts of daily transactions and the vouchers were not verified with that of the printouts taken. The allegation was the omission on the part of the CSE amounts to violation of the provisions contained in HOC 02/2004 dated 01.01.2004. The Enquiry Officer on a verification of HOC 02/2004 finds that there is no such provision for taking the printout of the user ID wise scroll relating to day's operation, thus Charge No. 4 was held not proved.

11. The Disciplinary Authority proposed the punishment of 'Dismissal from the services of the Bank with immediate effect' and called for his representation.

12. The 1st Party in his explanation contended that his alleged handwriting was not subjected to handwriting expert's opinion; the management though cited 24 witnesses, examined only 7 witnesses. On his request personal hearing was also given, however Disciplinary Authority having not been convinced with his representations endorsed the Enquiry Report and proceeded to confirm the proposed punishment. The finding of the Appellate Authority has followed the suit.

13. The enquiry finding is entirely based on the evidence produced by the prosecution which could not be successfully shattered / rebutted by the defence. The alleged misconduct is not the result of unintentional lapse. His intentional indulgence in the transaction is radiating from the evidence. It is not the number of witnesses which needs to be counted upon but quality of evidence. The 2nd Party has successfully brought home the guilt of the 1st Party workman. The Bank being a custodian of the public money its very survival is founded on the trust reposed by its customers. That calls for unimpeachable integrity and honesty of its employees. Unfortunately, the 1st Party workman has committed gross misconduct which is detrimental to the Bank, thus guilty of misconduct within the definition of clause 5(d) and (j) of MOS on Disciplinary Action Procedures for Workmen dated 10.04.2002. The Enquiry Report is neither perverse nor arbitrary and the order of the Disciplinary Authority is a speaking order and the punishment imposed is proportionate as against the nature of the charge proved.

**AWARD**

The petition filed under Sec 2-A of the Industrial Dispute Act, 1947 by the 1st Party workman is dismissed.

(Dictated to o/s Steno, transcribed by her, corrected and signed by me on 09th September, 2020)

Justice Smt. RATNAKALA, Presiding Officer

नई दिल्ली, 19 अक्तूबर, 2020

**का.आ. 960.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (02/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 19.10.2020 को प्राप्त हुआ था।

[सं. एल-39025/01/2020-आई आर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 19th October, 2020

**S. O. 960.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2010) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the management of Canara Bank, and their workmen, received by the Central Government on 19.10.2020.

[No. L-39025/01/2020-IR(B-II)]

SEEMA BANSAL, Section Officer

**ANNEXURE**

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

DATED : 09TH SEPTEMBER, 2020

**PRESENT** : JUSTICE SMT. RATNAKALA, Presiding Officer

**ID 02/2010**

| **I Party** | **II Party** |
|---|---|
| Smt. B M Tulasi,<br>C/o Sh. Purushottam K A,<br>Hoddur Village,<br>Madikeri Taluk - 571 252. | Assistant General Manager,<br>Canara Bank,<br>Regional Office,<br>Kuvempu Nagara,<br>Mysore - 570 023. |

**Appearance**

Advocate for I Party : Mr. M. Rama Rao

Advocate for II Party : Mr. Ramesh Upadhyaya

**AWARD**

1. This is a petition filed under Sec 2-A(2) of the Industrial Dispute Act, 1947 (hereinafter 'the Act') by former employee of the 2nd Party Bank who was dismissed from service w.e.f. 25.03.2010 as a measure of Disciplinary Action since certain charges came to be proved against her in a Domestic Enquiry. She was under suspension w.e.f. 25.02.2006.

Before this Tribunal she challenges her dismissal on various grounds like, non-payment of proper subsistence allowance during the suspension period, irregularity in appointment of Enquiry Officer, conduct of enquiry and illegality of the punishment order etc.

2. The 2nd Party Bank countered all the claim statement allegations and sought to justify the action taken against her.

3. Initially the claim was made against the Syndicate Bank / former employer of the 1st Party workman, during the pendency of the appeal Syndicate Bank is merged with Canara Bank.

4. In view of the rival pleadings pertaining to the propriety and fairness of the Domestic Enquiry a Preliminary Issue was raised, tried and adjudicated: vide order dated 08.09.2017, the Domestic Enquiry was held as not fair and proper. The 2nd Party in their statement had sought to establish the charges by leading fresh evidence before this Tribunal in the event Domestic Enquiry is held as not fair and proper.

5. On adjudication of Preliminary Issue 2nd Party examined one witness and 135 documents were marked.

Rebuttal evidence is adduced by the 1st Party.

6. As per the charge sheet dated 13.03.2007 the allegation against her may be epitomised as below :

She was transferred from Madikeri Branch on 01.02.2001 and was entrusted with SB / Cash Department at Chettalli branch; she used to be on officiating charges whenever the Branch Manager was going out for recovery; She misappropriated funds in the accounts of the Customers of the Branch by not crediting the amount remitted by the Customers; she reportedly committed various irregularities, fraudulent acts, falsified the records such as transferring funds from the customers' accounts to her own SB account and siphoning of funds, transferring amounts from the SB accounts of the customs to the accounts of persons from whom she had borrowed funds, inflating the amounts in the withdrawal slips, and pocketing the difference, not depositing to the respective accounts etc., mostly while she was officiating the charge of Branch Manager. Once she deposited 3.08 lakhs of the misappropriated amount at the Branch as against Rs. 3,38,500/- to be reimbursed to the various customers in respect of such fraudulent withdrawals.

7. Imputation of misconduct was incorporated in the charge sheet itself detailing 20 fraudulent debit transactions made by her are cited as first charge.

Secondly, she borrowed money from the customer Sh. T A John, SB A/c No. 7309 and had issued two cheques for Rs. 50,000/- and Rs. 20,000/- respectively and the cheques were returned with the reason 'insufficient balance'.

Thirdly, on 08.04.2005 she transferred funds of Rs. 20,000/- from the account of Smt. M D Geetha SB A/c No. 6988 to her own account.

Fourthly, on 05.11.2005 she did not credit Rs. 3,500/- + Rs. 3,500/- handed over to her to credit to the Customers Sh. A B Mohan SB A/c No. 1460 and Smt. Sinabi SB A/c No. 5015 respectively.

On 03.01.2006 she misappropriated a sum of Rs. 10,000/- of the customer Sh. Nitish Nanjappa SB A/c No. 5999 by altering the withdrawal slip and posting the entries by using the passwords of Smt. Vasantha Gouda authorised by the Branch Manager.

On 29.10.2005 while working as the Cashier she misappropriated Rs. 30,000/- from the SB Account of Sh. Muthappa A/c No. 4201.

On 02.02.2006 she misappropriated Rs. 10,000/- from the Account of Customer Msrs. Swathi SB A/c No. 7163. Thus, she misappropriated the amount deposited / handed over to her by the customer for credit to their account by not crediting the same to the respective SB Accounts.

Fifthly, she altered / not shown correct balance in the Passbooks of the customers, misplaced the Passbooks of some customers.

Sixthly, she debited from the accounts of customers mentioning withdrawal slip numbers without obtaining any withdrawal slips from them. Thus, on 30.08.2005 she debited Rs. 40,000/- from the account of Smt. Kamala SB A/c 4109 and credited to Sh. P P Rishi A/c No. 7440.

On 18.02.2006 she debited an amount of Rs. 20,000/- from the account of Smt. Kaveramma A/c No. 5818.

Seventhly, she altered Standing Instruction Slips on various dates and credited the amount to various SB A/c customers from whom she had borrowed the money; from the account of those customer she had made fictitious debit entries on earlier occasions, as against the standing instruction entries amounting to Rs. 4,400/- from the account of Sh. A B Mohan SB A/c No. 4160 she increased the figures to Rs. 14,400/- and credited an amount of Rs. 10,000/- to the SB Ac/ No. 2881 by debiting Rs. 10,000/- to Sh. A B Mohan.

As against the standing instruction entries amounting to Rs. 4.530/- for 06.12.2005 she altered the figures by Rs. 14,530/- and excess amount of Rs. 10,000/- was credited to SB A/c of Sh. Velachami.

In the transaction of standing instruction of Rs. 41,000/- which was adjusted by debiting Rs. 6000/- as MT, Rs. 25,000 of Sh. P V subbanna SB A/c No. 6703 and balance amount of Rs. 10,000/- was inflated in the cash slip of SB 2676 of Sh. I K Subbaiah; Rs. 5000 was deposited by way of cash in SB A/c 2676 of Sh. I K Subbaiah which was inflated to Rs. 15,000/- simultaneously inflated standing instruction debit by Rs. 10,000/- thereby tallying Day book on 21.07.2005. Thus, she removed Rs. 10,000/- by way of cash.

Eighthly, she had given witness for encashment of the cheques even though the signature of the Account holder Sh. Muthappa SB A/c No. 4201 did not tally with the specimen signature lodged with the Branch.

8. The witness examined before this Tribunal on behalf of the 2nd Party is the present Branch Manager of Chettalli Branch; he has joined the service of the 2nd Party on 28.02.2011 and has no personal acquaintance about any of the alleged misconduct. His examination in chief evidence is a mere reiteration of the charge sheet allegations and he identified 135 documents as Ex M-1 to Ex M-135.

During the cross examination he expressed ignorance to the suggestion that one Smt. Vasantha Gowda was the senior official in the Branch who was entrusted with officiating work of the Branch. He is unaware whether if any Disciplinary Action is taken against Smt. Vasnatha Gowda for posting the amounts under her password or against the Branch Manager Sh. Janardhan for authorising the transactions.

9. Rebuttal evidence is adduced by the 1st Party workman denying the entire allegations. She denies the suggestion that she reimbursed Rs. 3,00,000/- to the Bank, she admits her signature on Ex R-2 (Ex R-2 was marked during the enquiry on Preliminary Issue as the Management document) which is a typed letter by the 1st Party workman. In this letter she had stated that she was issued a charge sheet No. 881/ROM/PC/JBG Dated 13.03.2007 on certain allegations, after one year of her suspension. She reiterates the version given by her on earlier occasion that ...due to mental / financial pressure certain irregularities might have crept in..... but they are all unintentional and most of them were cross checked / verified by the Branch Manager…Branch Manager and

Investigating Officer have obtained written statements from her only to safeguard the Manager of the Branch and to victimize her.

10. On admission of her signature at Ex R-2 as Ex R-2A she got alerted herself; when confronted with the signature found on her claim statement she was reluctant to identify the same and gone to the extent of stating that she cannot understand the contents of the claim statement and expressed ignorance as to who drafted the claim statement for her. Though she admitted her acquaintance with some of the customers of the Branch, disputed her acquaintance with the customers named in the charge sheet from whose accounts she is alleged to have misappropriated. She stated that it was a small Branch with one Manager and two Clerks and she was Senior to Smt. Vasantha Gowda.

11. There is a time gap of almost 15 years from the date of alleged fraudulent transaction to the day 2nd Party adduced evidence before this Court to sustain the charges. The workman lost 16 months of service by the punishment order imposed on her. Though no effort is made by the 2nd Party to prove the charges by examining direct witnesses like Investigating Officer, the then Manager of colleague of the workman. Facts remain that the documents marked for the 2nd Party are all documents which were created / communicated during the course of official transaction. A favourable presumption coexists under Sec 114(e) of the Indian Evidence Act, that judicial and official acts have been regularly performed.

12. The 1st Party in her affidavit evidence had stated that irrelevant documents are produced to link her to the allegations, as per the records it is only the Branch Manager Sh. Janardhan and the Senior Clerk Smt. Vasantha Gowda whose complicity in the alleged fraudulent transaction is forthcoming. While making such an averment she did not dispute the veracity or genuineness of the documents.

13. The documents marked as Ex M-1 to Ex M-135 were also marked during the Domestic Enquiry before the Enquiry Officer and was the subject matter of enquiry. On behalf of the 2nd Party the Investigating Officer was the witness during Domestic Enquiry. The 1st Party had not adduced rebuttal evidence. Based on the evidence of prosecution witness, defence raised through cross examination of Management witness and oral submission, the Enquiry Officer had held all the 8 charges proved. Be that as it may, before this Court the 1st Party workman admitted her signature on Ex R-2 which was already marked during the enquiry on Preliminary Issue: yet in another letter dated 14.02.2006 which is marked as Ex M-1 during Domestic Enquiry she had stated that she has drawn cash from various parties without no entry in Pass Book, she has cited the SB Account Number and names of account holders and shown that the amount is paid to 8 of them. The letter reads thus,

'.. I have adjusted the same by deleting to the ACs. I hereby agree to pay to which I have adjusted without the consent of the Party. Now I have contacted (?) the Account holders and informed them to give me some time to adjust the same. They have agreed for the same, they will no claim against bank any amount. I will the pay the balance within fifteen days the same was not brought to the notice of Manager.

Since I have done the mistake and now realised (?) the same and assure that the same will not occur in future. I apologise and beg for you pardon in future the same.

Yours faithfully, singed B M Tulasi, 152532.

14. The carbon copy of a letter dated 17.02.2006 which is marked as Ex MEX-2 reads thus,

To

The Manager,
Syndicate Bank,
Chettalli,

Dear Sir,

I have adjusted the cash from some parties, that I have already given the details on 14.02.2006.

My sincere apologies. Although it happened inadvertently yet I am agreed to pay the which and have adjusted the Acs as early as possible.

I promise that in future I shall be extra vigilant to see it will not happen again.

Once again in the end I again ask for your forgiveness. I hereby certify that no any other accounts are had a mistake.

Thanking you,
Yours sincerely

Signed (B M Tulasi)

15. Ex MEX-138 dated 27.04.2006 which was marked during the Domestic Enquiry reads as under:

From
B M Tulasi,
Employee 152532, Clerk,
Chettalli

To

The Manger,
Syndicate Bank,
Chettalli.

Dear sir,

Sub: Fraud amount

I hereby depositing Rs. 1,00,000/- to my SB 7800 (not legible). Kindly adjust the same to various Acs which I have to pay. The balance will be paid within a week.

Kindly do the needful,
Yours faithfully,
Signed (B M Tulasi)

16. Ex MEX-139 dated 27.06.2006 reads thus:

From

Smt. B M Thulasi,
Madikeri.

To

The Manager,
Syndicate Bank,
Chettalli.

Dear Sir,

I hereby deposit Rs. 1,40,000/- in addition to Rs. 1,40,000/- already paid by me to adjust towards the customers a/c which withdrawn fraudulently. Kindly adjust the same towards the said a/cs. The balance will be paid within a one month. Kindly permit the same.

Thanking you.
Yours faithfully,
signed (B M Thulasi)

17. Ex MEX-140 dated 17.07.2006 reads thus:

From

Smt. BM Tulasi,
Madikeri.

To

The Manager,
Syndicate Bank
Chettalli.

Dear Sir,

I hereby depositing Rs. 2,80,000/- in addition to Rs. 2,80,000/- already paid by me to adjust towards the customer a/c which withdrawn fraudulently. Kindly adjust same towards the said a/cs. As of now I have paid full Rs. 3,08,000/- and Rs. 1,500/- to meet any other expenses which is incurred by customers for providing information.

Yours faithfully
Singed (B M Tulasi)

18. All the above letters are part of the Enquiry proceedings which were marked before this Tribunal as Ex R-3. There is one more letter which is marked as Ex MEX-141 during the Domestic Enquiry and separately marked as Ex M-134 before this Tribunal during the enquiry on Preliminary Issue. This letter is addressed to the Vigilance Officer by the Branch Manager stating that the 1st Party workman has paid full amount of fraudulent amount withdrawn by her as on dates. The Manager has detailed payment of Rs. 3,08,000/- under four instalments.

In fact, it is the charge sheet allegation that she misappropriated to a tune of Rs. 5,67,000/- however deposited Rs. 3,08,000/- at the Branch after detection of the fraud, as against the outstanding amounts of Rs. 3,38,500/- to be reimbursed to the various customers.

19. In her affidavit evidence she denied the above allegation stating that she has not reimbursed the Bank admitting misappropriation by her; she has not given letter admitting her misconduct. But the above denial is vague without specifically disputing the letter said to have been written by her to the Branch Manager as per Ex M-1. It is not her case that Ex M-1 is not in her handwriting and it's contents are false. Ex M-2 though is a carbon copy has the credential value to be considered as a primary evidence as per the provisions of Sec 62 of the Indian Evidence Act.

20. Since Ex M-1 and Ex M-2 are not specifically denied by the 1st Party it shall be reasonably presumed that they are the admitted documents which takes us to the legal proposition that facts admitted need not be proved as per Sec 58 of the Indian Evidence Act.

21. It was already more than 14 years when the management witness entered the witness box to adduce his evidence in furtherance of the charges. It is an Industrial adjudication, in every occasion document is not expected to be proved compulsorily by examining its author. The Apex Court as early as in its judgment in the matter of State of Haryana and another vs Rattan Singh, AIR 1977 SC 1512 observed thus:

> 'It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. Ail materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. For this proposition it is not necessary to cite decisions nor text books, although we have been taken through case law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Of course, fairplay is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good'.

22. The 1st Party in her written arguments has highlighted following points:

that MW-1 is ignorant as to whether Ex M-1 is written by 1st Party workman; some of the documents are not the originals; the Bank statements do not reveal the password of the 1st Party workman and do not disclose that it was she who entered or passed the transactions; some of the documents do not bear the seal and signature of the Bank Manager. In the OG 73 Ex M-32 the Bank Manager has authorised the transaction of Rs. 20,000/-; in Ex M-15 pertaining to alteration it is not attested by Bank Manager (?); at Ex M-39 – debit slip for Rs. 14,400/- signature of the 1st Party differs; MW-1 could not identify the authors whose signatures are on the vouchers of Ex M-42, Ex M-43, Ex M-54, Ex M-56, Ex M-60, Ex M-62, Ex M-63 and Ex M-67. 1st Party has objection in respect of the 62 documents since they are not identified by the respective authors / receivers / custodians. The 2nd Party ought to have proceeded against the Manager who had authorised the transactions and the Senior Clerk Smt. Vasantha Gowda under whose password the entries were made. Judgment of the Hon'ble High Court of Madras in the W.P No. 17902/2009 in the matter of G R Swamy vs the Presiding Officer, CGIT and another is relied.

23. Accepting the objections raised by the 1st Party about admissibility of the documents for argument sake, still their remains a part of the charge which is admitted by the 1st Party as observed in the preceding paras i.e. out of the amount to be reimbursed to the various customers in respect of fraudulent withdrawals made by her she deposited Rs. 3,08,000/- at the Branch after detection of the fraud. Dehors any other allegation / proof of allegation her conduct by itself amounts to temporary misappropriation of funds of the customers of the Bank. This fact by itself is sufficient to hold that she has committed Gross Misconduct under Clause 5 of the

MOS dated 10.04.2002 applicable to her. As per Clause 5(j) of MOS dated 10.04.2002 gross misconduct is defined as 'doing any act prejudicial to the interest of the Bank or gross negligence or negligence involving or likely to involve the Bank in serious loss.'That drives me to hold that she has committed temporary misappropriation of Rs. 3,08,000/-. It is not for her to allege discrimination for not initiating disciplinary action against the Manager of the Bank and her colleague Smt. Vasantha Gowda; she herself has admitted during cross examination that Smt. Vasantha Gowda was junior to her.

24. Still I am not inclined to endorse the punishment of dismissal for the following reason - she joined the service on 05.11.1973 and service continuously for 36 years and in between period it appears there was no loop in her service; on the date of her dismissal she was left with 16 months of service. Though she was working at Chettalli Branch ever since 15.01.2001 the fraudulent transactions alleged, have occurred from 11.04.2005 onwards. Viewed from this point the punishment order is severe and too harsh upon her. Taking a balanced view about the gravity of the offence proved viz a viz the honesty, integrity and loyalty, expected of an official of a Nationalised Bank who is the custodian of the public money, I am of the opinion that dismissal order needs to be interfered under Sec 11-A of 'the Act' by modifying the punishment of Dismissal to Compulsory Retirement with all terminal benefits and pension benefits.

**AWARD**

The petition filed by the 1st Party workman under Sec 2-A(2) of the Industrial Dispute Act, 1947 is allowed in part.

The order of Dismissal passed by the Disciplinary Authority dated 19.03.2010 whereby she was dismissed from service 'with immediate effect' and the consequential punishment of treating her as 'Not on Duty' during the suspension period disentitling her for back wages, notional increments / consequential benefits during the period of suspension is modified to order of Compulsory Retirement with effect from 19.03.2010 with all terminal benefits and pension benefits, the period of her suspension shall be treated as on duty for all practical purposes.

(Dictated to o/s Steno, transcribed by her, corrected and signed by me on 09th September, 2020)

Justice Smt. RATNAKALA, Presiding Officer

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 961.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरणमें, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवादमें केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 1/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/99/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 961.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/2018*)* of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/99/2017-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer

Dated the 14th day of August, 2020

**INDUSTRIAL DISPUTE No. 1/2018**

**Between:**

Sri Bandari Satyanarayana,
President, Telengana Trade Union Congress
Hamaliwada, Near Ashok Talkies,
Shivaji Band Street, Mancherial-504 208.
Adilabad Dist. … Petitioner/Union

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri-504231. …Respondent

**Appearances:**

For the Petitioner : None

For the Respondent : M/s. P.A.V.V.S. Sarma, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L- 22012/99/2017-IR(CM-II) dated 16.11.2017 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mancherial Dist.(TS), in terminating the services of Sri Hazimeera Hakku, Ex-CF, RK-I Inc., Mandamarri Area with effect from 20.9.2003 is justified or not? If not, to what relief the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 1/2018 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement by the Petitioner.

3. Inspite of repeated calls, the Petitioner did not turn up. Several opportunities have been given to the Petitioner Union to attend the court to prosecute the case. But the Petitioner Union failed to attend this Tribunal which clearly indicates that perhaps the dispute of the Petitioner Union has already been settled and the Petitioner Union has no claim to raise against the Respondent. Hence, the case of the Petitioner Union is closed and a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 14th day of August, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 962.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 4/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/68/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 962.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2018*)* of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.0.2020.

[No. L-22012/68/2017-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer
Dated the 10th day of August, 2020

**INDUSTRIAL DISPUTE No. 4/2018**

**Between:**

Sri Sriramulu Prasad,
H.No.17-4-386, Thilaknagar Down,
Near Abhinava School,
Godavarikhani- 505209
Peddapalli Disttt. (Telengana State) …Petitioner

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam-II Area, GDK-8 Inc., Colony,
P.O. – 505211, Peddapalli Disttt. (Telengana State) …Respondent

**Appearances:**

For the Petitioner : None

For the Respondent : M/s. P.A.V.V.S. Sarma, P. Vijaya Laxmi & Dasaradha Ramulu, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/68/2017-IR(CM-II) dated 16.11.2017 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavarikhani, Karimnagar Dist., in terminating the services of Sri Sriramulu Prasad, Ex- Coal Filler, GDK-6A Inc., SCCO Ltd., Ramagundam-II Area, with effect from 11.8.2000 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 4/2018 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement by the Petitioner.

3. Inspite of repeated calls, the Petitioner did not turn up. Several opportunities have been given to the Petitioner Workman to attend the court to prosecute his case. But the Petitioner workman failed to attend this Tribunal which clearly indicates that perhaps the dispute of the Petitioner workman has already been settled and the Petitioner has no claim to raise against the Respondent. Hence, the case of the Petitioner workman is closed and a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 10th day of August, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 963.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 24/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/19/2017-आईआर (सीएम-II)]
राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 963.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/19/2017-IR(CM-II)]
RAJENDER SINGH, Desk Officer/Section Officer

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer
Dated the 8th day of July, 2020

**INDUSTRIAL DISPUTE No. 24/2017**

**Between:**

Sri Boga Rayamallu,
H.No .6-3-96, 8th Division,
Power House Colony, Godavarikhani,
Ramagundam (M)-505209
Peddapalli Disttt. (Telengana State). …Petitioner

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam-II Area, GDK-8 Inc., Colony,
P.O. – 505211, Peddapalli Disttt. (Telengana State) …Respondent

**Appearances:**

For the Petitioner : None

For the Respondent : M/s. P.A.V.V.S. Sarma & Dasaradha Ramulu, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L- 22012/19/2017-IR(CM-II) dated 17.8.2017 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-II Area, Godavarikhani, Karimnagar Dist., in stopping the HRA and deducting the electricity charges without allotting any quarter to the applicant Sri Boga Rayamallu, Ex- Pop SCCL,, Ramagundam-II Area, for the period from Jan 2007 to April, 2012 is justified or not? If not, to what relief the applicant is entitled for?"

The reference is numbered in this Tribunal as I.D. No. 24/2017 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement by the Petitioner.

3. Inspite of repeated calls, the Petitioner did not turn up. Several opportunities have been given to the Petitioner Workman to attend the court to prosecute his case. But the Petitioner workman failed to attend this Tribunal which clearly indicates that perhaps the dispute of the Petitioner workman has already been settled and the Petitioner has no claim to raise against the Respondent. Hence, the case of the Petitioner workman is closed and a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 8th day of July, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 964.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 25/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/20/2017-आईआर (सीएम-II)]
राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 964.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/20/2017-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer
Dated the 6th day of July, 2020

**INDUSTRIAL DISPUTE No. 25/2017**

**Between:**

Sri Berka Rajaiah,
H.No.16-3-157, LB Nagar,
Godavarikhani-505209
Peddapalli Disttt. (Telengana State) …Petitioner

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam-I Area, Godavarikhani-505209.
Peddapalli Disttt. (Telengana State) …Respondent

**Appearances:**

For the Petitioner : None

For the Respondent : M/s. P.A.V.V.S. Sarma & Dasaradha Ramulu, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L- 22012/20/2017-IR(CM-II) dated 17.8.2017 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Dist.Karimnagar, in terminating the services of Sri Berka Rajaiah-I Area wef. 12.7.2010 without conducting enquiry in fair manner is legal and justified? If not, to what relief the workman is entitled to and from which date?"

The reference is numbered in this Tribunal as I.D. No. 25/2017 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement by the Petitioner.

3. Inspite of repeated calls, the Petitioner did not turn up. Several opportunities have been given to the Petitioner Workman to attend the court to prosecute his case. But the Petitioner workman failed to attend this Tribunal which clearly indicates that perhaps the dispute of the Petitioner workman has already been settled and

the Petitioner has no claim to raise against the Respondent. Hence, the case of the Petitioner workman is closed and a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 6th day of July, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 965.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण –सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 65/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/45/2015 -आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 965.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2015*)* of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/45/2015 -IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer
Dated the 21st day of July, 2020

**INDUSTRIAL DISPUTE No. 65/2015**

**Between:**

Sri Janagama Rajaiah,
H.No.7-2-392, Janagama (V),
Ramagundam (M)-505209.
Karimnagar District (TS) …Petitioner

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,

Ramagundam-I Area, Godvarikhani -505209.
Karimnagar district (TS) …Respondent

**Appearances:**
For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. Nandigam Krishna Rao, N.S. Pattabhi Rama Rao & J. Narsimhulu, Advocates

**AWARD**

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No.L-22012/45/ 2015 -IR(CM-II) dated 29.7.2015 whereunder this Tribunal is required to adjudicate the dispute i.e.,

**SCHEDULE**

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavarikhani, Karimnagar Dist., in terminating the services of Sri Janagama Rajaiah, Ex-Coal Filler, GDK-6B Inc., SCCL, RG-I Area with effect from 31.1.2005 is justified or not? If not, to what relief the applicant is entitled for?''

After receiving the above said reference this Tribunal registered the case as I D No. 65/2015 and issued notices to both the parties and secured their presence.

**2. The Petitioner filed claim statement with the averments in brief as follows:**

It is submitted in the claim statement of the Petitioner that, the workman Sri Janagam Rajaiah was initially appointed on 22.2.1977 as a Badli Filler and later was confirmed as Coal Filler w.e.f. 1.3.1980. He was regular to his duties and performing his duties upto the satisfaction of all his superiors. While so, the workman could not attend to his duties during the year 2003 due to his ill-health. While the matters stood thus, he was issued with a charge sheet dated 22.2.2004 alleging that the workman remained absent during the year 2003, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one enquiry was conducted and the Workman was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Workman was dismissed from service w.e.f. 31.1.2005 vide office order dated 27.1.2005. It is stated that the Workman has categorically stated about his inability to perform his duties regularly during the year 2003, which was only on account of his ill-health, and other family problems. But without considering any of his submissions, the Workman was dismissed from service. It is also stated that the action of the Respondent's management in dismissing the Workman from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Workman has rendered 28 years of continuous service in the Respondent's management. The Workman approached the Respondent to consider his case sympathetically, but the Respondent management did not pay any heed to it. Therefore, the Workman was constrained to approach this Tribunal to declare the impugned order issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Workman into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. **Respondent filed counter with the averments in brief which runs as follows**:

In the counter the Respondent while admitting some of the factual aspects of the case to be true, stated that the Workman was appointed in the Respondent's company on 22.2.1977 as a Badli Worker and later he was confirmed as a Coal Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Workman attended the enquiry, which was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Workman was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Workman by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Workman is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view, and lastly, the Respondent was constrained to dismiss the Workman from service. It is stated that in fact the Workman was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Workman is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner stating therein that the Petitioner does not want to challenge the validity of domestic enquiry, the domestic enquiry conducted by the Respondent is held as legal and valid vide order dated 15.3.2019.

5. I have already heard the Learned Counsels for both the sides in this matter and both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

**6. In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Janagam Rajaiah is legal and justified?

II. Whether the Workman is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No. I**: During the course of argument, the Learned Counsel appearing on behalf of the Workman argued that due to his ill-health, and other family problems, the Workman could not be able to attend his duty sincerely. Even in his show cause the Workman has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Workman. When the Workman has taken a stand that due to his illness and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case sympathetically while imposing capital punishment, but, the authority has not considered any of the submissions of the Workman, and has given capital punishment to the Workman when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent argued that when the Workman was a chronic absentee and was found guilty of the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Workman was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, and other family problems, the Workman could not be able to be regular in his duty, the Workman has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Workman were proved. For this, capital punishment was imposed on the workman. After dismissal of service, the Workman has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 56 years, he is now aged about 61 years and has already attained the age of superannuation, and at this age he is searching ways and means to provide bread and butter to his family members. In such a circumstances, atleast one chance should be given to him for his reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. But the management decided to impose capital punishment. The Petitioner is a first offender and has worked for about twenty two years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh and is not proper. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Janagam Rajaiah is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Janagam Rajaiah is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances, the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But unfortunately, during the pendency of this case the Petitioner has attained the age of superannuation. So, no question of rendering service under the Respondents is expected from the Petitioner. But only he is to be reinstated into service to get all his service benefit and also entitled to get 30% of back wages.

Thus, Point Nos. II & III are answered accordingly.

**RESULT:**

In the result, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavarikhani, Karimnagar Dist., in terminating the services of Sri Janagam Rajaiah, Ex-Coal Filler, GDK-6B Inc., SCCL., RG-I Area, with effect from 31.1.2005 is not justified and is hereby set aside. It is ordered that the workman Sri Janagam Rajaiah be reinstated in service only to get all his terminal benefits. He is entitled to get 30% of back wages. The Respondents are directed to give all the terminal benefits along with 30% of back wages to the Petitioner after four months of this order, failing which the Petitioner is at liberty to recover the same through the process of law.

Award is passed accordingly.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 21st day of July, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Workman | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Workman**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 966.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 51/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/70/2017-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 966.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2018) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/70/2017-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer
Dated the 10th day of August, 2020

**INDUSTRIAL DISPUTE No. 51/2018**

**Between:**

Sri Bandari Satyanarayana,
President, Telengana Trade Union Congress
Hamaliwada, Near Ashok Talkies,
Shivaji Band Street, Mancherial-504 208.
Adilabad Dist. …Petitioner/Union

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri,
Mancherial-504231. …Respondent

**Appearances:**

For the Petitioner : None

For the Respondent : M/s. P.A.V.V.S. Sarma, P. Vijaya Laxmi & Dsaradha Ramulu, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/70/2017-IR(CM-II) dated 31.1.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mancherial Dist.(TS), in terminating the services of Sri Birudu Shankar, Ex-Coal Filler, KK-5 Inc., Mandamarri Area with effect from 15.9.2004 is justified or not? If not, to what the applicant is entitled for ?"

The reference is numbered in this Tribunal as I.D. No. 51/2018 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement by the Petitioner.

3. Inspite of repeated calls, the Petitioner did not turn up. Several opportunities have been given to the Petitioner Union to attend the court to prosecute the case. But the Petitioner Union failed to attend this Tribunal which clearly indicates that perhaps the dispute of the Petitioner Union has already been settled and the Petitioner Union has no claim to raise against the Respondent. Hence, the case of the Petitioner Union is closed and a 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 10th day of August, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 967.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 38/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/34/2016-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 967.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/34/2016-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present: -** Sri Muralidhar Pradhan, Presiding Officer
Dated the 30th day of July, 2020

**INDUSTRIAL DISPUTE No. 38/2016**

**Between:**

Sri Elpula Sampath,
Quarter No.156, Bellampalli,
Adilabad Distt.
Adilabad – 504251. …Petitioner

**AND**

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri (P.O.)
Adilabad district – 504231. …Respondent

**Appearances:**

For the Petitioner : Sri B. Kiran Kumar, Advocate

For the Respondent : M/s. P.A.V.V.S. Sarma, P. Vijaya Laxmi & Dasaradha Ramulu, Advocates

**AWARD**

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No.L- 22012/34/2016-IR(CM-II) dated 8.8.2016 whereunder this Tribunal is required to adjudicate the dispute i.e.,

> "Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarii Area, Adilabad Distt., in terminating the services of Sri Elpula Sampath, Ex-Badli Filler, KK-5A Inc., SCCL, Mandamarri Area with effect from 30.9.2000 is justified or not? If not, to what relief the applicant is entitled for?''

After receiving the above said reference this Tribunal registered the case as I D No. 38/2016 and issued notices to both the parties and secured their presence.

**2. The Petitioner filed claim statement with the averments in brief as follows:**

The workman Sri Elpula Sampath was initially appointed on 25.12.1996 as Badli Filler in the dependent quota. He was regular to his duties and performing his duties upto the satisfaction of all his superiors. While so, he could not be regular to his duties during the year 1999 due to his ill-health and other family problems. While the matters stood thus, charge sheet dated 31.1.2000 was issued to him by the

Respondent alleging that the Workman absented for duty during the year 1999, which amounts to misconduct under company's Standing Order No.25.25. The workman submitted explanation to the charge sheet and also not participated in the enquiry, wherein the Workman was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Workman was dismissed from service through proceeding dated 26.9.2000 with effect from 30.9.2000. It is stated that during the course of the enquiry the Workman has categorically stated about his inability to perform his duties regularly during the year 1999, which was only on account of his ill-health and other family problems. But without considering any of his submissions, the Workman was dismissed from service. It is also stated that the action of the Respondent's management in dismissing the Workman from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Workman has rendered 4 years of continuous service in the Respondent's management. The Workman approached the Respondent to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Workman was constrained to approach this Tribunal to declare the impugned order issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Workman into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. **Respondent filed counter with the averments in brief as follows**:

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Workman was appointed in the Respondent's company on 25.12.1996 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Workman participated in the enquiry, which was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Workman was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Workman by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Workman is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Workman from service. It is stated that in fact the Workman was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Workman is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner stating therein that the Petitioner is not interested in prosecuting the issue of validity of domestic enquiry conducted by the Respondent, the validity of domestic enquiry is held as legal and valid vide order dated

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

**6. In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Elpula Sampath legal and justified?

II. Whether the Workman is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No.I**: During the course of argument, the Learned Counsel appearing on behalf of the Workman argued that due to his ill-health as well as other family problems, the Workman could not be able to attend his duty sincerely. Even in his show cause the Workman has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Workman. When the Workman has taken a stand that due to his illness and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. The authority has not considered any of the submissions of the Workman, and has given capital punishment to the Workman when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent argued that when the Workman was a chronic absentee and was found guilty of the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Workman was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Workman could not be able to be regular in his duty, the Workman has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Workman were proved. For this, capital punishment was imposed on the workman. After dismissal of service, the Workman has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, he is now aged about 44 years and is searching ways and means to provide bread and butter to his family members. When the Workman being an able bodied and energetic man and has already realised his mistake and is coming forward to work under the Respondent, atleast one chance should be given to him for reinstatement into service at the end of his service period. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Workman is a first offender and has worked for about 4 years under the Respondent, while imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent management for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Elpula Sampath is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Elpula Sampath is not legal and justified. After dismissal of service as stated earlier, when the Workman has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Workman has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Workman should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Workman has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Workman is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

**RESULT:**

In the result, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area., Mandamarri, Adilabad District., in terminating the services of Sri Elpula Sampath, Ex-Badli Filler, KK-5A Inc., SCCL, Mandamarri Area, with effect from 30.9.2000 is not justified and is hereby set aside. It is ordered that the workman be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman cannot claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman shall not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for his appointment afresh and as such the reference is answered accordingly. So also the, award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 30th day of July, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Workman | Witnesses examined for the Respondent |
|---|---|

NIL NIL

**Documents marked for the Workman**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 968.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 77/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/147/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 968.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2011*)* of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the Management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22012/147/2011-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** Sri Muralidhar Pradhan, Presiding Officer
Dated the 19th day of August, 2020

**INDUSTRIAL DISPUTE No. 77/2011**

**Between:**

Sri M. Venkata Swamy,
SC Workers Union (AITUC),
Com.Gangaram Bhavan, Md. Khasim Basthi,
Bellampalli – 504251. …Petitioner /Union

**AND**

The General manager,
M/s. Singareni Collieries Co. Ltd.,
Ramagundam-I Division,
Godavarikhani – 505209. …Respondent

**Appearances:**

For the Petitioner : Sri S. Bhagawanth Rao, Advocate

For the Respondent : M/s. P.A.V.V.S. Sarma, Advocates

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/147/2011-IR(CM-II) dated 13/10/2011 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question:

**SCHEDULE**

"Whether the action of the management of /s M/s. Singareni Collieries Company Ltd., Ramagundam Area-I Division in awarding penalty oreversion to a lower stage by reducing two increments w.e.f.

1.11.2006 imposed on Smt. Addagutta Suramma, General Mazdoor, EC:0871477, GDK-6 INC, is legal and justified? To what relief the workman concerned is entitled to?"

2. **The averments made by the Petitioner in brief are as follows**:

The Petitioner is appointed as an employee in the Respondent company in the year 1993 and since then she discharged her duties to the fullest satisfaction of her superiors without any red remark. On 19.4.2006 a false complaint was lodged against one Mr. Gopal Reddy, a senior officer of the Respondent management on the allegation that the Petitioner was harassed by Mr. Reddy for sexually and mentally which is at all false and denied by the Petitioner. It is stated that the said complaint was filed by somebody and the complaint which was filed on 19.4.2006 is all false and denied by the Petitioner and the signature which was affixed on the complaint is not belonging to the Petitioner. It is further submitted that on the basis of the alleged complaint, the Respondent company issued charge sheet under Sec.25(D) foisted against the Petitioner and the said charge was:-

"25(17) making accusation or allegations against a superior or an officer of the company without any basis proof. It is further stated that the Petitioner is an illiterate lady aged about 48 years having good character through out her career in the company and basing on the complaint the Respondent company conducted an enquiry into the case of the Petitioner by appointing an enquiry officer namely one Sri K. Appa Rao to enquire into the charges leveled against the Petitioner. It is further stated that the Petitioner did not lodge any complaint with the Senior Operative Manager, Godavarikhani, VI incline. It is also stated that by the alleged time the petitioner fell sick and in order to console her one Mrs. V. Rayamallu came to the work spot and consoled her by asking how many days she is suffering from fever, and the petitioner replied that, "I am not well for few days", this is the only conversation which took place between Mrs. V. Rayamallu and the petitioner. It is further stated that the Trade Union leaders and others who are not good with one Mr. Gopal Reddy might have lodged a complaint in the name of petitioner and one Mrs. V. Rayamallu and the said charge which is foisted is a false and the petitioner did not commit that offence. It is further submitted that the respondent company conducted an enquiry to prove the charge. But the petitioner is an illiterate lady and the complaint filed by one Mr. B. Shankar, who is the scribe of the complaint is not examined in the domestic enquiry. The petitioner was not aware of the contents mentioned in the complaint by a lady and the said concocted facts are not attracting the alleged charge. It is also stated that if the facts stated to be true there will be a criminal complaint by a lady and admittedly it is not done, but the respondent company without going into the factual aspects of the complaint conducted an enquiry and even in the enquiry, the scribe of the complaint is not examined to prove the case. It is also stated that the question of misbehavior and harassment even the petitioner denied during the course of her cross examination by the Presiding Officer, and some false persons lodged the complaint and thereby an enquiry was conducted and the said enquiry reports were sent to the Chief General Manager, RG-I Ramagundam and the petitioner did not commit the alleged offence. The CGM has deducted two increments from 1.11.2006 which cause great economic loss to the petitioner vide proceedings No.RG1/PER/S/46/6852 dated 16.11.2006 and the petitioner was not supplied with the charge sheet, charge memo and punishment order dated 16.11.2006. The petitioner has obtained all necessary documents through RTI Act 2005 and there upon which a conciliation proceeding is initiated which was ended in failure. There after failure report was sent to the Ministry which was sent to this court through reference. It is stated that the action of the respondent by withholding two increments from 16.11.2006 with cumulative effect through proceedings No. RG1/PER/S/46/6852 dated 16.11.2006 is almost arbitrary illegal and against the principles of natural justice, and by adopting unfair labour practice through mighty company, thereby victimized the woman petitioner. Therefore, the petitioner has prayed this tribunal to set aside the impugned order dated 16.11.2006 by holding vacation of two increments with cumulative effect through proceedings dated 16.11.2006.

3. **The Respondent appeared and filed their counter which runs as follows**:

The Respondent while admitting some of the facts of the claim statement to be true , has denied some of the material facts, stating therein that the claim of the petitioner is not maintainable as it has been raised with delay. It is submitted that the Petitioner Smt. Addagunta Suramma, was initially appointed in the company on 25.7.1989 as Badli Worker. She was promoted as a General mazdoor Category-I with effect from 3.7.1990 and later she was upgraded to Category-II with effect from 1.1.1999 and Category-III with effect from 1.1.2007. The petitioner while working at GDK.6 Incline, Ramagundam, she was issued with a charge sheet dated 19.5.2006 under Company's Standing Orders No.25.17 for the misconduct committed by her which read as follows: "25.17: Making accusation or allegations against a superior or an officer of the company without any basis/proofs.". The Petitioner received the chargesheet and submitted her explanation and it was examined and found to be not satisfactory. It is submitted that the petitioner lodged a written complaint on 19.4.2006 against Sri M. Gopal Reddy, General Shift Under Manager, stating that he is harassing her sexually, mentally for the past 10 months and further overloading her by assigning many works. Basing on the above complaint a

preliminary enquiry was conducted and it was found that that the petitioner made a false allegation against Sri M.Gopal Reddy, Under manager with ulterior motive without any basis. However, to give an opportunity to the petitioner to defend herself and to bring out the true facts of the case on record, a full fledged domestic enquiry was ordered which was conducted on 4.8.2006. The petitioner fully participated in the enquiry. She refused to have defence assistant and she voluntarily pleaded guilty of the charge leveled against her. A copy of the enquiry report and enquiry proceedings were served on the petitioner advising her to submit her representation if any. It is also submitted that the petitioner has submitted her representation to the show cause notice. The Disciplinary Authority after going through the material on record, concurred with the findings of the enquiry officer. Even though the charge framed was serious in nature and proved in the enquiry and was found grave and serious in nature, warranting punishment of dismissal of service, the management has taken a lenient view as the petitioner has admitted her mistake, but in order to give an opportunity to the petitioner to further reform herself the management imposed the penalty of reversion to a lower stage by reducing two increments with effect from 1.11.2006 vide order No. RG.I/PER/S/46/6852 dated 16.11.2006. It is stated that the petitioner has lodged a false complaint against a Senior and upright officer and later realizing her mistake, has withdrawn the complaint. The petitioner did not bother to think how her false accusations are going to affect the character and reputation of an honest officer. The petitioner has made false statements in front of the TV-9, and MAA TV News channels, tarnishing the image of a sincere officer without any reason or basis. The allegation of the petitioner is that she is illiterate with 48 years age, and having good character thorough out her life which is not acceptable. The petitioner is put to strict proof of the same. The petitioner's statement that she has not made any allegation against Sri M.Gopal Reddy, Under Manager, is not correct. As a matter of fact, such irresponsible statement and false accusation reflect upon her uncaring attitude in the matter involving the reputation and integrity of an officer. Furthermore, the petitioner did not raise any objection either on the enquiry proceedings or in the findings of enquiry officer. After considering all the aspects, the management has taken a lenient view and passed the order with an intention to give an opportunity to the petitioner to represent herself, inspite of awarding the extreme penalty and has imposed the penalty of reversion to a lower stage by reducing two increments w.e.f. 10.11.2006 vide order No. RG.I/PER/S/46/6852 dated 16.11.2006 with cumulative effect. The allegation of the petitioner that the action of the respondent by withholding two increments from 16.11.2006 with cumulative effect is almost arbitrary and against the principles of natural justice and victimization of the petitioner is totally false and as such the petitioner is put to strict proof of the same. In fact the alleged misconduct evidently speaks about the petitioner's lack of honesty, fairness and discipline, and casting false aspersions on the character and integrity of an officer who is highly reprehensible and with these averments, the respondent submitted for dismissal of the claim petition of the petitioner.

4. As no argument was advanced from the side of the petitioner to prove how the domestic enquiry conducted by the management was not legal and valid, it was held legal and valid vide order dated 21.7.2017.

5. **In view of the pleadings of the parties, the following points are to be determined**:

I. Whether the action of the management of M/s. SCCL, Ramagundam Area-I Division in awarding penalty of reversion to a lower stage by reducing two increments w.e.f. 1.11.2006 imposed on Smt. Addagutta Suramma, General Mazdoor, E.C. 0871477, GDK-6 INC., is legal and justified?

II. Whether the petitioner is entitled to get any other relief?

6. I have already heard arguments of the Learned Counsels for both the sides in this matter under Sec.11A of the ID Act.

7. **Point No. I**: The Learned Counsel appearing on behalf of the petitioner contended that the petitioner is an employee of the respondent company, initially she was appointed as Badli Filler under the respondent company. Subsequently she was promoted to general mazdoor Cat.I, Cat.II and later Cat.III, under service linked upgradation. Presently, the petitioner is working as female general mazdoor. While she was working at GDK VI Incline Ramagundam, she was issued with a chargesheet on 19.5.2006 for the misconduct committed by her. He contended that the petitioner has never harassed anybody during the course of her service and she has rendered service to the company upto full satisfaction without any remark. He also contended that there was a false complaint lodged against one Mr. Gopal Reddy, a senior officer of the Respondent's management on the allegation that the Petitioner was harassed by Mr. Reddy sexually and mentally and the said complaint was not made by the petitioner, it was filed by somebody and the complaint which was filed on 19.4.2006 is totally false and denied by the Petitioner and the signature which was affixed on the complaint is not belonging to the Petitioner. It is further stated that the Petitioner is an illiterate lady aged about 48 years having good character throughout her career in the company and basing on the complaint the Respondent company

conducted an enquiry into the case of the Petitioner by appointing an enquiry officer namely Sri K. Appa Rao who enquired into the charges levelled against the Petitioner. It is contended that the Petitioner did not lodge any complaint against the Senior Operative Manager, Godavarikhani, VI incline. It is also contended that the true fact is that the petitioner fell sick and in order to console her one Mrs. V. Rayamallu came to the work spot and consoled her and there some conversation took place between Mrs. V. Rayamallu and the petitioner. It is contended that the Trade Union leaders and others who are not good with one Mr. Gopal Reddy might have lodged a complaint in the name of petitioner and one Mrs. V. Rayamallu but the said charge which is foisted is a false one and the petitioner did not commit that offence. It is further contended that the respondent company conducted an enquiry to prove the charge. But the petitioner is an illiterate and the so called complaint filed by one Mr. B. Shankar, who is the scribe of complaint is not examined in the domestic enquiry. The petitioner was not aware of the contents mentioned in the complaint and the said concocted facts are not attracting the alleged charge. The counsel for the petitioner further contended that if the facts stated in the complaint are to be true, there will be a criminal complaint by a lady, admittedly in this case it is not done but the respondent company without going into the factual aspects of the complaint conducted an enquiry, and even in the enquiry, the scribe of the complaint is not examined to prove the case. It is also argued that about the question of misbehavior and harassment to the petitioner, she has denied during the course of cross examination by the PO. He further argued that some false persons lodged the complaint and thereby an enquiry was conducted, and the enquiry reports were sent to the Chief General Manager, RG-I Ramagundam and the petitioner did not commit any alleged offence. The CGM has deducted two increments of the Petitioner from 1.11.2006 which cause great economic loss to the petitioner vide proceedings No.RG1/PER/S/46/6852 dated 16.11.2006 and the petitioner was not supplied with the charge sheet, charge memo and punishment order dated 16.11.2006. The petitioner has obtained all the necessary documents through RTI Act 2005 on this allegation a conciliation was initiated which was ended in failure. Thereafter a failure report was sent to the Ministry which was sent to this court through reference. It is argued that the action of the respondent by withholding two increments from 10.11.2006 with cumulative effect through proceedings No. RG1/PER/S/46/6852 dated 16.11.2006 is almost arbitrary illegal and against the principles of natural justice and by adopting unfair labour practice such action has been taken and, thereby victimized the woman petitioner. Lastly he contended that this Tribunal may pass order to set aside the impugned order dated 16.11.2006 by holding vacation of the two increments with cumulative effect through proceedings dated 16.11.2006.

8. On the other hand, the learned counsel appearing on behalf of the respondent submitted that the petitioner has made a complaint against a Senior officer of the respondent management. The Petitioner has admitted her guilty and misconduct under company's standing orders in her representation submitted to the respondent company. During the enquiry proceeding, the petitioner has also admitted her guilty. The domestic enquiry has been conducted fairly by following the principles of natural justice. The enquiry proceeding and the enquiry report have been served on the petitioner vide show cause notice dated 16.11.2006 which was acknowledged by the petitioner. To the show cause notice the petitioner had submitted her explanation dated 10.10.2006. But as regards the allegation of the petitioner that the respondent company has not serve the copies of the enquiry proceedings, and enquiry report is totally false and frivolous is not correct. It is also contended that the charge leveled against the petitioner has been proved against the petitioner and as the charge was grave and serious, and the punishment required to be awarded is of dismissal from service but the management has taken a lenient view as the petitioner has admitted her mistake and also in order to give an opportunity to the petitioner to further reform herself the management imposed the penalty of reversion to a lower stage by reducing two increments with effect from 1.11.2006 vide order No. RG.I/PER/S/46/6852 dated 16.11.2006. He further contended that first the petitioner made a complaint and subsequently she changed her mind, and submitted an application to withdraw her complaint, so such type of behavior of the petitioner clearly shows that she has committed grave and heinous mistake of making false allegations against a senior officer of the respondent's management by making such allegations she has tarnished the reputation of an honest officer and the punishment imposed by the respondent management is justified and it needs no interference of this tribunal.

9. On consideration of the rival contentions of both the sides, it is noticed that the petitioner is an illiterate lady and has started her career a badli filler. The petitioner herself has admitted that she has not made any complaint against her Sr. Officer, Mr. Gopal Reddy, but somebody might have prepared the complaint in her name. the complaint is scribed in her name by Mr. B. Shanker,. But she has no knowledge about the complaint. Even though the petitioner has participated in the enquiry. Neither she has crossexamined the management witness nor has she examined herself first as a witness. The domestic enquiry has been conducted ex-parte. The petitioner has not engaged any defence assistant during the course of the enquiry. To know the authenticity of the complaint, that the complaint has been written at the instance of the complainant, it should be ascertained that the author has made an endorsement in that complaint to the effect that the complaint of the complainant has been read over and explained to the complainant and after knowing the contents of the complaint to be true

she has put her LTI on the complaint. But in the instant case, the author of the complaint has not made any such endorsement in the complaint. So the plea of the Petitioner workman that the so called complaint has been written by somebody else cannot be ruled out. So it can be presumed that at the time of provocation somebody might have done it taking such opportunity, and has prepared the complaint in the name of the petitioner in order to fit fat his grudge on Mr. M. Gopal Reddy and not an he illiterate lady like the petitioner. Furthermore, the enquiry has been conducted in English. Admittedly, during the course of the enquiry in all stages, the LTI of the petitioner has been taken it clearly proves that the petitioner is an illiterate lady and does not know how to write and read. The management has stated that even though the enquiry has been conducted in English, the contents of the charge, and the enquiry proceedings have been explained to the petitioner in Telugu language. In fact, the respondent produced the translated copy of the Telugu script purported to be written by the petitioner which shows that at the first instance, the complaint has been lodged by the petitioner against Mr. Gopal Reddy, Under Manager. Later on, in another letter it has been written that the complaint made against Mr. M. Gopal Reddy is not true, and subsequently in another letter it has been written from the side of the complainant, who withdrew her complaint. In fact all the allegations are made in writing in the name of the complainant. But in all the papers the LTI of the petitioner workman has been taken, which clearly indicates that the petitioner has no malafide intentions but somebody has scribed those letters in the name of the petitioner. The petitioner has also disclosed the name as Mr. B. Shanker who stated to be the scribe of the complaint but the management has not taken endeavour to examine the said Mr.B. Shanker, if Mr. B. Shanker would have been examined from the side of the management, the real truth would have been come to light. But in the instant case, the management without examining the author of the complaint only basing on the allegation of one document which has not been duly scribed by the petitioner has taken a stand that an illiterate lady has made accusation against a Senior Officer and has tarnished the reputation of that officer. Ultimately, in the enquiry, the charge was proved and basing on the findings of the enquiry officer, punishment was imposed on the petitioner. On scrutiny of all the documents relied on by the respondent management it is seen that the enquiry has not been conducted properly and basing on an ex-parte enquiry report an innocent female workman has been punished, which need the interference of this tribunal. Therefore, on consideration of the documents available on record, it can safely be held that the punishment imposed on the petitioner is not justified, legal and valid and the action of the management of M/s. Singareni Collieries Company Ltd., in awarding penalty of reversion to a lower stage by reducing two increments w.e.f. 1.11.2006 to Smt. Addagutta Suramma, the general mazdoor is not legal and justified.

Thus, Point No.I is answered in favour of the petitioner.

11. **Point No.II**: In view of the observation made in Point No.I, the petitioner is only entitled to get the financial benefit which has been lost w.e.f. 1.11.2006 and is not entitled to get any other benefit.

Thus, Point No.II is answered accordingly.

**Result**:-

The reference is answered as under:

The action of the management of M/s. Singareni Collieries Company Ltd., Ramagundam Area-I Division in awarding penalty of reversion to a lower stage by reducing two increments w.e.f. 1.11.2006 imposed on Smt. Addagutta Suramma, General Mazdoor, EC:0871477, GDK-6 INC, is neither legal nor justified. In view of the findings given in Point No.I and II, the reference is answered negatively. The petitioner is entitled to get all the benefits which she has lost w.e.f. 1.11.2006.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 19th day of August, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 969.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स डब्ल्यू.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह - श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 45/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/299/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 969.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2007) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the Management of M/s. W.C.L and their workmen, received by the Central Government on 19.10.2020.

[No. L-22012/299/2005-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**NO. CGIT/LC/R/45/2007**

**Present:** P.K. Srivastava, H.J.S..( Retd)

Shri Radhey Shyam Singh,
S/o of Shri Buddhu Singh Chauhan,
Qtr.No.64, Pratap Colony,
Shivpuri, Post Thisgora,
Chhindwara (M.P.) …Workman

**Versus**

The Manager, Thisgora Mines,
Western Coalfields Limited,
Pench Area, Post Jhurre,
Tehsil Parasia,
Chhindhwara (M.P.) …Management

**AWARD**

**(Passed on this 14th day of October-2020)**

As per letter dated 1/5/2007 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No. L-22012/299/2005-IR(CM-II) The dispute under reference relates to:

"***Whether the action of the management of WCL in dismissing the services of Shri RAdhey Shyam Lal w.e.f. 26-6-2004 is legal and justified? If not, to what relief is the workman entitled?"***

2. After registering the case on the basis of reference, notices were sent to the parties.

The case of the workman as stated in his statement of claim is that he was working as an employee of the Management. He was issued a charge sheet on 9-4-2002. The charges were as follows:-

"26.22:- जानबूझकर किया गया ऐसा कार्य जिससे अनुशासन भंग होता हो या जिससे कंपनी के हितों को हानि होती है।

26.23:-बिना स्वीकृत अवकाश या पर्याप्त कारण के कार्य में अनुपस्थित रहना अस्वीकृत अवकाश के उपरांत 10 दिनों से भी अधिक दिन तक कार्य पर अनुपस्थित रहना।

3. It is the case of the workman that he was put under transfer vide order dated 1-8-2002 and the relieving order was sent to him on 5-8-2002. He did not receive the relieving order and made a representation. The Department conducted a departmental inquiry for the charge of unauthorized absence from duty since 5-8-2002 and another charge was unauthorized absence from duty for a period of 10 days and more. The inquiry was not conducted legally and properly. The workman was held guilty of the charges and the impugned order of dismissal from service was passed by the Management which is disproportionate to the charges. It is also the case of the workman that the charges were not proved by the evidence collected during the inquiry, accordingly alleging that the inquiry findings by the Inquiry Officer and punishment are against law and fact. The workman sought his reinstatement of service with all back wages and benefits, setting aside his dismissal order.

4. In its statement of defence, the case of Management was that the workman has been habitual absentee since 2001 to 2002. He was transferred by Management on 1-8-2002. He refused to receive the relieving order on 5-8-2002 and did not report for duty hence a charge sheet was issued for misconduct and unauthorized absence. The workman participated in the departmental inquiry. The Inquiry Officer has submitted his inquiry report holding the charges proved against the workman. The workman was issued a show cause notice before punishment. He did submit his submissions and considering his habitual absence, the impugned punishment for dismissal from services was passed which is proportionate to the charges and is in accordance with law and fact. The Management has further rebutted the allegation of the workman that the charges were wrongly held proved and the punishment was disproportionate. Accordingly, the Management has requested that the reference be answered against the workman.

5. A preliminary issue was earlier framed which is as follows:-

**1. ''Whether the departmental inquiry conducted by Management against the workman was according to law and fact?"**

6. The Management examined its witness which were not cross-examined by workman inspite of opportunity given, hence opportunity of workman for cross-examination of Management witness was closed. The Management proved the documents regarding inquiry which are Exhibits M-1 to M-14. No evidence was adduced from the side of the workman, hence on the basis of evidence on record preliminary issue was decided against the workman holding the inquiry conducted legal and proper. This order dated 6-6-2019 is part of this award.

7. Thereafter following additional issues were framed:-

**(1) ''Whether the charges against the workman is proved on the basis of Inquiry?**

**(2) Whether the punishment awarded is appropriate?**

**(3) Whether the workman is entitled to any relief?"**

8. No evidence was filed by workman on these additional issues, rather he absented himself. No evidence was filed by Management also on these issues.

9. I have heard arguments of Mr. A.K.Shashi learned counsel for the Management. None was present from the side of the workman. I have gone through the record as well.

**10. <u>Additional Issue No. 1</u>**

**The charges against the workman is as follows:-**

उपरोक्त कथित आरोप जो आगे बढ़े लगाया गया है आचार संहिता स्टैंडिंग ऑर्डर 26 की निम्नलिखित धारा का उल्लंघन पाया जाता है ।

26.24:-बिना पर्याप्त करण की कार्य से अनुपस्थित रहने की आदत या देर से उपस्थित होने की आदत।

**26.30:-बिना स्वीकृत अकाश या पर्यावरण के कार्य से अनुपस्थित रहना या स्वीकृत अवकाश के उपरांत 10 दिन से अधिक दिन तक कार्य पर अनुपस्थित रहना।**

11. This charge sheet has been proved by Management as Exhibit (M-5). Exhibit (M-12) is the statement of Management witness with respect to charges recorded by the Inquiry Officer during the Inquiry, wherein he stated that the workman was transferred to Mathani Mines and was relieved, but he never proceeded on duty and absented himself. He was absent from duty since his date of reliving till the date of statement of Management witness which is 10-9-2004. There is statement of workmen, copy proved by Management during inquiry wherein he admits that he was in the knowledge of his transfer order. He further admits that the relieving order was sent to him but he refused to receive it and also that he never presented himself for working at new place of posting . He has given reasons that he has made representations in this respect and that his transfer order was illegal, also that he was being frequently transferred from one place to another just to be harassed. The evidence as mentioned clearly shows that the finding of the Inquiry Officer holding the charges of unauthorized absence from duty proved cannot be faulted in law and fact. Accordingly, it is held that the charges are proved on the basis of evidence collected during inquiry by the Inquiry Officer, placed on record in this case. **Additional Issue No.1 is decided accordingly.**

**12. Additional Issue No. 2:-**

The workman himself admits that apart from the present inquiry the other inquiry was also pending against him regarding the same charges which he has mentioned in Paragraph-4 of his statement of claim. It shows that there have been complaints of habitual, willful and unjustified absence from duty with regard to the present workman, hence as a matter of these facts the impugned punishment cannot be held to be shockingly dis-proportionate to the charges**. Additional Issue No.2 is decided accordingly.**

**13. Additional Issue No. 3:-**

On the basis of above discussion, the workman is held entitled to no relief. **Additional Issue No. 3 is decided accordingly.**

14. Accordingly, the following award is passed:-

**A. The the action of the management of WCL in dismissing the services of Shri Radhey Shyam Lal w.e.f. 26-6-2004 is held legal and justified.**

**B. The workman is held entitled to no relief.**

15. Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

DATE: 14.10.2020

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 970.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण–सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 22/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21.10.2020 को प्राप्त हुआ था।

[सं. एल-22013/01/2020-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 970.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 22/2016*)* of the Cent.Govt.Indus.Tribunal-cum-Labour

Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 21.10.2020.

[No. L-22013/01/2020-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

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

**Present:** -Sri Muralidhar Pradhan, Presiding Officer
Dated the 11th day of August, 2020

**INDUSTRIAL DISPUTE L.C.No. 22/2016**

**Between:**

Sri G. Devaputra,
S/o Paul,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad . …Petitioner

**AND**

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bhupalpally, Warangal District.

2. The Deputy General Manager,
M/s. Singareni Collieries Company Ltd.,
KTK-I Incline, Bhupalpally,
Warangal District.

…Respondents

**Appearances:**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

**AWARD**

Sri G. Devaputra who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. BHP/PER/20-D/2787, dated 9.8.2013 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows**:

The Petitioner was initially appointed as Badli filler on 27.12.1988. While the matters stood thus, a charge sheet dated 18.2.2013 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 2012, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order dated 9.8.2013 with effect from 12.8.2013. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the above said period as it was only on account of his ill-health. But without considering any

of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 25years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order dated 9.8.2013 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows**:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 10.1.1989 and subsequently he got promotion as General mazdoor. During the year 2013, he was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, he submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner stating therein that the Petitioner is not pressing the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 12.12.2017.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

**6. In view of the above facts, the points for determination are**:

I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri G. Devaputra is legal and justified?

II. Whether the Petitioner is entitled for reinstatement into service?

III. If not, to what other relief he is entitled?

7. **Point No. I**: During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, and other family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, and other family problems, the Petitioner could not be able to be regular in his duty, the

Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 47 years, he is now aged about 51 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Petitioner is not a first offender but has worked for about 25 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri G. Devaputra is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III**: In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri G. Devaputra is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

**ORDER**

Proceeding No. BHP/PER/20-D/2787, dated 9.8.2013 issued by Respondent Company is declared as illegal and is hereby set aside. It is ordered that the workman Sri G. Devaputra be taken into service as a fresh employee i.e., a Badli Filler on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry, and in case the workman completes the one year probation period successfully he will continue in service till the age of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 11th day of August, 2020.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

| Witnesses examined for the Petitioner | Witnesses examined for the Respondent |
|---|---|
| NIL | NIL |

**Documents marked for the Petitioner**

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 971.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स एम.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, भुवनेश्वर के पंचाट (संदर्भ संख्या 28/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14.10.2020 को प्राप्त हुआ था।

[सं. एल-22012/19/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, डेस्क अधिकारी/अनुभाग अधिकारी

New Delhi, the 21st October, 2020

**S. O. 971.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2011) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the Management of M/s. M.C.L and their workmen, received by the Central Government on 14.10.2020.

[No. L-22012/19/2011-IR(CM-II)]

RAJENDER SINGH, Desk Officer/Section Officer

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR**

**Present:** Sri B.C. Rath, Presiding Officer,CGIT-cum-Labour Court,
Bhubaneswar.

**I.D.Case No. 28 of 2011**

**Date of passing of the Award.17th June, 2020**

The General Manager, Lingaraj Area of MCL,
At/P.O.-Deulbera Colliery,
District- Angul, Angul. …1st Party Management

**-Versus-**

The General Secretary,
Talcher Coal Mines Employees Union,
At- Qrs. No.A/121, P.O. NS Nagar, Dist-Angul,
Angul. …2nd Party Union

**Appearnce:-**

For 1st Party Management : Sri A.Pattnaik

For the 2nd Party Union : Sri P.Sahoo

**AWARD**

The Government of India, Ministry of Labour and Employment have referred an Industrial Dispute between the above named parties for its adjudication vide its order No,L-22012/19/2011-IR(CM-II) dated.11.5.2011 under Clause (d) of sub-section(1) and sub-section(2-A) of Section 10 of the Industrial Disputes Act,1947(14 of 1947) and the Schedule of the reference is as follows:-

"Whether the action of the Management of Lingaraj Area of MCL in creating wage disparity between Shri PC Sahoo and V.K Upadhyaya both Jr. DEO-Gr-D and not giving promotion to them as per the cadre scheme is appropriate and justified ?To what relief the workmen are entitled to ?"

2. Statement of claim is preferred by the 2nd Party Union wherein it has been pleaded inter alia that the workmen namely Sri Pravakar Sahu and Sri B. K. Upadheya joined in the office of the 1st Party Management in the year 1996 and both of them were working as Junior Data Entry Operators in the office of the General Manager Lingaraj Area under Management No.1 at the time of filing of statement of claim (on 11.5.201). Sri Sahu was appointed on 29.2.1996 as Mazdoor Category –I and posted in Bharatpur Open Cast Project (OCP) whereas, Sri Upadheya was appointed on 26.12.1996 on compassionate ground in the event of death of his father who was an employee of the Management , and he was posted in Jagannath Area. Both of them appeared departmental examination/interview in the year 2002 and they were selected for the posts of Electronic Data Entry Processing (Tr). They joined as such on 13.1.2003 in Lingaraj Area of the 1st Party Management No.1. On 1. 6.2004 their basic Pay were fixed against the post of Junior Data Entry Operator (Tr) Grade-E. Both of them continued as such in Grade-E Cadre for six years although, the cadre scheme provides that an employee of the company having three years of experience can be selected as Data Entry Operator (Tr) /Grade-D. After one year training in Grade- E post he shall be placed as Junior D.E.O Grade- E. After three years in Gradeand-D he shall be promoted to the post of Grade-C. After three years in Grade -C he will be promoted to the post of Grade-B. After three years in Grade-B he is to be promoted to the pos of Grade-A. Inspite of such promotional facilities in the scheme the disputant workmen were working in Grade-E Cadre for a period of more than six years. It is the pleading of the 2nd Party Union that Sri Sahu was drawing Rs.3749.20 as Mazdoor when he was selected and posted as a Junior D.E.O(Tr) Grade-E on 13.1.2003. But his pay was fixed at Rs.3545/- in the lowest pay Scale prescribed for such Grade-E Junior DEO. He was not given pay protection while being absorbed in Grade-E category on a plea that the service condition for such Junior DEO in Grade-E did not allow any pay protection and Sri Sahu had opted to such posting being aware of the service condition. It is the stand of the Union that Sri Upadheya was given pay protection and his pay was fixed in higher scale. Sri Sahu made a representation for fixation of his pay in the scale allowed to Sri Upadheya. Prayer was also made to the Management to give promotion to the disputant workmen Sri Sahu and Sri Upadheya following the cadre scheme and their pay scale be fixed in higher Grade as per their eligibility. When no action was taken on such representation of Sri Sahu and Sri Upadheya a dispute was raised by the 2nd Party Union before the Ass. Labour Commissioner, Angul. When conciliation proceeding before the ALC failed, the dispute is referred to the Tribunal as mentioned in supra.

3. The Management of MCL has resisted the claim of the Union taking a stand that applications were invited from the eligible employees vide Office Order No. 2380 dated.24/26.12.2002 for the posts of Junior DEO(Tr) in Grade-E cadre with specific condition that the basic of selected candidate would be fixed at the minimum scale of such cadre. The disputant Sri Sahu was selected and posted as Jr. DEO in the minimum pay scale of Rs.3545-87-5111/- since it was clearly mentioned in the office order that pay of the selected employees would be fixed at the minimum pay scale. Sri Sahu being fully aware of such provision submitted his joining report and accordingly his basic pay was fixed at Rs.3545/-. No illegality was committed by the Management in refusing the pay protection to Sri Sahu keeping in view the specific provision of the circular. So far the claim of the disputants in regard to their promotion is concerned it has been asserted by the Management that the scheme prescribes the minimum eligibility for the promotion to different cadres and promotions are being given subject to availability of vacancies in sanctioned posts/cadre. There is no mandate either in the scheme or in the certified standing order of the company that a Junior DEO has to be promoted or adjusted in different categories soon after he completes the required period of service in a particular category /grade. The scheme only provides minimum eligibility for promotion to the next higher cadre. No out of turn promotion is given to any employee and such promotion is being allowed on the principle of merit –cum- seniority. The alleged delayed promotion has not affected at all the seniority list of the disputants. On the above grounds prayer has been made by the Managements for rejection of the statement of claim.

4. On the aforesaid pleadings of the parties the following issues are framed for determination of the dispute.

**ISSUES**

1) Whether the action of the Management of Lingaraj Area of MCL in creating wage disparity between Sri P.C.Sahoo and V.K. Upadhyay Junior DEO-Grade-D cadre and in not giving promotion to them as per the cadre scheme is appropriate and justified?

2) To what relief if any, the workmen are entitled ?

**FINDINGS**

5. To substantiate its stand the 2nd Party Union has examined the workman Pravakar Sahu as W.W.1 and relied upon the documents like Xerox copies of office order showing placement as Jr.DEO Tr. T & S Grade-E, Pay Slips for the month of April 2004 and September, 2004 of the workman, application of V.K.Upadhyaya for arrear payment of Pay Protection in 2009, Pay Slip of V.K.Upadhyaya for the month of June,2014, request application of Pravakar Sahoo for basic protection in 2009, pay slip of Pravakar Sahu for the month of June 2014, circular of pay protection in placement issued by G.P.(P) Hq. MCL, copy of implementation instruction of JBCC-VI, copy of seniority list of Jr. DEO T & S Grade-D, copy of office order for promotion from Jr. DEO Grade-E to Grade-D and copy of office order for promotion from Jr.DEO Grade-D to Grade-C which are marked as Ext.1 to 12 respectively. On the other hand the Management has examined its Manager Personnel as M.W.1 in support of its stand.

6. Coming to the issue of pay disparity on account of refusal of pay protection to Sri Sahu it is seen from the pleading and evidence of the parties that Sri Sahu was drawing higher basic pay than the minimum basic scale of pay prescribed for Junior DEO Grade-E when he was absorbed and appointed as Junior DEO on 27..5.2004. It is not also in dispute that Sri Upadheya was absorbed and appointed as Junior DEO Grade-E on the same day. There is also no serious dispute to the claim and the fact that Sri Upadheya and Sri Sahu were promoted to Grade-D from such Junior DEO by a common order dated.5.4.2010 (Ext.11). Although, both of them joined in the post of Junior DEO in Grade-E and Grade-D category on the same day Sri Upadheya is drawing higher basic pay in both the cadre. Sri Sahu had joined earlier than Sri Upadheya in the service. The Management has not seriously challenged the contention and assertion of Sri Sahu that basic pay of Sri Upadheya was fixed in higher scale than the minimum. It is seen that Sri Upadheya was given pay protection while being absorbed and appointed as Junior DEO. No credible or acceptable explanation is coming forth from the evidence and pleading of the Management as to how and why Sri Upadheya was given higher scale of basic pay while being absorbed and appointed as Junior DEO if , the office order clearly mentioned that basic pay of the selected employees for the post of Junior DEO would be fixed at minimum basic pay scale. As per the principle of natural justice as well as settled principle of law no discrimination can be made when the employees are standing in same footing. Hence, the Management is found to have committed illegality and injustice to Sri Sahu in refusing him the pay protection whereas in the case of Sri Uadheya he was allowed to draw higher scale on being granted pay protection.

7. So far the claim of promotion is concerned it is not in dispute that on completion of one year training as Jr. DEO (Tr ) in Grade-E, the candidate will be placed in Grade-E as Jr. DEO.Two years experience as Jr. DEO the candidate can be qualified for any Grade-D. Three years experience as DEO in Grade-D the candidate can be promoted to Grade-C and like that. He can be go to the post in Grade-B. But, such promotion is subject to his clearance in DPC as well as proficiency test. Close reading of Clause-3 and 4 with the table chart it can be safely inferred that promotion was not automatic on completion of prescribed experience in a Grade/Cadre. The scheme as described in Annexure is only indicating the clarification and experience to be possessed by departmental candidates included in the cadre from time to time for the purpose of eligibility for selection /promotion to next higher cadre. It also provides that selection for the post shall be on the basis of seniority cum merit up to Grade-C and then on the basis of merit cum seniority. The promotional zone depends on the filling up all vacancies. Thus, it is crystal clear from the scheme under Ext.D that the disputant workman has no automatic right for his promotion to next higher grade/category on completion of required experience in particular grade, The experience as required and shown in Annexure of the scheme only determines the eligibility of candidate to the next higher post. The scheme does not mandate that candidate is to be promoted to the next cadre or grade by completing the required eligibility experience. On the other hand it mandates that promotional zone for filling the vacancies in cadre lies with the company and the candidate has to clear DPC/Proficiency test for his next promotion. Undisputedly, no junior to the disputant workman is given promotion out of turn and placed in higher rank than the disputant. That being the position the scheme of the 2nd Party for a direction to the Management to promote or place the disputants in higher cadre befitting to their experience has no merit for consideration.

8. For the discussions made above the Management is directed to give pay protection to the disputant Sri Sahu in his initial recruitment as Junior DEO(Tr) and fix his basic pay accordingly since the settled as well as principle of natural justice mandates that pay of an employee should be protected when he is brought or promoted to higher pos. In the case at hand the disputant Sri Sahu was selected from the post Mozdoor category to the post of Junior DEO under the same Management and he was drawing higher scale in Mazdoor category. That apart his colleague Sri Upadheya was allowed to draw higher scale being given pay protection when he joined in the cadre of Jr. DEO along with Sri Sahu on the same day.

Accordingly the Management is directed to fix up the basic pay of Sri Sahu as per the discussions made above and pay the differential amount along with consequential financial benefits, if any, within two months of the award being notified failing which the disputant workman Sri Sahu is entitled to interest @ 7.5% per annum on the differential amount from the date on which the Tribunal received the reference for adjudication i.e. 30.5.2011.

The reference is answered accordingly.

Dictated & corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 21 अक्तूबर, 2020

**का.आ. 972.**—केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा–1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, **1 नवंबर, 2020** को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय–4 (धारा 44 व धारा 45 के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) और अध्याय–5 और अध्याय–6 (धारा–76 की उप धारा–(1) और धारा–77, धारा–78, धारा–79 और धारा–81 के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) के उपबंध **अरुणाचल प्रदेश** के ''संपूर्ण पापूम पारे जिले'' में प्रवृत्त होंगे।

[सं. एस-38013/02/2020-एस.एस-I)]

मदन चौरसिया, अवर सचिव

New Delhi, the 21st October, 2020

**S. O. 972.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the **1st date of November, 2020** as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been come into force) and Chapter-V and VI (except sub-section (1) of section 76 and sections 77,78,79 and 81 which have already been come into force) of the said Act shall come into force in the "Whole District of Papum Pare" in the State of Arunachal Pradesh.

[No. S-38013/02/2020-SS-I]

MADAN CHAURASIA, Under Secy.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.