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No. 28]	NEW DELHI, AUGUST 1—AUGUST 7, 2021, SATURDAY/SRAVANA 10—SRAVANA 16, 1943

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)

गृह मंत्रालय

(आईएस-II प्रभाग)

आदेश

नई दिल्ली, 5 अगस्त, 2021

का.आ. 505.—मानवाधिकार संरक्षण अधिनियम, 1993 (1994 का 10) की धारा 21 की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, चंडीगढ़, संघ राज्यक्षेत्र द्वारा निष्पादित किए जा रहे मानवाधिकारों से संबंधित कार्यों को पंजाब राज्य मानवाधिकार आयोग, को सौंपने के लिए राष्ट्रपति की संस्वीकृति प्रदान की जाती है।

[फा. सं. 15011/125/2019-एचआर-III]

सुनील कुमार वर्णवाल, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

(IS-II DIVISION)

ORDER

New Delhi, the 5th August, 2021

S.O. 505.—In exercise of the powers conferred by sub-section (7) of section 21 of the Protection of Human Rights Act, 1993 (10 of 1994), the sanction of the President is hereby accorded to confer upon the Punjab State Human Rights Commission, the functions relating to human rights being discharged by the Union territory of Chandigarh.

[F. No. 15011/125/2019-HR-III]

SUNIL KUMAR BARNWAL, Jt. Secy.

**वित्त मंत्रालय
(राजस्व विभाग)**

नई दिल्ली, 30 जुलाई, 2021

का.आ. 506.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, आयुक्त, सीमाशुल्क एवं केंद्रीय उत्पाद शुल्क, सी.जी.ओ परिसर-II, कमला नेहरू नगर, गाजियाबाद, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017- हिन्दी-2 (डीओआर)]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 30th July, 2021

S.O. 506.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of The Commissioner, Central Goods and Services Tax, Ghaziabad, C.G.O Complex-II, Kamla Nehru Nagar, Ghaziabad, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

नई दिल्ली, 30 जुलाई, 2021

का.आ. 507.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, आयुक्त, केंद्रीय माल और सेवा कर आयुक्तालय, रोहतक, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 (डीओआर)]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

New Delhi, the 30th July, 2021

S.O. 507.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of the Commissioner, Central GST Commissionerate, Rohtak where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II (DOR)]

Dr. SATISH CHANDRA, Director (OL)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 2 अगस्त, 2021

का.आ. 508.—बैंककारी विनियमन अधिनियम, 1949 की धारा 22 की उप-धारा (4) के अधीन अनुज्ञप्ति को रद्द करने के भारतीय रिजर्व बैंक के अधीन किसी विनिश्चिय से व्यथित सहकारी बैंक द्वारा की गई बैंककारी विनियमन अधिनियम, 1949 की धारा 22 की उप-धारा (5) के अधीन की गई अपील के संबंध में विनिश्चिय के लिए सुश्री वंदिता कौल, अपर सचिव, भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग केंद्रीय सरकार द्वारा पदाभिहित है। यह सार्वजनिक सूचनार्थ प्रकाशित है।

[फा. सं. 7/103/2020-बीओए-I]

ज्ञानतोष राय, अवर सचिव

(Department of Financial Services)

New Delhi, the 2nd August, 2021

S.O. 508.—Ms. Vandita Kaul, Additional Secretary to the Government of India in the Ministry of Finance, Department of Financial Services is designated by the Central Government to decide any appeal preferred under sub-section (5) of section 22 of the Banking Regulation Act, 1949 by any co-operative bank aggrieved by a decision of the Reserve Bank of India cancelling its license under sub-section (4) of section 22 of the Banking Regulation Act, 1949. This is published for general information.

[F. No. 7/103/2020-BOA-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 2 अगस्त, 2021

का.आ. 509.—बीमांकक अधिनियम, 2006 (2006 का 35) की धारा 26 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अंशुमन शर्मा, पूर्ववर्ती निदेशक, वित्तीय सेवाएं विभाग के स्थान पर तत्काल प्रभाव से और अगले आदेशों तक श्री सुरजीत कार्तिकेयन, उप सचिव, वित्तीय सेवाएं विभाग को भारतीय बीमांकक संस्थान परिषद द्वारा गठित अनुशासनात्मक समिति के सदस्य के रूप में नामित करती है।

[फा. सं. 97(11)/2003-बीमा-III]

विनोद कुमार, अवर सचिव

New Delhi, the 2nd August 2021

S.O. 509.—In exercise of the powers conferred by sub-section (1) of section 26 of the Actuaries Act, 2006 (35 of 2006) the Central Government hereby nominates Sh. Surjith Karthikeyan, Deputy Secretary, Department of Financial Services as a member of the Disciplinary Committee constituted by the Council of the Institute of Actuaries of India vice Sh. Anshuman Sharma, erstwhile Director, DFS with immediate effect and until further orders.

[F. No. 97(11)/2003-Ins.III]

VINOD KUMAR, Under Secy.

**विदेश मन्त्रालय
(सी.पी.वी. प्रभाग)**

नई दिल्ली, 29 जुलाई, 2021

का.आ. 510.—राजनयिक और कंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केंद्र सरकार भारत के दूतावास, वार्सा में श्री गौरव स्वरूप, सहायक अनुभाग अधिकारी को दिनांक 29 जुलाई 2021 से सहायक कंसुलर अधिकारी के तौर पर कंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2016]

ब्रह्म कुमार, निदेशक (सी.पी.वी.)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 29th July, 2021

S.O. 510.—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 Gaurav Swaroop, Assistant Section Officer as Assistant Consular Officer in Embassy of India, Warsaw to perform the Consular services with effect from 29 July, 2021.

[F. No. T-4330/01/2016]

BRAMHA KUMAR, Director (CPV)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 16 जून, 2021

का.आ. 511.—केन्द्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मेघालय राज्य सरकार, की अधिसूचना सं. पीओएल.170/2014/12 दिनांक 19/08/2014 के माध्यम से प्राप्त सहमति से समस्त मेघालय राज्य में हाई सिक्युरिटी रजिस्ट्रेशन प्लेट स्कीम के कार्यान्वयन और निष्पादन के लिए ठेका दिए जाने के संबंध में नितिन शाह, निदेशक, मैसर्स Shimnit Utsch Pvt. Ltd., 8वां तल रिजेन्ट चैम्बर्स, नरीमन प्वाइंट मुंबई – 400021 तथा परिवहन विभाग, मेघालय सरकार के अज्ञात कर्मियों के विरुद्ध धारा 120-बी सपठित भारतीय दंड संहिता की धारा 420, 1860 (1860 का अधिनियम संख्या 45) तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम संख्या 49) की धारा 13(1)(डी) के साथ पठित धारा 13(2) के अंतर्गत दंडनीय अपराधों तथा उससे सम्बन्धित अपराधों में किए गए प्रयासों, दुष्प्रेरणाओं, कूटरचना और षड्यंत्रों या उसी संव्यवहार में किए गए या उन्हीं तथ्य या तथ्यों से उत्पन्न किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त मेघालय राज्य में करती है।

[फा. सं. 228/57/2014-एवीडी-II]

एस.पी.आर. त्रिपाठी, अवर सचिव

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

New Delhi, the 16th June, 2021

S.O. 511.—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 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Meghalaya, vide Notification No. POL.170/2014/12 dated 19/08/2014 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Meghalaya for investigation of offences punishable under Section 120-B read with 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with 13(1)(d) of the Prevention and Corruption Act, 1988 (Act No. 49 of 1988) against Nitin Shah, Director, M/s. Shimnit Utsch India Pvt. Ltd., 8th Floor Regent Chambers, Nariman Point Mumbai-400021 and unknown officials of the Transport Department, Government of Meghalaya relating to award of contract for the implementation and execution of High Security Registration Plates scheme in the whole of the State of Meghalaya and any other offences of attempt, abetment, forgery and conspiracy in relation to or in connection with the said offence committed in the course of the same transaction or arising out of the same fact or facts.

[F. No. 228/57/2014-AVD-II]

S.P.R. TRIPATHI, Under Secy.

नई दिल्ली, 13 जुलाई, 2021

का.आ. 512.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, आदेश सं. सीबीआई 2021/सीआर 101/पीओएल-2, दिनांक 16.02.2021, गृह विभाग, मुंबई, के माध्यम से जारी सहमति से, श्री ए.पी. बांदेकर, सहायक आयुक्त (पी) सीमा-शुल्क और श्री नीरज के. सिंह, अधीक्षक, सीमा-शुल्क आर और आई, नया सीमा-शुल्क घर, मुम्बई के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के तहत दिनांक 10.02.2021 को की गई शिकायत, जिसके आधार पर दिनांक 19.02.2021 को एक सीबीआई मामला, आरसी-0262021ए0002 दर्ज की गई है, से उत्पन्न अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 (कार्योत्तर प्रभाव से दिनांक 19.02.2021 से) समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/32/2021-एवीडी-II]

एस.पी.आर. त्रिपाठी, अवर सचिव

New Delhi, the 13th July, 2021

S.O. 512.—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 Maharashtra issued vide Order No. CBI 2021/CR 101/POL-2 dated 16.02.2021, Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 19.02.2021) to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 10.02.2021 against Shri A.P. Bandekar, Assistant Commissioner (P) Customs and Shri Niraj K. Singh, Superintendent, Customs R&I, New Customs House, Mumbai under the Prevention of Corruption Act, 1988 (49 of 1988); based on which a CBI Case, RC-0262021A0002 has been registered on 19.02.2021 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. 228/32/2021-AVD-II]

S.P.R. TRIPATHI, Under Secy.

नई दिल्ली, 13 जुलाई, 2021

का.आ. 513.—केन्द्र सरकार, एतद्वारा 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 गृह विभाग, मुंबई के आदेश सं. के.अ.ब्यूरो 2021/सीआर 238/पीओएल-2 दिनांक 20.05.2021 के माध्यम से जारी महाराष्ट्र राज्य सरकार की सहमति से श्री मलाई कंचन, प्रोसेसिंग अधिकारी, भारतीय स्टेट बैंक, मालेगांव, महाराष्ट्र के विरुद्ध दिनांक 12.5.2021 के शिकायत से उत्पन्न जिसके आधार पर भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के तहत दिनांक 20.5.2021 को के.अ.ब्यूरो मामला सं. आरसी 0262021ए0007 दर्ज किया गया है, (दिनांक 20.5.2021 से कार्योत्तर प्रभावी) से उत्पन्न अपराध(धों) का 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 महाराष्ट्र राज्य में करती है।

[फा. सं. 228/34/2021-एवीडी-II]

एस.पी.आर. त्रिपाठी, अवर सचिव

New Delhi, the 13th July, 2021

S.O. 513.—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 Maharashtra issued vide Order No. CBI 2021/CR 238/POL-2 dated 20.05.2021, Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 20.05.2021) to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 12.05.2021 against Shri Malai Kanchan, Processing Officer, State Bank of India, Malegaon, Maharashtra under the Prevention of Corruption Act, 1988 (49 of 1988); based on which a CBI Case, RC-0262021A0007 has been registered on 20.05.2021 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. 228/34/2021-AVD-II]

S.P.R. TRIPATHI, Under Secy.

नई दिल्ली, 16 जुलाई, 2021

का.आ. 514.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, आदेश सं. सीबीआई 2021/सीआर 154/पीओएल-2, दिनांक 23.03.2021, गृह विभाग, मुंबई, के माध्यम से जारी सहमति से, श्री अमित दलाल, अधीक्षक, केंद्रीय माल और सेवा कर, मुम्बई दक्षिण, एयर इंडिया बिल्डिंग, नरीमन पॉइंट, मुम्बई के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के तहत दिनांक 19.03.2021 को की गई शिकायत, जिसके आधार पर दिनांक 24.03.2021 को एक सीबीआई मामला, आरसी-0262021ए0005 दर्ज की गई है, से उत्पन्न अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 (कार्योत्तर प्रभाव से दिनांक 24.03.2021 से) समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/33/2021-एवीडी-II]

एस.पी.आर. त्रिपाठी, अवर सचिव

New Delhi, the 16th July, 2021

S.O. 514.—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 Maharashtra issued vide Order No. CBI 2021/CR 154/POL-2 dated 23.03.2021, Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 24.03.2021) to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 19.03.2021 against Shri Amit Dalal, Superintendent, Central Goods and Services Tax, Mumbai South, Air India Building, Nariman Point, Mumbai under the Prevention of Corruption Act, 1988 (49 of 1988); based on which a CBI Case, RC-0262021A0005 has been registered on 24.03.2021 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. 228/33/2021-AVD-II]

S.P.R. TRIPATHI, Under Secy.

नई दिल्ली, 23 जुलाई, 2021

का.आ. 515.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों, जिन का अन्वेषण दिल्ली विशेष पुलिस स्थापना के सदस्यों द्वारा भी किया जाने वाला है, को विनिर्दिष्ट करती है, नामतः :-

- (क) बिहार सहकारी समिति अधिनियम, 1935 (1935 का 6) के अंतर्गत दण्डनीय अपराध;
- (ख) उपर्युक्त उल्लिखित अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किन्हीं अन्य अपराध(धों)।

[फा. सं. 228/07/2018-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 23th July, 2021

S.O. 515.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, namely :-

- (a) Offences punishable under the Bihar Co-operative Societies Act, 1935 (6 of 1935);
- (b) any attempt, abetment and conspiracy in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/07/2018-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 23 जुलाई, 2021

का.आ. 516.—केन्द्र सरकार, एतद्वारा 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 तमिलनाडु सरकार, गृह (Citz.I) विभाग, चेन्नई की अधिसूचना जी.ओ (2 डी) सं. 309 दिनांक 02.12.2020 के माध्यम से जारी तमिलनाडु राज्य सरकार की सहमति से, विदेशी अंशदान (विनियम) अधिनियम 2010 (2010 का 42) के तहत सेंटर फॉर प्रमोशन ऑफ शोशल कंसर्न, मदुरई, तमिलनाडु के खिलाफ निदेशक (एमयूएण्डआई), फॉरेनर्स डिविजन (एफसीआरए विंग), गृह मंत्रालय द्वारा संदर्भ संख्या फा. सं. II/21022/58(119)2012-एफसीआरए(एमयू) दिनांक 22.07.2014 के अंतर्गत दर्ज कराई गई कथित प्रतिबद्ध शिकायत के कारण उत्पन्न अपराध(धों) के अन्वेषण और ऐसे

अपराध(धों) से जुड़े या संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 तमिलनाडु राज्य में करती है।

[फा. सं. 228/35/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 23th July, 2021

S.O. 516.—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 Tamil Nadu, issued vide Notification G.O (2D) No. 309 dated 02.12.2020, Home (Citz.I) Department, Chennai hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Tamil Nadu for investigation into the offence(s) arising out of reference made by the Director (MU&I), Foreigners Division (FCRA Wing), Ministry of Home Affairs in F.No.II/21022/58(119)2012-FCRA(MU) dated 22.07.2014 under the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) alleged to have been committed by the Centre for Promotion of Social Concerns, Madurai, Tamil Nadu 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. 228/35/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 27 जुलाई, 2021

का.आ. 517.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार, गृह (एम) विभाग अधिसूचना जी.ओ. (एमएस.) सं. 20/2021/गृह, तिरुवनंतपुरम, दिनांक 23 जनवरी, 2021 [एस.आर.ओ. सं. 69/2021 के रूप में प्रकाशित], के माध्यम से जारी सहमति से, सुश्री सरिता नायर, वर्तमान निवासी - इंधीवरम, विलावूरक्काल, नालामकल्लू, मलयिनकीझू, तिरुवनंतपुरम द्वारा की गई शिकायत से उत्पन्न आरोपों के संबंध में सीबीसीआईडी/सीबी पुलिस थाने में दर्ज अपराध सं. 42/2018, 43/2018, 140/2019, 141/2019, 142/2019 और 128/सीआर/एचएचडब्ल्यू-1/टीवीएम/2016, और जुड़े मामलों से संबंधित अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 केरल राज्य में करती है।

[फा. सं. 228/09/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 27th July, 2021

S.O. 517.—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 Kerala, issued vide Home (M) Department Notification G.O. (Ms.) No. 20/2021/HOME, Thiruvananthapuram, dated 23rd January, 2021 [published as S.R.O No. 69/2021], hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Kerala for investigation into the offence(s) involved in Crime Nos. 42/2018, 43/2018, 140/2019, 141/2019, 142/2019 and 128/CR/HHW-I/TVM/2016, registered at CBCID/CB Police Stations and connected cases relating to the allegations raised in the complaints made by Ms. Saritha Nair, presently r/o Indheevaram, Vilavoorkkal, Nalamkallu, Malayinkeezhu, Thiruvananthapuram 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. 228/09/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 27 जुलाई, 2021

का.आ. 518.—केन्द्र सरकार, एतद्वारा 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 झारखंड राज्य सरकार, अधिसूचना सं. 10/सीबीआई/-411/2020-791, दिनांक 11.02.2021, गृह, कारा एवं आपदा प्रबंधन विभाग, रांची, के माध्यम से जारी सहमति से (i) श्री अखिलेश कुमार चौबे, महाप्रबन्धक, (ii) श्री दिलीप कुमार शर्मा, परियोजना अधिकारी (iii) श्री शंभू कुमार झा, प्रबन्धक (iv) श्री उमेश कुमार सिंह, वरिष्ठ सर्वेयर, सभी आम्रपाली ओपन कास्ट प्रोजेक्ट, सेंट्रल कोलफील्ड्स लिमिटेड, चतरा, झारखंड से (v) श्री पंकज कुमार झा, वरिष्ठ अधिकारी (सर्वे), मगध और आम्रपाली एरिया (vi) श्री निहार रंजन साव, मुख्य प्रबन्धक (माइनिंग), मगध और आम्रपाली एरिया (vii) मैसर्स एएमपीएल-एमआईपीएल-जीसीएल (जेवी), कोलकाता और (viii) मैसर्स एएमपीएल-एमआईपीएल-जीसीएल (जेवी) के निदेशकगण एवं अन्य के विरुद्ध लगभग 8,75,774.3159 मी.टन कोयले का दुर्विनियोजन करके सेंट्रल कोलफील्ड्स लिमिटेड को सदोष हानि कारित करने और स्वयं को तदनुरूपी लगभग 83,63,64,471/- रुपये का सदोष लाभ पहुंचाने से जुड़े अपराध (अपराधों) का भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 120बी, 420, 409 और 477ए तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) की धारा 7 के तहत अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 झारखंड राज्य में करती है।

[फा. सं. 228/37/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 27th July, 2021

S.O. 518.—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 Jharkhand, issued vide Notification No.-10/C.B.I.-411/2020-791 dated 11.02.2021, Home, Prisons and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for investigation into the offence(s) under sections 120B, 420, 409 and 477A of the Indian Penal Code, 1860 (45 of 1860) and section 7 of the Prevention of Corruption Act, 1988 (49 of 1988) against (i) Shri Akhilesh Kumar Chaubey, General Manager (ii) Shri Dilip Kumar Sharma, Project Officer (iii) Shri Shambhu Kumar Jha, Manager (iv) Shri Umesh Kumar Singh, Sr. Surveyor, all of Amrapali Open Cast Project, Central Coalfields Limited, Chatra, Jharkhand (v) Shri Pankaj Kumar Jha, Senior Officer (Survey), Magadh and Amrapali Area (vi) Shri Nihar Ranjan Saw, Chief Manager (Mining), Magadh and Amrapali Area (vii) M/s AMPL-MIPL-GCL(JV), Kolkata and (viii) Directors of M/s AMPL-MIPL-GCL(JV) and Others pertaining to misappropriation of approx. 8,75,774.3159 MT of coal thereby causing wrongful loss to the Central Coalfields Limited and corresponding wrongful gain to themselves to the tune of Rs. 83,63,64,471 /- approx. 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. 228/37/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 27 जुलाई, 2021

का.आ. 519.—केन्द्र सरकार, एतद्वारा 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 झारखंड राज्य सरकार, अधिसूचना सं. 10/सीबीआई/-409/2020-977, दिनांक 19.02.2021, गृह, कारागार एवं आपदा प्रबंधन विभाग, रांची, के माध्यम से जारी सहमति से (i) श्री ए.के. चौबे, महाप्रबंधक, मगध और आम्प्रपाली एरिया, सेंट्रल कोलफील्ड्स लिमिटेड (ii) श्री कमल कुमार पांडा, मुख्य प्रबंधक (माइनिंग)/परियोजना अधिकारी, मगध ओपन कास्ट प्रोजेक्ट, सेंट्रल कोलफील्ड्स लिमिटेड (iii) श्री पंकज कुमार झा, एरिया सर्वेक्षण अधिकारी, मगध आम्प्रपाली एरिया, सेंट्रल कोलफील्ड्स लिमिटेड (iv) श्री जे.पी. सिंह, वरिष्ठ प्रबंधक(माइनिंग)/कोलियरी प्रबंधक, मगध ओपन कास्ट प्रोजेक्ट, सेंट्रल कोलफील्ड्स लिमिटेड (v) श्री सुबोध कुमार, वरिष्ठ प्रबंधक(माइनिंग)/डिस्पैच अधिकारी, मगध ओपन कास्ट प्रोजेक्ट, सेंट्रल कोलफील्ड्स लिमिटेड (vi) श्री पंकज सोनी, उप सर्वेक्षक, मगध ओपन कास्ट प्रोजेक्ट, सेंट्रल कोलफील्ड्स लिमिटेड, चतरा तथा (vii) मैसर्स सैनिक माइनिंग एंड एलाइड सर्विसेज लिमिटेड, सर्कुलर रोड, रांची एवं अन्य के विरुद्ध लगभग 80,665 मी.टन कोयले का दुर्विनियोजन करके सेंट्रल कोलफील्ड्स लिमिटेड को सदोष हानि कारित करने और स्वयं को तदनुरूपी लगभग 8.57 करोड़ रुपये का सदोष लाभ पहुंचाने से जुड़े अपराध (अपराधों) का भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 120बी, 420, 409, 468 और 471 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) की धारा 13(2) सपठित धारा 13(1)(ए) के तहत अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 झारखंड राज्य में करती है।

[फा. सं. 228/39/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 27th July, 2021

S.O. 519.—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 Jharkhand, issued vide Notification No.-10/C.B.I.-409/2020-977 dated 19.02.2021, Home, Prisons and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for investigation into the offence(s) under sections 120B, 420, 409, 468 and 471 of the Indian Penal Code, 1860 (45 of 1860) and section 13(2) r/w section 13(1)(a) of the Prevention of Corruption Act, 1988 (49 of 1988) against (i) Shri A.K. Chaubey, General Manager, Magadh Amrapali Area, Central Coalfields Limited (ii) Shri Kamal Kumar Panda, Chief Manager (Mining)/Project Officer, Magadh Open Cast Project, Central Coalfields Limited (iii) Shri Pankaj Kumar Jha, Area Survey Officer, Magadh Amrapali Area, Central Coalfields Limited (iv) Shri J.P. Singh, Sr. Manager (Mining)/Colliery Manager, Magadh Open Cast Project, Central Coalfields Limited (v) Shri Subodh Kumar, Sr. Manager(Mining)/Dispatch Officer, Magadh Open Cast Project, Central Coalfields Limited (vi) Shri Pankaj Soni, Dy. Surveyor, Magadh Open Cast Project, Central Coalfields Limited, Chatra and (vii) M/s. Sainik Mining & Allied Services Limited, Circular Road, Ranchi and Others pertaining to misappropriation of approx. 80,665 MT of coal thereby causing wrongful loss to the Central Coalfields Limited and corresponding wrongful gain to themselves to the tune of Rs. 8.57 crores approx. 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. 228/39/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 30 जुलाई, 2021

का.आ. 520.—केन्द्र सरकार, एतद्वारा 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 बिहार सरकार, गृह विभाग (पुलिस शाखा) के अधिसूचना सं. 9/सी.बी.आई.-80-08/2020-1755/एचपी/पटना दिनांक 26.02.2021, के माध्यम से जारी बिहार राज्य सरकार की सहमति से, सरकार के बैंक खातों से धन के अवैध हस्तांतरण से संबंधित, भारतीय दंड संहिता (1860 का 45) की धाराओं 409, 420, 467, 468, 471, 120बी के तहत दर्ज भागलपुर कोतवाली थाना मामला सं. 808/2020 दिनांक 23.12.2020 में अन्वेषण और ऐसे अपराध(धों) से जुड़े या संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/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 बिहार राज्य में करती है।

[फा. सं. 228/13/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 520.—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 Bihar, Home Department (Police Branch), issued vide Notification No. 9/C.B.I.-80-08/2020-1755/HP/Patna dated 26.02.2021, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Bihar for investigation into the Bhagalpur Kotwali P. S. Case No- 808/2020 dated 23.12.2020, under sections 409, 420, 467, 468, 471, 120B of the Indian Penal Code (45 of 1860), relating to illegal transfer of money from the bank accounts of the Government 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. 228/13/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 30 जुलाई, 2021

का.आ. 521.—केन्द्र सरकार, एतद्वारा 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 झारखंड राज्य सरकार, अधिसूचना सं. 10/सीबीआई/-412/2020-792, दिनांक 11.02.2021, गृह, कारा एवं आपदा प्रबंधन विभाग, रांची, के माध्यम से जारी सहमति से (i) मोहम्मद अल्ताफ, पिता मोहम्मद हनीफ, तत्कालीन सहायक पोस्ट मास्टर (एसबी काउंटर) (ii) श्री शशि भूषण कुमार उर्फ पप्पू पांडेय, पिता श्री रामेशाशीष पांडेय, सहायक पोस्ट मास्टर के रूप में कार्यरत डाक सहायक, दोनों गिरिडीह प्रधान डाक घर, गिरिडीह (iii) श्री अरविन्द कु. पांडेय, पिता स्वर्गीय सुधीर कुमार पांडेय, ग्रामीण डाक सेवक, बीपीएम, खुर्जिओ बीओ पलोजिआ एसओ, गिरिडीह डिवीजन, गिरिडीह के साथ खाता (iv) श्री कृष्ण कुमार दास, पिता रघुनाथ राम, ग्रामीण डाक सेवक, शिरामपुर कोलिअरी बीओ में गिरिडीह टाउन एसओ के साथ खाता और अन्य गैर सरकारी व्यक्तियों नामतः श्री त्रिलोचन सिंह, निवासी स्टेशन रोड, गिरिडीह, श्री नवीन कुमार, पिता श्री बसंत पण्डित, निवासी ऑफिसर कॉलोनी, गिरिडीह और श्री रतन कुमार पाठक, निवासी मंगोरडीह, डाकघर – डांडीडीह, गिरिडीह के द्वारा लगभग 88,63,781/- रुपए के बराबर के सरकारी धन की धोखाधड़ी से निकासी से जुड़े अपराध (अपराधों) का भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 120बी और 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) की धारा 13(2) सपठित

धारा 13(1)(ए) के तहत अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 झारखंड राज्य में करती है।

[फा. सं. 228/40/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 521.—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 Jharkhand, issued vide Notification No.-10/C.B.I.-412/2020-792 dated 11.02.2021, Home, Prisons and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for investigation into the offence(s) under sections 120B and 420 of the Indian Penal Code, 1860 (45 of 1860) and section 13(2) r/w section 13(1)(a) of the Prevention of Corruption Act, 1988 (49 of 1988) against (i) Md. Altaf, s/o Md. Hanif, the then Assistant Post Master (SB Counter) (ii) Shri Shashi Bhushan Kumar @ Pappu Pandey, s/o Shri Rameashish Pandey, Postal Assistant working as Assistant Post Master, both of Giridih Head Post office, Giridih (iii) Shri Arvind Kr. Pandey, s/o Late Sudhir Kumar Pandey, Gramin Dak Sevak BPM, Khurjio BO A/c with Palonjia SO, Giridih Division, Giridih (iv) Shri Krishna Kumar Das, s/o Late Raghunath Ram, Gramin Dak Sevak, Shirampur Colliery BO in A/c with Giridih Town SO and other private persons namely Shri Trilochan Singh, r/o Station Raod, Giridih, Shri Navin Kumar, s/o Shri Basant Pandit, r/o Officers Colony, Giridih and Shri Ratan Kumar Pathak, r/o Mangrodih, P.O.-Dandidih, Giridih, pertaining to fraudulent withdrawal of Government money to the tune of Rs. 88,63,781 /- approx. 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. 228/40/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 30 जुलाई, 2021

का.आ. 522.—केन्द्र सरकार, एतद्वारा 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 गृह विभाग (पुलिस शाखा), पटना के अधिसूचना सं. 9/के.अ.ब्यूरो-80-20/2021एचपी-1476 दिनांक 19.02.2021 के माध्यम से जारी बिहार राज्य सरकार की सहमति से भारतीय स्टेट बैंक, मानपुर शाखा, गया के संबंध में पुलिस स्टेशन मुफ्फासिल, गया, बिहार में भारतीय दंड संहिता (1860 का 45) की धाराओं 467, 468, 471, 409, 420 तथा 34 के तहत दर्ज मामला सं. 267/2020 दिनांक 18.07.2020 से संबंधित अपराध(धों) का 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 बिहार राज्य में करती है।

[फा. सं. 228/12/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 522.—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 Bihar issued vide Notification No. 9/C.B.I.-80-02/2021HP-1476 dated 19.02.2021 of Home Department (Police Branch), Patna hereby extends the powers and jurisdiction of the members of the

Delhi Special Police Establishment to the whole State of Bihar for investigation into the offence(s) relating to Case No. 267/2020 dated 18.07.2020, registered under sections 467, 468, 471, 409, 420 and 34 of the Indian Penal Code (45 of 1860) at Police Station Muffasil, Gaya, Bihar, in respect of State Bank of India, Manpur Branch, Gaya 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. 228/12/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 4 अगस्त, 2021

का.आ. 523.—केन्द्र सरकार, एतद्वारा 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, झारखंड राज्य सरकार की अधिसूचना सं. 10/सी.बी.आई.-410/2021/2715, दिनांक 30.07.2021, गृह, कारागार एवं आपदा प्रबंधन विभाग, रांची के माध्यम से जारी सम्मति से, श्री उत्तम आनंद, अपर जिला न्यायाधीश, धनबाद की मृत्यु के संबंध में दिनांक 28.07.2021 को धनबाद थाना (जिला धनबाद) में भारतीय दंड संहिता (1860 का 45) की धारा 302 के अंतर्गत दर्ज मामला सं. 300/2021 से जुड़े अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/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 झारखंड राज्य में करती है।

[फा. सं. 228/47/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 4th August, 2021

S.O. 523.—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 Jharkhand, issued vide Notification No. 10/C.B.I.-410/2021/2715 dated 30.07.2021, Home, Prison and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for investigation into the offence(s) relating to Case No. 300/2021, registered at Police Station Dhanbad (Dhanbad District) on 28.07.2021, under section 302 of the Indian Penal Code (45 of 1860), pertaining to the death of Shri Uttam Anand, Additional District Judge, Dhanbad 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. 228/47/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

संचार मंत्रालय
(डाक विभाग)

नई दिल्ली, 2 अगस्त, 2021

का.आ. 524.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम (4) के अनुसरण में, डाक विभाग के निम्नलिखित अधीनस्थ कार्यालय जिसके 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:-

पोस्टमास्टर जनरल का कार्यालय, दक्षिण कर्नाटक क्षेत्र,
जीपीओ भवन, बेंगलुरु-560001

[फा. सं. ई-11017-1/2021-रा.भा.]

डॉ. अमरप्रीत दुग्गल, उप महानिदेशक (ईएमएम/राजभाषा)

MINISTRY OF COMMUNICATION
(Department of Posts)

New Delhi, the 2nd August, 2021

S.O. 524.—In Pursuance of sub rule (4) of Rule 10 of the Official Language (use for official Purposes of the Union) Rules 1976 (as amended in 1987), the Central Government hereby notifies following Sub-ordinate office of the Department of Posts, where more than 80% Officers/Officials have acquired the working knowledge of Hindi:-

O/o Post Master General, South Karnataka Region,
GPO Building Bengaluru-560001

[F. No. E-11017-1/2021-OL]

Dr. AMARPREET DUGGAL, Dy. Director General (EMM/OL)

रेल मंत्रालय
(रेलवे बोर्ड)

नई दिल्ली, 23 दिसम्बर, 2020

का.आ. 525.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में साईनगर शिरडी रेलवे स्टेशन को, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1]

नीरू पटनी, संयुक्त निदेशक (राजभाषा)

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 23rd December, 2020

S.O. 525.—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the Sainagar Shirdi Railway Station, where 80% or more Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1]

NEERU PATNI, Jt. Director (OL)

नई दिल्ली, 5 जनवरी, 2021

का.आ. 526.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेलवे सुरक्षा विशेष बल, छठी वाहिनी, दयाबस्ती, दिल्ली, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1]

नीरू पटनी, संयुक्त निदेशक (राजभाषा)

New Delhi, the 5th January, 2021

S.O. 526.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the Railway Protection Special Force, 6th Batallion, Dayabasti, Delhi, where 80% or more Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1]

NEERU PATNI, Jt. Director (OL)

नई दिल्ली, 5 जनवरी, 2021

का.आ. 527.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में प्रधान मुख्य सुरक्षा आयुक्त, रेलवे सुरक्षा विशेष बल, बल मुख्यालय, दयाबस्ती, दिल्ली, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1]

नीरू पटनी, संयुक्त निदेशक (राजभाषा)

New Delhi, the 5th January, 2021

S.O. 527.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the Principal Chief Security Commissioner, Railway Protection Special Force, Force Headquater, Dayabasti, Delhi, where 80% or more Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1]

NEERU PATNI, Jt. Director (OL)

नई दिल्ली, 18 जनवरी, 2021

का.आ. 528.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में मंडल रेल प्रबंधक कार्यालय/हुबबल्लि, जहां 100 प्रतिशत अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1]

नीरू पटनी, संयुक्त निदेशक (राजभाषा)

New Delhi, the 18th January, 2021

S.O. 528.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the DRM Office, Hubballi, where 100% Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1]

NEERU PATNI, Jt. Director (OL)

नई दिल्ली, 9 जून, 2021

का.आ. 529.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल दावा अधिकरण/ पटना पीठ, रेल दावा अधिकरण/ सिकंदराबाद पीठ, रेल दावा अधिकरण/ नागपुर पीठ, रेल दावा अधिकरण/ भोपाल पीठ, रेल दावा अधिकरण/ चण्डीगढ़ पीठ, एवं राइट्स लिमिटेड, क्षेत्रीय परियोजना कार्यालय, लखनऊ, जहां 80 प्रतिशत या उससे अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1]

विपिन पवार, निदेशक (राजभाषा)

New Delhi, the 9th June, 2021

S.O. 529.—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify Railway Claims Tribunal/Patna Bench, Railway Claims Tribunal/ Secunderabad Bench, Railway Claims Tribunal/Nagpur Bench, Railway Claims Tribunal/ Bhopal Bench, Railway Claims Tribunal/ Chandigarh Bench and Rites Limited, Regional Project Office, Lucknow where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1]

VIPIN PAWAR, Director (OL)

नई दिल्ली, 28 जुलाई, 2021

का.आ. 530.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में कार्यालय कमान अधिकारी, नौवीं वाहिनी, रेल सुरक्षा विशेष बल, जगाधरी वर्कशॉप, हरियाणा, स्टेशन प्रबंधक कार्यालय, चंद्रपुर, मध्य रेल एवं रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, उत्तरी क्षेत्रीय कार्यालय, छठा तल, ब्लॉक-III, दिल्ली आईटी पार्क, शास्त्री पार्क, नई दिल्ली, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1]

विपिन पवार, निदेशक (राजभाषा)

New Delhi, the 28th July, 2021

S.O. 530.—Ministry of Railways (Railway Board) in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the O/o the Commanding Officer, 9th Battalion Railway Protection Special Force, Jagadhri Workshop, Haryana, O/o the Station Manager, Chandrapur, Central Railway and Rail Tel Corporation of India Ltd., Northern Regional Office, 6th Floor, Block-III, Delhi IT Park, Shastri Park, New Delhi, where 80% or more Officers/ Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1]

VIPIN PAWAR, Director (OL)

कोयला मंत्रालय

नई दिल्ली, 6 अगस्त, 2021

का.आ. 531.—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, भाग II, खंड 3, उपखंड (ii), तारीख 20 मार्च, 2021 में प्रकाशित, भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 228, तारीख 18 मार्च, 2021 के प्रकाशन पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) और भूमि में या उस पर के सभी अधिकार, उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विल्लंगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे ;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि नार्दर्न कोलफील्ड्स लिमिटेड, जिला सिंगरौली, मध्य प्रदेश (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 उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि का माप 395.958 हेक्टेयर (लगभग) या 978.412 एकड़ (लगभग) उक्त भूमि में या उस पर के सभी अधिकार तारीख 20 मार्च, 2021 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाए, निम्नलिखित निबंधनों और शर्तों के अध्वधीन 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 और वैसी ही मदों की बाबत सभी संदाय करेगी ;
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, संदेय रकमों का अवधारण करने के प्रयोजनों के लिए उक्त अधिनियम की धारा 14 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 सभी 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 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 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. 43015/15/2019-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

MINISTRY OF COAL

New Delhi, the 6th August, 2021

S.O. 531.—Whereas, on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 228, dated the 18th March, 2021, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 20th March, 2021, 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 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 Northern Coalfields Limited, District Singrauli, Madhya Pradesh (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 direct that the said land measuring 395.958 hectares (approximately) or 978.412 acres (approximately) and all rights in or over the said land so vested shall, with effect from 20th March, 2021 instead of continuing to so vest in the Central Government shall vest in the said Government company subject to the following terms and conditions, namely:-

- (1) The Government company shall make all payments in respect of compensation, interest, damages 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 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 land, 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 rights in or over the said land so vested ;
- (4) The Government company shall have no power to transfer the aforesaid rights in the said lands so vested, to any other persons 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 lands, as and when necessary.

[F. No. 43015/15/2019-LA & IR]

RAM SHIROMANI SAROJ, Dy. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 28 जून, 2021

का.आ. 532.—राष्ट्रपति, न्यायधीश (सेवानिवृत्त) रविन्द्र नाथ कक्कड़, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, सं. 1/राष्ट्रीय औद्योगिक अधिकरण, मुंबई को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय/ राष्ट्रीय औद्योगिक अधिकरण, कोलकाता के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 06.05.2021 से छः माह तक की अवधि अथवा पद पर नियमित नियुक्ति तक अथवा अगले आदेशो तक, इनमे जो भी पहले हो तक बढ़ाते है।

[सं. अ-11016/05/2020-सीएलएस-II]

सतीश चन्दर, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th June, 2021

S.O. 532.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court/National Industrial Tribunal, Kolkata entrusted to Justice (Retd.) Ravindra Nath Kakkar, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1/National Industrial Tribunal, Mumbai for a further period of six months with effect from 06.05.2021 or till regular appointment to the post or until further orders, whichever is the earliest.

[No. A-11016/05/2020-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली 28 जुलाई, 2021

का.आ. 533.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक/प्रबंधक, भा.क्र.ए.एन.यू.पी.- राष्ट्रीय अजैविक, तनाव प्रबंधन संस्थान, बारामती, जिला- पुणे; मेसर्स नेशनल प्रोटेक्टिव सिक्योरिटी सर्विसेज, नागपुर; मेसर्स सिग्मा टेक्निफ्रा सॉल्यूशंस (आई) प्राइवेट लिमिटेड बनेर; मेसर्स गौरी सर्विसेज प्राइवेट लिमिटेड, पुणे; मेसर्स यशपाल सिक्यूरिटी लेबर सर्विसेज, प्राइवेट लिमिटेड; वडगांव शेरी, पुणे ; मेसर्स डी.एस. मैन पावर सर्विसेज, यमुना - नगर, पुणे के प्रबंधन के संबद्ध नियोजकों और श्री सतीश बालसो भोसले, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण लेबर कोर्ट नं. 3, पुणे पंचाट (संदर्भ संख्या 254/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 22.07.2021 को प्राप्त हुआ था।

[सं. एल-42025/07/2021-आईआर (डीयू)]

डी.के. हिमांशु, अवर सचिव

New Delhi, the 28th July, 2021

S.O. 533.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 254/2019) of the LABOUR COURT NO.- 3 Pune as shown in the Annexure, in the Industrial dispute between the employers in relation to The Director/The Manager, Bha.Kru. A. Nu.P.- National Institute of Abiotic, Stress Management, Baramati, Dist- Pune; M/s. National Protective Security Services, Nagpur ; M/s. Sigma Techinfra Solutions (I) Pvt Ltd. Baner; M/s. Gauri Services Pvt. Ltd., Pune ; M/s. Yashpal Security Labour Services,Pvt Ltd.; Vadgaon Sheri, Pune ; M/s. D.S. Man Power Services, Yamuna - Nagar, Pune and Shri. Satish Balaso Bhosale, Worker which was received along with soft copy of the award by the Central Government on 22.07.2021.

[No. L-42025/07/2021-IR (DU)]

D. K. HIMANSHU, Under Secy.

ANNEXURE**BEFORE THE LABOUR COURT NO. 3, AT : PUNE****(Presided over by Smt. Madhura A. Mulik)****Reference (IDA) No.:- 254/2019****Exh. O – 4****DISPUTE BETWEEN :**

Shri. Satish Balaso Bhosale,
C/o. Lokkalyan Mazdoor Union
54, Budhwar Peth, Kakakuva Manshion
Lakshmi Road, Pune-411 002.

...Applicant

AND

- 1) The Director / The Manager,
Bha.Kru.A.Nu.P.- National Institute of Abiotic

- Stress Management, At.Post. Malegaon Ku||
Tq. Baramati, Dist. Pune – 413 115.
- 2) M/s. National Protective Security Services
Arun Apartment, New Swavlambi Nagar,
Nagpur – 440 022.
- 3) M/s. Sigma Techinfra Solutions (I) Pvt. Ltd.
Survey No. 113/4, Office No. 402, 4th Floor
Spiro Elegance Apartment, Near Ganraj
Mangal Karyalaya, Baner – 411 045.
- 4) M/s. Gauri Services Pvt. Ltd.,
135, At.Post. Varvand, Tq. Daund,
Dist. Pune – 412 215.
- 5) M/s. Yashpal Security Labour Services
Pvt. Ltd.
Survey No. 3, Navratna Society, P.A. Indrador
School Road, Vadgaon Sheri, Pune – 411 014.
- 6) M/s. D.S. Man Power Services,
Sector – 21, Lakshmi Building, Nigadi,
Pimpri—Chinchwad Pradhikaran, Yamuna-
Nagar, Pune – 44.

...Opponents

AWARD

Perused record. The Applicant and his advocate are present before this Court. He has filed an application to take present matter on today's board, accordingly, the matter is taken on board. Further he filed pursis below Exh.:-U-7 and informed that he does not want to prosecute the present reference on merit. Therefore, the Reference is disposed of as withdrawn. The parties to bear their own costs. Award be published accordingly. Inform the appropriate Government.

DATE : 10.03.2021

PUNE.

Smt. MADHURA A. MULIK, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 01/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/105/2008-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 534.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 01 of 2009) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/105/2008-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 01/2009**

Employer in relation to the management of Bagdigi Colliery Area No.X of M/s. BCCL

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For Employer : Sri S.N. Ghosh, Advocate.

For workman : Sri Sadhan Banerjee, Representative.

State : Jharkhand.

Industry:- Coal

Dated 30.03.2021

AWARD

By Order No.L-20012/105/2008- IR(CM-I) dated 30.01.2009, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“i) Whether the action of management of Bagdigi Colliery of M/s. BCCL in not providing dependent employment to Shri Mohammad Ashraf, s/o Late Anwar Hussain, Prop. Mistry, under the provisions of NCWA is justified and legal? ii) To what relief is the son of Late Anwar Hussain is entitled?”

2. After receipt of the reference, both the parties were noticed. The Executive Member of B.C.K.U has filed his written statement of claim on 03/02/2011 and the management Lodna Area of M/s. BCCL has filed its written statement cum rejoinder on 08/05/2013.

The Executive Member of B.C.K.U has filed rejoinder to the written statement of the management on 26/09/2013.

3. The claim of the sponsoring union as per its written statement is as follows:-

That Late Anwar Hussain was a permanent employee designated at Prop. Mistry having his personal no. 00869819, Form ‘B’ No. 331 and CMPF A/C No. C/369875 of Bagdigi Colliery within Area No. X of M/s. BCCL and he was appointed in the year 1965 whereas he died on 18/06/2004 as he was suffering from Cancer during the tenure of his service. Late Haszadi Khatoon was the first wife of Late Anwar Hussain and out of said wedlock Akhtar Hussain, Md. Aslam, Md. Ashraf (applicant) and Md. Manauwar were born. Later on Late Anwar Hussain had solemnised marriage with Hanufa Khatoon and out of said wedlock Md. Asgar, Md. Abdul Kalam, Asgari Khatoon and Rani Khatoon were born. The first wife, namely Haszadi Khatoon of deceased workman was unable to discharge the duty of BCCL because of her old age, so she sponsored the name of her son Md. Ashraf for the job in place of the deceased workman. The applicant Md. Ashraf had submitted the application forms for the employment along with all the required documents in the office of the management of BCCL on 11/05/2004 but the management of the BCCL failed to provide employment to the dependent son as per Rule and Standing Order of Coal India Limited. The applicant thereafter raised a dispute before the Assistant Labour Commissioner, Dhanbad and the management of BCCL did not agree for the conciliation and subsequently the matter was referred to Ministry of Labour & Employment Government of India for reference.

A prayer has been made to pass an award in favour of the applicant.

4. The case of the management as per its written statement filed by General Manager, Lodna Area is as follows:-

That Late Anwar Hussain was working as Prop. Mistry in Bagdigi Colliery who died on 18/06/2004 but he never informed the management that he was suffering from Cancer as stated by Union. Late Anwar Hussain during his lifetime had married with Haszadi Khatoon and four sons were born out of said wedlock. Later on Late Anwar Hussain had married with Hanufa Khatoon and out of said wedlock two sons and two daughters were born. The first wife namely Haszadi Khatoon of Late Anwar Hussain died on 25/02/2007. The applicant Md. Ashraf had applied for employment under compassionate ground before the management on

11/05/2004 as per paragraph-8 of the written of the sponsoring union which is before the death of the concerned workman/employee, so such type of application for dependent employment before the death of the workman is not covered under any law. The applicant had submitted documents for employment on 18/06/2004 including Death Certificate of Late Anwar Hussain issued from Govt. Of Jharkhand which was registered on 19/06/2004 and issued on 21/06/2004, family details of Late Anwar Hussain issued by B.D.O. Jharia on 28/08/2004 and affidavit of Haszadi Khatoon on 05/07/2004 and no objection of Md. Manauwar and Md. Aslam and affidavit of applicant dated 05/07/2004, so all the documents were forged and concocted as these documents were issued much later than that the date of application i.e. 18/06/2004. The application form was not properly filled-up and it was without signature of the witnesses at required columns, so the management had rejected the claim of the applicant. The union in the written statement has mentioned that Late Anwar Hussain was appointed in January 1965 in BCCL but in the year 1965 there was no BCCL, so the I.D. raised by the union is controversial. The second wife of Late Anwar Hussain namely Hanufa Khatoon had also made claim for employment, so the application for employment was not maintainable.

The management by way of rejoinder has stated that the statement of sponsoring union made in Paragraph-1 is matter of reference, the statement of sponsoring union made in Paragraph -2 to 7 are all matters of record, the statement of sponsoring union made in three lines of Paragraph-8 are denied, the statement of sponsoring union made in Paragraph 9 and 16 are denied, the statement of sponsoring union made in Paragraph 10 to 14 are matters of record and the statement of sponsoring union made in Paragraph 15 is not maintainable as service-excerpt is not an authentic document as per NCWA.

A prayer has been made to pass an award in favour of the management.

5. The sponsoring union has filed rejoinder to the written statement filed by the management stating therein that the statement of the management made in Paragraph 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13 are false, frivolous, motivated and misrepresentation of the fact and hence denied, the statement of the management made in Paragraph 5 it is mentioned that the first wife of deceased was getting maintenance of Rs. 500/- from Late Anwar Hussain and the statement of the management made in Paragraph 6 is admitted.

6. The sponsoring union has examined only one witness. He is the applicant Md. Ashraf.

The WW-1, Md. Ashraf son of Late Anwar Hussain has deposed before the Tribunal that he has filed this case for employment on compassionate ground after death of his father on 18/06/2004 while in service at Bagdigi Colliery of M/s. BCCL, Dhanbad. He has further deposed that his father was appointed in January 1967 and he died on 18/06/2004 as he was suffering from cancer. He has also deposed that his mother Haszadi Khatoon who was the first wife of his father was entitled for job on compassionate ground but she had refused to get any employment on compassionate ground and she had recommended his name for employment in the company of BCCL. He has also deposed that his mother had filed a case for maintenance from Late Anwar Hussain in the Family Court of Dhanbad and she had been awarded Rs. 500 per month as maintenance in Matrimonial Case no. 102/1996 for her maintenance. He has further deposed that his name has been mentioned as dependent of Late Anwar Hussain in his service record. He has further stated that he had submitted all the required documents before the management of the company for his employment. He has also deposed that on 11/09/2004 he had submitted all the documents including identification certificate, attestation form, declaration, death certificate of his father, certificates of members of his family, photo copy of service record of his father, order of maintenance passed in maintenance case no. 102/1996 and death certificate of Hanszadi Kahtoon. He has also deposed that his father was only earning member of his family and after his death he and other members are starving, so he may be given an employment under NCWA.

In the cross-examination he has stated that his father died in the year 2004 and in the death certificate his date of death is mentioned as 18/06/2004 but as per written statement he had applied for job on 11/05/2004. He has also stated that on 18/06/2004 he had applied for job and the affidavit dated 05/07/2004 was attached with the application. He has further stated that his father had solemnised marriage with two women and his mother was first wife of his father.

7. The sponsoring union has proved the following documents which are marked as:-

Exhibit W-1- Original Copy of Application of Md. Ashraf dated 18/06/2004 addressed to Project Officer, Bagdigi Colliery regarding employment in place of his father Late Anwar Hussain.

Exhibit W-2- Photo Copy of Application Form of Md. Ashraf regarding employment under Para No. 9,3,2 of NCWA-VI.

Exhibit W-3- Photo copy of Identification Certificate of Md. Ashraf son of Late Anwar Hussain.

Exhibit W-4- Photo copy of Attestation Form of Md. Ashraf.

Exhibit W-5- Photo Copy of Death Certificate dated 21/06/2004 of Anwar Hussain issued by Government of Jharkhand.

Exhibit W-6- Original Copy of Family Details Certificate issued by B.D.O. Jharia on 28/08/2004.

Exhibit W-7- Photo copy of service excerpts of deceased employee namely Anwar Hussain issued by M/s. BCCL.

Exhibit W-8- Certified Copy of order passed in M.P. Case No. 102/96 by the Principal Judge, Family Court, Dhanbad on 20/08/1997.

Exhibit W-9- Original Copy of Death Certificate of Hasjadi Khatoon issued by Government of Jharkhand.

8. The management has neither examined any witness nor has proved any documents in support of its case.

9. The learned lawyer of the concerned workman has submitted before the Tribunal that Late Anwar Hussain was an employee of the Bagdigi Colliery of M/s. BCCL, Dhanbad and he died on 18/06/2004 while in service. He has further submitted that the Late Anwar Hussain had solemnised marriage with two women namely Haszadi Khatoon and Hanufa Khatoon. He has further submitted that the first wife of deceased workman sponsored the name of the applicant Md. Ashraf for employment in place of her deceased husband and subsequently Md. Ashraf had submitted all the required documents before the management of BCCL for his employment in place of his father Late Anwar Hussain but the management of BCCL has refused to give employment to him. He has further argument that the applicant had submitted all the relevant documents before the management on 11/09/2004 mentioning date as 18/06/2004 on the application which is a typing error. He has also argued that it is baseless to say that the application for employment of Md. Ashraf was submitted on 11/05/2004 but the fact is that it was erroneously typed as 11/05/2004 in place of 11/09/2004. He has also argued that the first wife of Late Anwar Hussain died on 25/02/2007.

He has made prayer to pass an award in favour of the applicant the son of the deceased workman.

10. On the other hand the learned lawyer of the management had submitted that as per written statement of the union Late Anwar Hussain was appointed in BCCL in January 1965 but BCCL was not in existence in that year. He has also argued that as per written statement of the Union, Anwar Hussain died on 18/06/2004 but the application for employment was submitted on 11/05/2004 prior to the death of his father which means that the application was filed in anticipation of death of deceased workman. He has also submitted that Late Anwar Hussain died on 18/06/2004 and Md. Ashraf had filed the claim for appointment on the same date with affidavits dated 05/07/2004, which is not possible.

He has made prayer that claimant is not entitled for any relief and award may be passed in his favour.

11. Now the only point of consideration in this case is whether the management of Bagdigi Colliery of M/s. BCCL in not providing employment to Md. Ashraf under the NCWA is justified and legal and to what relief he is entitled?

FINDINGS

12. At the outset of discussion it is required to mention here that it is an admitted fact that Late Anwar Hussain was a permanent employee of Bagdigi Colliery of M/s. BCCL and was working as Prop. Mistry, who died on 18/06/2004 while he was in service.

13. Now, the question arises whether the dependent son namely Md. Ashraf (applicant) of Late Anwar Hussain had submitted the forged and fabricated documents as those documents were issued much later than the date of application and the application form was not properly filled up and without signature of witnesses.

14. The Tribunal will first of all analyze the oral and documentary evidence of both the parties.

The WW-1 Md. Ashraf, who is son of Late Anwar Hussain has categorically stated that after death of his father on 18/06/2004 he had applied for appointment on compassionate ground as his mother had refused to get any appointment and she had recommended his name for employment in the company of BCCL. He has deposed that on 11/09/2004 he had submitted all the documents including Identification Certificate, Attestation Form, Declaration, Death Certificate of his father, Certificates of members of his family, Photo Copy of Service Record of his father, Order of Maintenance passed in Maintenance Case no. 102/1996 and Death Certificate of his mother Haszadi Khatoon. In the cross-examination he has stated that as per written statement he had applied for job on 11/05/2004. He has also stated that on 18/06/2004 he had applied for job and affidavit dated 05/07/2004 was attached with application.

The management has not adduced any oral evidence in this case.

15. Now, coming to the documentary evidence of the applicant it appears that the Exhibit W-1- is the application of Md. Ashraf addressed to Project Officer, Bagdigi Colliery mentioning death of his father on 18/06/2004 and date on said application is typed as 18/06/2004 but the same was received on 11/09/2004 by the office of management. Further Exhibit W-2 is the application form of employment, Exhibit W-3 is the

identification certificate, Exhibit W-4 is the attestation form, Exhibit W-5 is the death certificate issued on 21/06/2004, Exhibit W-6 is the list of family members issued on 28/08/2004, Exhibit W-7 is the service excerpts of Late Anwar, Exhibit W-8 is the certified copy of order passed in M.P. Case No. 102/1996 and Exhibit W-9 is the death certificate of Haszadi Khatoon wife of Late Anwar Hussain.

There is no documentary evidences of management in this case.

16. After analysing the oral and documentary evidence of the applicant it is very much established that Late Anwar Hussain died on 18/06/2004 and application for employment was submitted by the applicant Md. Ashraf mentioning date on his application as 18/06/2004 but the same was received in the office of the management on 11/09/2004.

17. It is relevant to mention here that it has been vehemently argued by the learned lawyer of the applicant that the date mentioned in the Written Statement of the concerned workman regarding submission of application form by him for employment as 11/05/2004 is a typing error in place of 11/09/2004 and the same had been received by the office of management on 11/09/2004, so it is not a fact that the application for employment had been submitted before the death of Late Anwar Hussain. He has also submitted that date on the application has been typed as 18/06/2004 is also a typing mistake and the same had been submitted before the management on 11/09/2004.

18. Now, there is a conclusive evidence in the record that the Late Anwar Hussain died on 18/06/2004, so the date of submission of application form as mentioned in the Written Statement of the workman as 11/05/2004 must be a typing mistake. Moreover, the date mentioned on the application form as 18/06/2004 is also typing mistake as the application form for employment was submitted on 11/09/2004 which has not been denied by the management.

19. Hence, both the typing mistakes i.e. 11/05/2004 in written statement of applicant and 18/06/2004 in application for employment are required to be ignored.

20. It is required to mention here that apart from date mentioned on the application for employment of applicant, the management has not found any other illegality on the documents submitted by the applicant. Further, there is clear and categorical evidence that the concerned workman Late Anwar Hussain died on 18/06/2004 and all the documents submitted by his son namely Md. Ashraf for employment is not found illegal, so denying employment only on the ground that the date mentioned on the application form is 18/06/2004 which is date of death of concerned workman namely Anwar Hussain and other documents attached with the application of later date, does not seem to be just and proper.

21. In view of above discussion, the Tribunal finds that the concerned workman namely Anwar Hussain died on 18/06/2004 and thereafter his son namely Md. Ashraf applied for appointment with all required documents on 11/09/2004 before the management for his appointment on compassionate ground after death of his father but management had not provided employment to the dependent son of the concerned workman.

22. It is required to mention here that the employment to the dependent son of deceased, who died in harness is to mitigate the minimum financial hardship caused to the distress family after sudden death of the sole breadearner.

23. The Hon'ble Supreme Court in **Umesh Kumar Nagpal Vs. State of Haryana as reported in 1994 SCC (4) 138** has been pleased to observe that:-

“as a rule, appointments in public services should be made strictly on the basis of open invitation of application and on merit but appointment on compassionate ground was an exception to the aforesaid rule, which has given after taking into consideration the fact of the death of the employee while in service and leaving his family without any means of livelihood. In such cases, the object was to enable the family to tide over sudden crisis. However, such appointments on compassionate grounds have to be made in accordance with the rules regulations or administrative instructions taking into consideration the financial condition of the family of the deceased.”

24. Under such circumstances and conditions the Tribunal finds and holds that the management of Bagdigi Colliery of M/s. BCCL had denied compassionate employment to Md. Ashraf, son of deceased workman namely Late Anwar Hussain.

In view of above discussion the Tribunal renders the following award:-

“ The action of the management of Bagdigi Colliery of M/s. BCCL in not providing dependent employment to Shri Mohammad Ashraf, S/o Late Anwar Hussain, Prop. Mistry, under the provisions of NCWA is not justified and legal.”

25. Hence, the applicant Md. Ashraf is entitled for relief which is as under:-

The management of Bagdigi Colliery of M/s. BCCL is directed to provide an employment to Md. Ashraf, dependent son of Late Anwar Hussain on compassionate ground within one month after publication of Award in the Official Gazette.

This is the Award of this Tribunal.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 12/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/148/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.12 of 2016) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/148/2015-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference: No. 12/2016

Employer in relation to the management of Sudamdih Shaft Mine Lodna Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For Employer : Sri S.N. Ghosh, Advocate.

For workman : Sri S.S. De, Secretary K.I.M.P.

State : Jharkhand.

Industry:- Coal

Dated 26.02 .2021

AWARD

By Order No.L-20012/148/2015- IR(CM-I) dated 02.02.2016, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Sudamdih Shaft Mine of M/s BCCL in not protecting the wage and also not adding one additional SPRA in basic wage of Shri Sudhir Kumar Modak, Pers. No. 02894822 after conversion from PR to TR is fair and justified? To what relief the concerned workman is entitled to?”

2. After receipt of the reference, both the parties were noticed. The Secretary of K.I.M.P. has filed its written statement of claim on 29/03/2016 and the management of North Tisra Colliery, Lodna Area of M/s. BCCL has filed its written statement cum rejoinder on 31/03/2017.

The Secretary of K.I.M.P. has filed rejoinder to the written statement of the management on 22/02/2017.

3. The case of the Koyla Ispat Mazdoor Panchayat as per its written statement is as follows:-

That Sudhir Kumar Modak was initially appointed at Sudamdih Mine, as a Piece Rated Miner Loader by BCCL and during 1999-2000 the management of BCCL started taking the work from him as Time Rated workman without his consent but his basic wage of Piece Rated was not protected while converting his work from Piece Rated to Time Rated category-I Mazdoor. The work of concerned workman was converted from Piece Rated to Time Rated Category Mazdoor since 01/06/2000 and he was not given any prior information under section 9-A of I.D. Act, 1947 prior to fixation made in Time Rated Scale of Category-I. The concerned workman is in loss of Rs. 9.62 per day after suo-motto fixation of basic pay in Category-I which is continuing till date and would likely to affect Gratuity, Pension etc. The concerned workman is entitled for correct fixation of basic as Rs. 90.14 per day instead of Rs. 80.52 fixed after conversion in Time Rated workman in Category-I in 2000.

A prayer has been made to protect the wage of concerned workman and pass the award in favour of the concerned workman.

4. On the other hand the case of the management as per its written statement filed by Project Officer, North Tisra Colliery Lodna Area of M/s. BCCL is as follows:-

That the concerned workman namely Sudhir Kumar Modak was earlier Piece Rated Worker and his service was converted to Time Rated Job as General Mazdoor in Category-I vide office order no. SMD/PERS: PR-TR:2K:2290 dated 29.5/1.6.2000 issued to all concerned including the workman by the Dy. CME/Project Officer. The pay of concerned workman was protected by way of giving the protection of SPRA and initial of the Category-I, in which he was converted with his consent. The fixation of pay of the concerned workman was allowed by providing protection of pay i.e. initial of Category-I and the SPRA he was drawing prior to his conversion from Piece Rated to Time Rated which he had accepted and was continuing in employment. The claim for protection of entire group wages is not correct and not the policy prevailing at that point of time. The present claim is beyond the policy of the company and as such is not correct, so the action of the management by allowing the SPRA protection was just, fair and quite reasonable.

The management by way of rejoinder has stated that the contents made in Para-1 of the written statement filed by the sponsoring union is the schedule of the reference, the statement made in Para-2 of the written statement of sponsoring union is regarding the name of the concerned workman, the statement made in Para-3 of the written statement of the sponsoring union is correct about the initial appointment of the concerned workman, the statement made in Para-4, 5, 8 and 9 of the written statement of the sponsoring union are not correct and the statement made in Para-6 of the written statement of the sponsoring union is correct regarding his conversion from PR to TR in category-1.

A prayer has been made to pass an award in favour of management.

5. The sponsoring union has filed rejoinder to the written statement of the management and has denied almost all the averments made in the written statement.

6. The sponsoring union has examined only one witness in this case. He is WW-1, Sudhir Kumar Modak, the concerned workman.

The WW-1 Sudhir Kumar Modak has deposed before the Tribunal that prior to 01/06/2000, he was designated and working as a Piece Rated Miner/Loader of Group V-A posted at BCCL Sudamdih Shaft Mine and on 01/06/2000 by office order, he was converted from Piece Rated Miner Loader to Time Rated Category-I Mazdoor for management's own requirement, due to natural wastages of Manpower and since then he had been working in Time Rated job. He has also deposed that while fixing his wages in Time Rated Category-I, his wages of Piece Rated Category-I was not protected and was arbitrarily made fixation of his wages less than Rs. 9.62 per day. He has also deposed that his wage was fixed at Rs. 80.52 per day instead of 90.14 per day.

In the cross-examination he has deposed that his service was converted from Piece Rated to Time Rated on 01/06/2000 and he was getting SPRA per day as Rs. 15.99. He has also stated that he has to get Rs. 9.62 per day more from management.

7. The concerned workman has proved the following documents which are marked as:-

Exhibit W-1- Photo Copy of Office order no. 2290 dated 01/06/2000 issued by Dy. CME Project Officer, Sudamdih Shaft Mine M/s. BCCL.

Exhibit W-2- Photo copies of pay slips of Sudhir Kumar Modak dated 24/03/2000 and 27/09/2000.

Exhibit W-3- Photo Copy of an annexure IIIA of NCWA-VI showing revised basic wage rates for Piece Rated and Daily Rated workers.

Exhibit W-4- Photo Copy of letter dated 30/06/2015 by General Manager Lodna Area-X addressed to Asstt. Labour Commissioner (C) Dhanbad-III regarding I.D. Over wrong fixation of basic after conversation from piece rated to time rated in respect of Sudhir Kumar Modak under Lodna Area of M/s. BCCL.

Exhibit W-5- Photo Copy of Office order no. 4003 dated 13/12/1999.

8. The management has examined only one witness. He is MW-1, Sanjay Kumar Singh.

The MW-1, Sanjay Kumar Singh has deposed that he knows Sudhir Kumar Modak on the basis of the records available in the office. He has proved the photo copy of circular of General Manager, Koyla Bhawan which is marked as Exhibit M-1, photo copy of order of conversion of job of Sudhir Kumar Modak from Piece Rated to Time Rated which is marked as Exhibit M-2, calculation chart of revised pay of Sudhir Kumar Modak which is marked as Exhibit M-3, a revised pay chart of Sudhir Kumar Modak and other employees which are marked as Exhibit M-4. He has also deposed that the pay fixation of Sudhir Kumar Modak was done as per regulation.

In the cross-examination he has deposed that the Exhibit M-1 was issued by BCCL and he has no knowledge whether pay fixation of the employees of BCCL was done as per direction of the JBCCI. He has further deposed that SPRA is an annual increment and at the time of fixation of wages he was not in that department. He has also deposed that he has no knowledge that the management had converted the service of Sudhir Kumar Modak as per its convenience without his consent. He has also deposed that after conversion of service of concerned workman from Piece Rated to Time Rated Workman, SPRA was added in his wages. He has denied the suggestion that circular (M-1) issued by Zonal Manager is not correct.

9. The management has proved the following documents which are marked as:-

Exhibit M-1- Photo Copy of Letter No. 817 dated 12/13.3.1999 issued by A. Ahmad, General Manager (MIS) addressed to All Area CGM/GM regarding wage fixation in respect to Miner/Loader regularised in Time Rated Category during the year 1995 & 1996.

Exhibit M-2- Fixation chart of wages of Sudhir Kumar Modak after conversion from Piece Rate to Time Rate.

Exhibit M-3- Fixation of wages of Sudhir Kumar Modak.

Exhibit M-4- Photo Copy of Fixation Chart of Basic Fitment of Sudhir Kumar Modak and others as per NCWA-VI with the fitment of Rs. 155.72/- as basic on Jan 2001.

10. The representative of the concerned workman has submitted before the Tribunal that the concerned workman namely Sudhir Kumar Modak was a permanent workman of M/s. BCCL and was employed as a Piece Rated worker at NT/ST Colliery of M/s. BCCL as a Miner Loader of Group V-A of National Coal Wages Agreement formulated by JBCCI. He has also argued that in June 2000, Group wage of Group V-A was Rs. 139.82 per day plus SPRA plus Piece Rated Allowances of Rs. 15.99 per day which comes to Rs. 155.81 per day basic. He has further submitted that the management of BCCL vide office order dated 01/06/2000 directed the workman to work in Time Rated Job of Category-I without taking his consent and notice under section 9-A of the I.D. Act, 1947 as the order to work in Time Rated in Category-I, amounts to change in service conditions. He has further argued that the management of BCCL has fixed wages of Category-I at Rs. 80.52 without protecting last wages paid to the worker i.e. Group Wage Rs. 139.82 plus SPRA Rs. 15.99 per day which comes to Rs. 155.81 per day. He has also argued that the Exhibit M-1 issued by BCCL, which cannot supersede the NCWA. He has further argued that the reduction of wages of the concerned workman is improper, illegal and contrary to the I.D. Act.

11. On the other hand the learned lawyer of management has submitted that the pay fixation of concerned workman Sudhir Kumar Modak was done appropriately in the light of the circular prevailing therein and no injustice was ever done to him. He has also submitted that while fixing wage of concerned workman, Sudhir Kumar Modak the prevailing rule was taken into consideration. He has also submitted that initial basic pay and the prevailing SPRA after conversion from Piece Rated to Time Rated of the concerned workman was taken and any circular or modification if issued at the subsequent period will not be applicable in this case.

12. Now the only point of consideration in this case is whether the action of the management of Sudamdih Shaft Mine of M/s BCCL in not protecting the wage and also not adding one additional SPRA in basic wage of Sri Sudhir Kumar Modak, after his conversion from PR to TR is fair and justified and to what relief he is entitled to.

FINDINGS

13. At the outset of discussion it is required to mention here that it is an admitted fact that the concerned workman namely Sudhir Kumar Modak was working as a Piece Rated worker and his service was converted to Time Rated worker as General Mazdoor in category-I vide office order dated 29.5/1.6.2000.

14. Now, the question arises whether at the time of conversion of service of concerned workman namely Sudhir Kumar Modak from Piece Rate worker to Time Rate worker his wage is protected by the management or not?

15. The Tribunal will first of all discuss oral evidence available on the record.

The WW-1, Sudhir Kumar Modak has deposed that he was working as a Piece Rated Minor/Loader of Group V-A and was posted at BCCL Sudamdih Shaft Mine but on 01/06/2000 his service was converted from Piece Rated Miner Loader to Time Rated Category-I Mazdoor by the management and his wages of Piece Rated category was not protected in Time Rated Category-I. He has also stated that management had arbitrarily made fixation of his wages which is less than Rs. 9.62 per day. In the cross-examination he has deposed that he has been given wages of Rs. 80.52 in the Time Rated and he has to get Rs.9.62 per day more by the management.

On the other hand the MW-1, Sanjay Kumar Singh has deposed that the pay fixation of concerned workman has been done as per regulation. In the cross-examination he has stated that SPRA is an annual increment and after conversion, SPRA has been added in the wage of concerned workman.

16. Now, coming to the documentary evidence of concerned workman it appears that Exhibit W-1 is the Office Order by which the service of Sudhir Kumar Modak was converted from Piece Rated to Time Rated as General Mazdoor Category-I, Exhibit W-2 is the pay slips dated 24/03/2000 and 27/09/2000, Exhibit W-3 is an annexure IIIA of NCWA-VI showing revised basic wage rates for Piece Rated and Daily Rated workers, Exhibit W-4 is the letter of General Manager, Lodna Area-X to ALC (C), Dhanbad, Exhibit W-5 is the office order dated 13/12/1999 showing grant of additional SPRA to the concerned workman Sudhir Kumar Modak and others under Service Linked Upgradation w.e.f. 01/01/1999.

17. On the other hand the documents of management shows that the Exhibit M-1 is a letter of General Manger of BCCL dated 12/13.03.1999 regarding wage fixation in respect of Miner/Loader regularised in Time Rated Category during the year 1995 & 1996, Exhibit M-2 is a fixation chart of wages of Sudhir Kumar Modak after conversion from Piece Rate to Time Rate, Exhibit M-3 is fixation of wages of Sudhir Kumar Modak, Exhibit M-4 is a basic fitment in NCWA-VI in which basic of Sudhir Kumar Modak is fixed as 155.72 as on Jan 2001.

18. After analysing the oral evidence of both the parties it appears that WW-1, Sudhir Kumar Modak, the concerned workman has made claim of less payment of Rs. 9.62/- whereas the MW-1 Sanjay Kumar Singh has claimed that pay fixation of concerned workman is as per regulation.

19. Now, coming to the documentary evidence of management it appears that the Exhibit M-1 is related to wage fixation in respect of regularisation of Miner/Loader in the Time Rated Category during the year 1995 & 1996. In this regard it is required to mention here that the service of concerned workman had been converted into Time Rated Workman in the year 2000 and Exhibit M-1 is related to wage fixation of Miner/Loader regularised in Time Rated Category during the year 1995 & 1996, so this letter is not applicable in the matter of concerned workman. Further the Exhibit M-2 is a wage fixation chart of concerned workman which shows that the wage of Category-I is Rs. 65.40/- and after adding SPR it comes to Rs. 79.23/- and by further adding Rs. 1.08/- as increment of Oct. 2006 it comes to Rs. 80.31/- which was subsequently corrected as Rs. 80.52/-.

20. Moreover the Exhibit M-3 is a Pay Fixation Chart of concerned workman showing new basic wage of Category-I as Rs. 126.92/- and SPR Rs. 15.99/- total Rs. 142.97/- and thereafter by adding Rs. 1.92 for October 2000, October 2001, October 2002, October 2003, October 2004, October 2005 it comes to Rs. 154.43/- which is corrected as Rs. 155.72/- and Exhibit M-4 is a basic fitment of NCWA-VI which shows the fixation of basic on January 2001 of Sudhir Kumar Modak as Rs. 155.72/-.

21. Now, in this case there is evidence of the concerned workman that he was working as Piece Rated Miner/Loader of Group-VA on 01/06/2000 and his service was converted into Time Rated Category-I Mazdoor. This fact has not been denied by the management.

22. Moreover, as per NCWA-V prevailing from 01/07/1996 to 30/06/2000, the Wage of Group-VA of the Piece Rated Workman was Rs. 139.82/- and after adding SPR 15.99 it comes to Rs. 155.81/- per day. Hence at the time of fixation of pay of concerned workman namely Sudhir Kumar Modak on 01/06/2000 after conversion from Piece Rated Worker to Time Rated Worker should be Rs. 155.81/-.

23. Now, in view of above discussion the Tribunal comes to the conclusion that the management of Sudamdih Shaft Mine of BCCL has not protected the wage of concerned workman and by not adding one additional SPRA in basic wage of Sudhir Kumar Modak after conversion from Piece Rated Worker to Time Rated Worker is not fair and justified.

24. Hence, the concerned workman is entitled to revision of pay since 01/06/2000 as Rs. 155.81/- per day.

25. At this stage it is required to mention here that the learned lawyer of workman has raised an issue that section 9A of the I.D. Act has not been complied by the management before converting the services of concerned workman namely Sudhir Kumar Modak from Piece Rated Worker to Time Rated Worker.

26. In this regard it is relevant to mention here that in the Schedule of Reference, this issue has not been referred for adjudication by the Ministry of Labour & Employment Govt. Of India, so the Tribunal does not think it proper to discuss this matter and make any decision on this point.

This is the Award of the Tribunal.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स इस्को लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 28/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/387/2000-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 536.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.28 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. IISCO Ltd. and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/387/2000-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference: No. 28/2001

Employer in relation to the management of Chasnala Colliery of M/s. IISCO. Ltd.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

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

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 30.03.2021

AWARD

By Order No.L-20012/387/2000 (C-I) dated 25/01/2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. Indian Iron and Steel Co. Ltd., in not correcting the date of birth of the workman Shri Deo Narayan Paswan, Store Mazdoor, P.No. 91165 of Chasnalla Colliery as 06.01.1952 mentioned in the Transfer certificate issued from District Education Superintendent, Hazaribagh and as assessed by the Medical Board is justified and legal? If not, to what relief is the workman is entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter again four regd. notices were issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 01/03/2001 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 44/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/77/2004-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 537.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.44 of 2005) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/77/2004-IR(CM-I)]

RAJENDER SINGH, Under Secy.

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

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

Reference: No. 44/2005

Employer in relation to the management of Bhuli Town Administration of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 31.03.2021

AWARD

By Order No.L-20012/77/2004-IR (C-I) dated 26/04/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Bhuli Town Administration, in not referring Smt. A. Neelam Sangma, Sr. Nursing Staff to medical board for determining her fitness or otherwise for further retention in service is justified? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Thereafter, regd. notice was issued to both the parties and the notice of workman/union returned unserved. Now Case is pending since 05/04/2005 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. —1, धनबाद के पंचाट (संदर्भ संख्या 52/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल- 20012/454/2000-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 538.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.52 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/454/2000-IR(CM-I)]

RAJENDER SINGH, Under Secy.

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

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

Reference: No. 52/2001

Employer in relation to the management of Kustore Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal
Dated 26.02.2021

AWARD

By Order No.L-20012/454/2000-(C-I) dated 19/02/2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s BCCL in not providing employment to Shri Sukra Bhuiya the dependent of Lt. Bircha Bhuiya of Ena Colliery is justified legal and proper? If not, to what relief is the said dependent entitled?”

2. After receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Thereafter two registered notices were issued to the workman/union which returned with endorsement of "Addressee not found". Now the Case is pending since 08/03/2001 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 52/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल- 20012/253/2004-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 539.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.52 of 2005) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ECL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/253/2004-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference: No. 52/2005

Employer in relation to the management of Mugma Area of M/s. ECL. Ltd.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

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

For the workman. : None.

State : Jharkhand.

Industry:- Coal

Dated 30.03.2021

AWARD

By Order No.L-20012/253/2004-IR (C-I) dated 02/06/2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the BPCMC from the management of ECL, Mugma Area that the date of birth of Sh. Ibrahim Mia, Timber Mistry may be corrected as 1.7.53 instead of 1.7.43 is justified? If so, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter, regd. notice was issued to both the

parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 18/07/2005 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 341/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल- 20012/315/2000-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 540.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 341 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/315/2000-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference: No. 341/2000

Employer in relation to the management of Sirka Colliery of M/s.CCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

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

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 25.02.2021

AWARD

By Order No.L-20012/315/2000 (C-I) dated 29/11/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Sirka Colliery of M/s C.C.Ltd., P.O. Argada, Dist. Hazaribagh, in terminating the services of Shri Kartik Ram Driver, is justified? If not, to what relief is the workman concerned entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter again two regd. notices were issued to the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 26/12/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. —1, धनबाद के पंचाट (संदर्भ संख्या 342/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/302/2000-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 541.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 342 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/302/2000-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference: No. 342/2000

Employer in relation to the management of Govindpur Project of M/s.CCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

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

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 25.03.2021

AWARD

By Order No.L-20012/302/2000 (C-I) dated 29/11/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Govindpur Project, M/s. C.C.L., P.O. Bokaro Thermal, Dist. Bokaro in terminating the services of Shri Kesav Dutta Prasher is justified? If not, to what relief is the workman concerned entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter again regd. notice was issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 26/12/2000 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 123/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल- 20012/20/2001-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 542.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.123 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/20/2001-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

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

Reference: No. 123/2001

Employer in relation to the management of Sijua Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 25.02.2021

AWARD

By Order No.L-20012/20/2001-C-I dated 22/05/2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Kankanee Colliery of M/s. BCCL in dismissing Sri Rameshwar Manjhi from the services of the company w.e.f. 29.3.2000 is justified? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties were noticed and workman/union appeared only three dates i.e. 17/08/2001, 22/04/2002 and 19/08/2002 and management appeared for certain dates, but subsequently both of them left appearing before this Tribunal. Thereafter again two regd. notices were issued to the parties and one of the notices returned with endorsement of “Always Door Locked”. Now the Case is pending since 20/06/2001 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 30 जुलाई, 2021

का.आ. 543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 247/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/72/2000-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 30th July, 2021

S.O. 543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.247 of 2000) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 26.07.2021.

[No. L-20012/72/2000-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference: No. 247/2000

Employer in relation to the management of Salanpur Colliery under Katras Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand

Industry:- Coal

Dated 25.02.2021

AWARD

By Order No.L-20012/72/2000 dated 29/08/2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Salanpur Colliery of M/s. BCCL in dismissing Sri Munnalal Saw from the service of the company w.e.f. 19.8.96 is justified and proper? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both of them left appearing before this Tribunal. Thereafter again two regd. notices were issued to the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 18/09/2000 and workman/union is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 3 अगस्त, 2021

का.आ. 544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई सी आई सी आई बैंक लिमिटेड प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या 92/2013) को प्रकाशित करती है।

[सं. एल-12012/91/2013-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 3rd August, 2021

S.O. 544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai as shown in the Annexure, in the industrial dispute between the management of ICICI Bank Ltd. and their workmen.

[No. L-12012/91/2013- IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CGIT-CUM-EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL CHENNAI****ID 92/2013****Present:** DIPTI MOHAPATRA, LL.M., Presiding Officer

Dated : 09.04.2021

BETWEEN :

Sri P. K. Govindaraju
S/o Karuppaiah
5/25, Akkadavalasai
Mankundu Post, Uchipuli (Via)
Ramanahapuram District.

... 1st Party/Petitioner**AND**

1. The Chief Manager
ICICI Bank Ltd., ICICI Bank Tower,
Ambattur
Chennai-600058
2. The Branch Manager
ICICI Bank Ltd. (Panaikulam Branch)
Ramanathapuram Distt.

...2nd Party/1st Respondent...2nd Party/2nd Respondent**Appearance:**For the 1st Party Petitioner : M/s. G. DeviFor the 1st & 2nd Party Respondent : M/s. Ramasubramaniam & Associates**AWARD**

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/91/2013-IR (B-I) dtd. 21.10.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the Management of ICICI Bank in terminating the services of Sri P.K. Govindaraju is legal and justified? To what relief is the workman concerned entitled?”

2. On receipt of the above reference from the appropriate Government, the dispute was registered in ID No. 92/2013. Due notices were issued to both the parties for their appearance. The Applicant challenges the action of the Management in terminating him from job. He was employed through one Gurveyurappan Security Bureau on 15.12.200 and attached to the Bank of Madura as Night Security Guard. Subsequently the said Bank merged with Second Respondent ICICI Bank, Panikulam Branch, Ramanathapuram Distt. One vacancy of

Sub-Staff arose on 01.01.2002, following promotion of one Akshandar Shaji from Sub-Staff to the post of Clerk. The petitioner moved an application to observe him in the vacant post of sub staff. Considering the work efficiency, conduct, trustworthiness, and many other factors the then Branch Manager recommended his name as against the vacant post of Sub-Staff. The application was duly sent to the appropriate Authority. The Petitioner was observed in the vacant post of sub-staff, and worked as Personal Servant with a monthly salary was of as Rs. 1,000/- at initial stage. His last drawn salary of Rs. 1940/-. His salary was paid either by Demand Draft or credited to his Savings Bank Account held with the Second Respondent. It is contended that the officials of the Second Respondent Bank only allocated and supervised the work of the Petitioner and not by the Contractor. The Petitioner performed the work to the satisfaction of his superiors. Since there was no response to his application, on being advised by the Second Respondent after, the petitioner once again moved the First Respondent vide his application dtd. 12.11.2008 to the First Respondent to consider him for the post of Sub-Staff, as much as he was continuing the job since since 16.03.2002. He again moved the First Respondent through the second Respondent vide his application dtd. 29.09.2009 to consider him for the post of Sub-Staff. His request was never attended by the First Respondent, on the other hand he was advised to raise the dispute before the appropriate forum.

3. The Petitioner contends that even though his salary was paid from 16.03.2002 by the channel-facility Management Services, the Second Respondent in the capacity of Principal Employer is liable to give him employment considering his continuance of his job since 16.03.2002. Nevertheless the rules and regulations specified under Contract Labour Act, the Petitioner was working continuously for 240 days in a year and 480 days in a span of two years without break. hence justified to claim permanency in the post of Sub staff. He approached the Labour Officer, Ramanathapuram for conciliation. But due to non-cooperation of the Respondent, the conciliation failed. The Petitioner claims reinstatement in the job with all attendant benefits.

4. The Respondent entered appearance by filing its Counter Statement challenging the maintainability of the case. The Respondent contends that the Petitioner is not an Employee of the Respondent Bank and there exist no Employer-Employee relationship between the Petitioner and the Respondent Bank. It is contended by the Respondent that the Petitioner was engaged through an Independent Service Entrepreneur viz. M/s Universal Services on 01.04.2004 as a Security Guard for the Second Respondent Branch at Panikulam. The relationship between the Independent Service Provider and the Respondent Bank is that of a “Principal to Principal” relationship and not “Employer-Employee” relationship. The deployment of personnel was through an Agreement signed between the Independent Service Provider and the Respondent Bank. Since the petitioner was engaged by an Independent Service Provider, the Respondent is not liable to provide any relief as sought for by the Petitioner. It denies the claim of the Petitioner emphasizing that the dispute raised does not come within the ambit of the Act. Hence not maintainable on the point of jurisdiction, hence liable to be dismissed.

5. The crux of the dispute would settle on following issues:

- (i) If there exists any relationship of Employer-Employee in between the Respondent and the Claimant.
- (ii) If the Claimant/Petitioner is entitled to any relief as sought for?

The Admitted undisputed fact is that the Respondent entered into an Agreement with M/s Universal Aviation Services (P) Ltd (in Brief, the service Provider) vide Ext.M3. It provides employees at as per the requirement of the Respondent at Head office and its Branches. It being an independent organization supplied with separate EPF Code under obligation to discharge its statutory duty in remitting the contribution towards its eligible employees. It is also admitted fact that the Petitioner was engaged by the Service Provider i.e. M/s. Universal Aviation Services since 01.04.2004 to work as Security Guard under the Respondent.

Para-2 of the Counter Statement reveals the workmen employed by the Independent Service Provider i.e M/s. Universal Services is in true sense workmen under the Service Provider but not of the Respondent Bank. During the course of argument attention was drawn to Clause-9 of the Agreement wherein it is mentioned that “*the Agreement is on a Principal to Principal basis between the parties hereto. Nothing contained in this Agreement shall be construed or deemed to create any association, partnership or joint venture or employer-employee relationship or principal-agent relationship in any manner whatsoever between the parties. The Service Provider acknowledges that its rendering of services is solely within its own control, subject to the terms and conditions agreed upon and agrees not to hold itself out to be an employee, agent or servant of the Bank or any subsidiary of affiliate thereof*”. Ext.M4 discloses that the Service Provider, made a correspondence to the Branch Manager, ICICI Bank, Panikulam Branch regarding the particulars of the employment of the Petitioner,

Sri P.K. Govindaraju and also about the payment of net salary of Rs. 1940/- for the month commencing from April 2008 to September 2008. It is clearly stated therein that by virtue of the execution of an Agreement with ICICI Bank, The First Respondent, the aforesaid Service Provider recruited the petitioner on 01.04.2004 and thereby engaged him to work under the Branch manager, ICICI Bank, Panikulam Branch. The Petitioner was allotted with the PF Number and ESI Number under their Company's ESI Code vide No. 51-85103-101. The Petitioner duly signed the ESI Nomination Form No. 1 and PF Nomination Form No. 2. The Nomination Form find place as marked as Ext.M2. Attention was also drawn to two of the documents marked through the Respondent marked as Ext.M5 and Ext.M6. Ext.M5 is the notification by Reserve Bank of India regarding the amalgamation of Bank of Madura Ltd. with First Respondent, the ICICI Bank Ltd. w.e.f. 10.01.2001 and the Bank of Madura was declared as ICICI Bank, Panikulam Branch. Ext.M6 is the Service Provider Agreement with ICICI Bank Ltd of Sholavandhan Branch. Before the clause of definition there are three points coming under A, B and C. The Clause A clearly discloses that the First Respondent ICICI Bank was desirous of appointing the Service Provider for the purpose of providing man power- services for itself, and other Branch offices. The contentions averred in Clause-B does not warrant a vivid discussion as not required at this stage. The Clause-C discloses that relying on conditions of the above Clauses, the First Respondent ICICI Bank has chosen the Universal Service Provider for carrying out the services on the terms and conditions contained in the Agreement. Accordingly, it appears that in view of Ext.M6, the Universal Aviation Services entered into an Agreement with ICICI Bank, Thirumangalam Branch and Madurai.

6. The argument was well advanced by the Learned Counsel for the Respondent that the above exhibits are the clear cut examples to show that the First Respondent, the ICICI Bank nor any of its branches have ever employed any workmen at any point of time but the ,workmen-employees were engaged through the eligible Service Provider for the relevant period for different places. It is accordingly submitted that when there is no dispute that the Petitioner was engaged by the Universal Aviation Services to work under the Second Respondent cannot claim his relationship with the Second Respondent as Employer-Employee relationship. It is also submitted that at any stretch of circumstance, the Petitioner also cannot drag the First Respondent as the Principal Employer. At the outset, the claim to give all attendant benefits from 2003 to till date has got no merit for consideration and liable for rejection.

7. At the outset the written submission argument of the Petitioner is taken into account. The Petitioner states to have been engaged as Night Security Guard from 15.12.2000 by one Service Provider viz. Guruvayurappan Security Bureau. His next contention is that a Sub-Staff post was lying vacant on 01.01.2002. He made a Representation Ext.W1 to the Branch Manager, ICICI Bank, Panikulam Branch to absorb him as a Personal Servant vide the existing vacant post. In continuation to that the Petitioner again sent a request letter to HR Division vide Ext.W2 dtd. 12.11.2008 to consider and absorb him in the vacant post. In continuation to his letter dtd. 05.02.2002 (Ext.W1) and the earlier representation of 12.11.2008 (Ext.W2), he again made a correspondence to the HR Division vide his representation dtd. 29.09.2009 (Ext.W3) to consider his previous grievance. As such, the very contentions and the aforesaid exhibits nowhere clarifies if at all the petitioner was working under the Second Respondent. On the other hand, Ext.M4 is the complete evidence that he was engaged by the Service Provider i.e. Universal Aviation Services (P) Ltd. but not by the First or Second Respondent. Besides, his claim of engagement as Night Security Guard for the period from 15.12.2000 to 01.04.2004 is a matter of concern. In this regard, the evidence adduced by the Petitioner and also the documents filed by him are taken note of. Page 18 to 20 of the typed set says about the service rendered by the Petitioner as Personal Servant. The Branch Head sent letters to CO, HRD, Chennai Unit to arrange the wages of the Petitioner for the month of July 2002 to December, 2002. On further perusal of the typed set it also reveals that similar letters were sent to HR Division for payment of the wages to the Petitioner from January 2003 to July 2003. Similarly, some attendance details for the month of August to October 2003 are available in the typed set. Even though, those available documents are not separately marked Exhibits are taken into judicial note for better appreciation. Besides, the Petitioner filed some payment slips, etc. As such, on a bare perusal of the documents as already discussed above, goes to show that the petitioner was throughout engaged through Service Provider right from the first day of engagement i.e. 15.12.2000 and continued almost to the end of year 2003. He was engaged by M/s Guruvayurappan Security Bureau vide an Agreement. His refusal to employment by the above named Security Bureau has not been proved by the Petitioner. On the other hand, it is well evident that the petitioner was engaged as a Personal Servant at Panikulam Branch by the Universal Service Provider from 01.04.2004 pursuant to an Agreement. As much discussed in the preceding paragraphs the Agreement under Ext.M3, stands un-refuted so far the relevant clauses are concerned. The Petitioner was well

aware of the contract that he cannot claim such right of permanency for the period he was engaged by the independent Service Providers in view of the judicial verdicts propounded by the **Hon'ble Madras High Court (Madurai Bench) in the case of Madurai District Central Cooperative Bank Ltd. Represented by its Special Officer, North Veli Street, Madurai Vs. EPFO, Madras represented by RPFC and Recovery Officer, Madurai reported in WPMD 3469/2009 and MP (MD) 1/2009**, it is held by their Lordships “the liabilities with respect to the Contractors registered and having independent code cannot be fastened on the Petitioner”. Similar view has been taken in **WP No. 391/2014 Brakes India Ltd. Vs. EPFO reported in MAD 2994, 2015 LLR 635, (2015) 1 CWC 376**. Reliance is further placed in the case of **Group 4 Securities Guarding Ltd. Vs. EPF Appellate Tribunal, High Court of Delhi reported in (2012) LLR 22**. It has been held “A separate Code Number is for direct compliance of the provision of the Act and it is allotted only to the employees and not to Contractors. Therefore, the client cannot be termed as Principal Employer as Security Guard provided by the Company”. In another case it has also been held by their Lordships in the case of **Madurai Distt. Central Cooperative Bank Ltd. Represented by Special Officer Vs. EPFO reported in (2012) LLR Page 702** that “A separate Code was allotted the employees of the Contractor by no stretch of imagination can be treated to be employees of the Principal Employer”. At the cost of repetition it needs mention that it is well evident that the petitioner was engaged initially by one Service Provider namely Guruvayurappan Security Bureau for a period from December 2000 till end of 2003 that is till the Madura Bank merged with the first Respondent. The Ext.M6 (Clause-A) clearly discloses that the Respondent was desirous and entered into contracts with different Service Providers to supply manpower to it and its different Branches. The petitioner engaged through independent service Provider Universal Aviation Service (P) Ltd. Besides, it is also crystal clear, that the entire period of engagement / employment of the Petitioner was through the service providers. Even for the sake of argument it is accepted that the Petitioner was continuing his work since 15.12.2000 till 2008 and in between, sent Representations through Second Respondent, and sometime directly to the HR division for his regular appointment on the vacant post such fact cannot give a right to the petitioner to claim his permanency. Beside such fact of Statement would never suffice that he was victimized by the First or Second Respondent. On the other hand, even after the contract period from 15.12.2000 till the end of 2003, the Petitioner was never sat idle. On the other hand his engagement through the Universal Aviation Services from 01.04.2004 till the end of 2008 clearly speaks about his gainful employment. Beside he was never been issued with any refusal/dismissal letter by any of the Respondents which reveals from his evidence as well as the claim statement. On the other hand it reveals in both the terms he was engaged as per the Contract Agreement through the respective Service Providers. The Petitioner chose not to Implead the Service Providers as parties. For a just and proper adjudication those Service Providers, could have been impleaded not only as proper parties but also as necessary parties. The petitioner fails establish any claim against the First and Second Respondents.

8. In view of the discussion help supra, it is well evident that there exists no Employer-Employee relationship in between the First and Second Respondent with the Petitioner. The issue under Point I is answered accordingly. As a natural consequence, the issue in Point No. II is answered in negative. The Petitioner is not entitled to any relief as sought for.

An Award is passed accordingly.

DIPTI MOHAPATRA, Presiding Officer

(Dictated and transcribed by PA and corrected and pronounced in the open court on this day the 09.04.2021)

Witnesses Examined :

For the 1 st Party/Petitioner	:	WW1, Sh. P.K. Govindaraju
For the 2 nd Party/Respondent	:	MW1, Sh. V. Srinivasan

Documents Marked:

On the petitioners side

Ex.No.	Date	Description
Ex.W1	05.02.2002	Representation sent by petitioner to the Manager, ICICI Bank, Panikulam Branch for appointment
Ex.W2	12.11.2008	Representation sent by petitioner to the ICICI Bank Head Office, Chennai with Acknowledgement

Ext.W3 29.09.2009	Representation sent by petitioner to the ICICI Bank Head Office, Chennai with Acknowledgement
Ext.W4 04.11.2009	Petitioner sent representation to the Labour Officer
Ext.W5 01.02.2010	Counter Statement filed by Respondent in Na.Ka.No. 524/2009 before the Labour Officer, Ramanathapuram
Ext.W6 08.02.2010	Reply of the petitioner to the Counter filed by the Respondent
Ext.W7 30.03.2010	Labour Officer sent letter to the petitioner Na.Ka.No. 524/2009 dtd. 30.03.2010
Ext.W8 04.06.2012	Petition filed under Section 2(a) of the ID Act, 1947 for illegal termination before the Asstt. Labour Commissioner (Central), Madurai
Ext.W9 05.11.2012	Counter Statement filed by the Respondent before the Asstt. Labour Commissioner
Ext.W10 10.12.2012	Reply filed by the Petitioner to the Counter Statement of the Respondent
Ext.W11 06.03.2013	Reply to the rejoinder filed by the Petitioner
Ext.W12 17.04.2013	Order in WP (MD) No. 2467 of 2013 dtd. 17.04.2013

On the Management's side

Ex.No.	Date	Description
Ext.M1	-	Petition in ID No. 48 of 2010 filed by the Petitioner
Ext.M2	-	Nomination and declaration under the EPF Act.
Ext.M3	01.04.2004	Service Providers Agreement entered into between M/s. Universal Services and the Respondent
Ext.M4	06.01.2010	Letter from Universal Services to the Respondent
Ext.M5	07.05.2001	Copy of the license issued by the Reserve Bank of India
Ext.M6	01.04.2006	Copy of the Service Providers Agreement entered into between M/s. Universal Services and the Respondent Bank Branch at Sholavandan
Ext.M7	01.04.2006	Copy of the Service Providers Agreement entered into between M/s. Universal Services and the Respondent Bank Branch at Thirumangalam
Ex.M8	-	Sample copy of the letters sent by the Contractor to the Respondent regarding salary credit alongwith the copies of cheque.

नई दिल्ली, 3 अगस्त, 2021

का.आ. 545.—औद्योगिक विवाद अधिनियम, 1947 (14 का 1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स फूड कारपोरेशन ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह - श्रम न्यायालय, जयपुर के पंचाट संदर्भ संख्या 36/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.07.2021 को प्राप्त हुआ था।

[सं. एल-22012/98/2006-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 3rd August, 2021

S.O. 545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2007) of the Cent.Govt.Indus.Tribunal-cum-Labour, Jaipur as shown in the Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and their workmen, received by the Central Government on 28.07.2021.

[No. L-22012/98/2006-IR(CM-II)]

RAJENDER SINGH, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

सी.जी.आई.टी. प्रकरण सं. 36/2007

रेफरेन्स नं- L-22012/98/2006-IR (C.M.-II) दिनांक 30.05.2007

राधामोहन चतुर्वेदी, पीठासीन अधिकारी

बुगाराम पुत्र श्री हंसराज
ग्राम पोस्ट—गुडीसर भादराय,
तहसील व जिला— बाडमेर, राजस्थान

बनाम

1. जिला प्रबन्धक, भारतीय खाद्य निगम, जोधपुर राजस्थान
2. सहायक प्रबन्धक, भारतीय खाद्य निगम, फूड स्टोरेज डिपो,
बाडमेर राजस्थान

उपस्थित :-

प्रार्थी की तरफ से : कोई नहीं
अप्रार्थीगण की तरफ से : श्री सुरेन्द्र सिंह नालौट—अधिवक्ता

: अधिनिर्णय :

दिनांक : 08. 04. 2021

1. श्रम मंत्रालय भारत सरकार, नई दिल्ली द्वारा दिनांक 30.05.2007 को औद्योगिक विवाद अधिनियम 1947 (जिसे आगामी चरणों में अधिनियम कहा जावेगा) की धारा 10 (1) (घ) के अन्तर्गत निम्नांकित औद्योगिक विवाद इस अधिकरण को न्यायनिर्णन हेतु प्रेषित किया :

“Whether the action of the management in not absorbing and giving appointment to Shri Buga Ram in service from the date of his juniors absorbed in service with all consequential benefit is legal and justified? if not, to what relief is the workman entitled?”

2. उक्त विवाद के इस अधिकरण में प्राप्त होने पर उभयपक्ष को आहूत किया गया और प्रार्थी से अपेक्षा की गई कि वह अपने दावे का अभिकथन प्रस्तुत करें। दिनांक 25.3.2010 को प्रार्थी द्वारा दावे का अभिकथन प्रस्तुत किया गया। प्रार्थी का यह कथन है कि भारतीय खाद्य निगम के बाडमेर डिपो में वर्ष 1971 से वह ठेकेदार के माध्यम से लोडिंग व अनलोडिंग का कार्य कर रहा था। प्रार्थी से कनिष्ठ श्रमिकों को समायोजित किये जाने तक वह निरन्तर कार्यरत रहा। भारत सरकार ने दिनांक 1.11.1990 को अधिसूचना जारी कर ठेका श्रमिकों के नियोजन पर प्रतिबंध लगा दिया। जिस पर विपक्षी के अधिकारियों ने ठेकेदार के माध्यम से कार्यरत श्रमिकों को समायोजित करने का निर्देश दिया। विपक्षीगण ने प्रार्थी को समायोजित न कर उसे सेवामुक्त कर दिया। जबकि प्रार्थी से कनिष्ठ श्रमिकों को 1.1.1991 से समायोजित कर लिया। प्रार्थी ने उसे समायोजित न करने के विरुद्ध माननीय राजस्थान उच्च न्यायालय के समक्ष एक रिट याचिका दायर की। जिसे इस आधार पर खारिज कर दिया गया कि विवादित प्रश्न का निस्तारण रिट याचिका में नहीं किया जा सकता। प्रार्थी को यह छूट दी गई कि वह अपना विवाद औद्योगिक विवाद अधिनियम के अन्तर्गत उठा सकता है। इस पर यह दावा प्रस्तुत किया गया। प्रार्थी ने यह घोषित करने का निवेदन किया कि प्रार्थी भारतीय खाद्य निगम में उसी तिथि से जिस तिथि से प्रार्थी से कनिष्ठ श्रमिकों को समायोजित कर नियोजित किया गया, नियोजित किये जाने का अधिकारी है और पूर्ण वेतन तथा समस्त आर्थिक परिलाभ पाने का अधिकारी है।

3. विपक्षीगण ने प्रार्थी के दावे का खंडन करते हुये यह कहा है कि दिनांक 23.10.2005 को माननीय उच्च न्यायालय द्वारा प्रार्थी का कोई अधिकार न मानते हुये रिट याचिका खारिज की गई है। प्रार्थी और विपक्षी के बीच श्रमिक और नियोजक का संबंध नहीं है। दिनांक 1.11.1990 के उपरान्त संविदा श्रमिकों के नियोजन पर प्रतिबंध है। प्रार्थी से कनिष्ठ किसी भी व्यक्ति को समायोजित करते हुये नियोजित नहीं किया गया। प्रार्थी को विपक्षी की सेवा में समायोजन का कोई अधिकार नहीं है। अतः वाद निरस्त किया जावे।

4. दिनांक 12.01.2016 को प्रार्थी के प्रतिनिधि ने एक प्रार्थना-पत्र प्रस्तुत कर प्रार्थी की मृत्यु दिनांक 28.02.2014 को हो जाना सुचित करते हुये उसकी पत्नि, पुत्रियों व पुत्रों को पक्षकार बनाये जाने का निवेदन किया। जिसे अधिकरण द्वारा दिनांक 24.8.2016 को स्वीकार कर संशोधित याचिका प्रस्तुत किये जाने का आदेश पारित किया। प्रार्थी के विधिक प्रतिनिधियों की ओर से संशोधित शीर्षक प्रस्तुत किया गया। किन्तु विधिक प्रतिनिधियों की ओर से प्रतिनिधित्व हेतु प्राधिकार पत्र प्रस्तुत नहीं किया गया।

5. दिनांक 13.12.2018 को प्रार्थी के विधिक प्रतिनिधिगण की ओर से प्राधिकार पत्र प्रस्तुत करने का श्री राजेन्द्र गुप्ता ने अवसर चाहा। दिनांक 13.3.2019 को श्री आर.सी.जैन ने मृतक प्रार्थी के विधिक प्रतिनिधियों की ओर से प्राधिकार पत्र प्रस्तुत करने का अवसर चाहा। तदुपरान्त दिनांक 10.6.2019 को विधिक प्रतिनिधि धर्माराम की ओर से श्री आर.सी. जैन ने अधिकार पत्र प्रस्तुत किया तथा शेष विधिक प्रतिनिधियों की ओर से प्राधिकार-पत्र प्रस्तुत करने का अवसर चाहा। दिनांक 16.10.2019 व 10.12.2019 को भी वह प्राधिकार पत्र प्रस्तुत नहीं किया गया। दिनांक 13.2.2020 व 28.7.2020 को प्रार्थी की ओर से कोई उपस्थित नहीं था। दिनांक 26.11.2020 को श्री नरेश कुमार गुप्ता ने उपस्थिति पत्र प्रार्थी की ओर से प्रस्तुत किया। दि. 15.3.2021 को मृतक प्रार्थी के विधिक प्रतिनिधियों की ओर से कोई उपस्थित नहीं हुआ। विपक्षी अभिभाषक ने यह आक्षेप किया है कि इस विवाद में प्रार्थी को सेवा में समायोजित करते हुये नियोजित न किये जाने का विवाद लम्बित है और प्रार्थी ने स्वयं को सेवा में समायोजित किये जाने के अनुतोष सहित विगत वेतन की मांग की है। इसलिये प्रार्थी की मृत्यु के उपरान्त उसके विधिक प्रतिनिधियों को किसी प्रकार समायोजित किये जाने का अनुतोष दिया ही नहीं जा सकता है। प्रार्थी की मृत्यु के साथ ही विवाद का अन्त हो चुका है।

6. मैंने इन तथ्यों और परिस्थितियों पर ध्यानपूर्वक विचार किया। इस विवाद में प्रार्थी को उससे कनिष्ठतर व्यक्तियों को समायोजित करते हुये नियोजित करना और प्रार्थी को वंचित रखने से संबंधित विवाद संदर्भित है। प्रार्थी की मृत्यु हो जाना, मृत्यु-प्रमाण पत्र के आधार पर विवादित नहीं है। इस स्थिति में प्रार्थी की मृत्यु के पश्चात, प्रार्थी को यदि विधिपूर्ण रीति से विपक्षीगण ने सेवा में समायोजित करते हुये नियोजन नहीं दिया हो तो अब प्रार्थी को सेवा में समायोजित करवाना और नियोजन प्रदान करवाना एक वैयक्तिक अनुतोष होने के कारण उसके विधिक प्रतिनिधिगण को प्रदान नहीं किया जा सकता। प्रार्थी स्वयं ने यह स्वीकार किया था कि अप्रार्थीगण ने उसे सेवा में समायोजित न कर एक प्रकार से सेवामुक्त कर दिया है। इस प्रकार प्रार्थी ने दि. 1.1.1991 से विपक्षी के अधीन कोई कार्य नहीं करना स्वयं ही माना है। इस स्थिति में प्रार्थी की मृत्यु के उपरान्त उसके विधिक प्रतिनिधियों को सेवा में समायोजन व नियोजन, विगत वेतन अथवा आर्थिक परिलाभ प्रदान किये जाने का कोई आधार उत्पन्न नहीं होता है। यह स्पष्ट हो जाता है कि प्रार्थी की मृत्यु के उपरान्त उसके विधिक प्रतिनिधियों को कोई अनुतोष प्राप्त करने का अधिकार नहीं है क्योंकि विधिक प्रतिनिधियों को कोई वाद कारण ही शेष नहीं रहा है।

7. इस तथ्यात्मक परिदृश्य में इस विवाद को प्रार्थी की मृत्यु के पश्चात न्याय निर्णयन नहीं किया जा सकता है। इसलिये इस विवाद को प्रार्थी की मृत्यु के परिणामस्वरूप उपशमित किया जाता है।

8. श्रम मन्त्रालय भारत सरकार द्वारा इस अधिकरण को न्यायनिर्णयन हेतु प्रेषित विवाद का उत्तर उपर्युक्तानुसार दिया जाता है।

9. अधिनिर्णय की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17 (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जावे।

राधा मोहन चतुर्वेदी, पीठासीन अधिकारी

नई दिल्ली, 3 अगस्त, 2021

का.आ. 546.—औद्योगिक विवाद अधिनियम, 1947 (14 का 1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स फूड कारपोरेशन ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह - श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 34/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.07.2021 को प्राप्त हुआ था।

[सं. एल-22012/97/2006-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 3rd August, 2021

S.O. 546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2007) of the Cent.Govt.Indus.Tribunal-cum-Labour, Jaipur as shown in the Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and their workmen, received by the Central Government on 28.07.2021.

[No. L-22012/97/2006-IR(CM-II)]

RAJENDER SINGH, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

सी.जी.आई.टी. प्रकरण सं. 34/2007

रेफरेन्स नं- L- 22012/97/2006-IR (C.M.-II) दिनांक 30.05.2007

राधामोहन चतुर्वेदी, पीठासीन अधिकारी

शेराराम पुत्र श्री आना राम माली
निवासी— कॉ—आपरेटिव सोसायटी के सामने,
जाटावास, बाडमेर, राजस्थान (मृतक)

बनाम

1. जिला प्रबन्धक, भारतीय खाद्य निगम, जोधपुर राजस्थान
2. सहायक प्रबन्धक, भारतीय खाद्य निगम, फूड स्टोरेज डिपो,
बाडमेर राजस्थान

उपस्थित :-

प्रार्थी की तरफ से : कोई नहीं
अप्रार्थीगण की तरफ से : श्री सुरेन्द्र सिंह नालौट— अधिवक्ता

: अधिनिर्णय :

दिनांक : 08.04.2021

1. श्रम मंत्रालय भारत सरकार, नई दिल्ली द्वारा दिनांक 30.05.2007 को औद्योगिक विवाद अधिनियम 1947 (जिसे आगामी चरणों में अधिनियम कहा जावेगा) की धारा 10 (1) (घ) के अन्तर्गत निम्नांकित औद्योगिक विवाद इस अधिकरण को न्यायनिर्णय हेतु प्रेषित किया :

“Whether the action of the management in not absorbing and giving appointment to Shri Shera Ram in service from the date of his juniors absorbed in service with all consequential benefit is legal and justified? if not, to what relief is the workman entitled ?”

2. उक्त विवाद के इस अधिकरण में प्राप्त होने पर उभयपक्ष को आहूत किया गया और प्रार्थी से अपेक्षा की गई कि वह अपने दावे का अभिकथन प्रस्तुत करें। दिनांक 15.2.2010 को प्रार्थी द्वारा दावे का अभिकथन प्रस्तुत किया गया। प्रार्थी का यह कथन है कि भारतीय खाद्य निगम के बाडमेर डिपो में वर्ष 1985 से वह ठेकेदार के माध्यम से लोडिंग व अनलोडिंग का कार्य कर रहा था। प्रार्थी से कनिष्ठ श्रमिकों को समायोजित किये जाने तक वह निरन्तर कार्यरत रहा। भारत सरकार ने दिनांक 1.11.1990 को अधिसूचना जारी कर ठेका श्रमिकों के नियोजन पर प्रतिबंध लगा दिया। जिस पर विपक्षी के अधिकारियों ने ठेकेदार के माध्यम से कार्यरत श्रमिकों को समायोजित करने का निर्देश दिया। विपक्षीगण ने प्रार्थी को समायोजित न कर उसे सेवामुक्त कर दिया। जबकि प्रार्थी से कनिष्ठ श्रमिकों को 1.1.1991 से समायोजित कर लिया। प्रार्थी ने उसे समायोजित न करने के विरुद्ध माननीय राजस्थान उच्च न्यायालय के समक्ष एक रिट याचिका दायर की। जिसे इस आधार पर खारिज कर दिया गया कि विवादित प्रश्न का निस्तारण रिट याचिका में नहीं किया जा सकता। प्रार्थी को यह छूट दी गई कि वह अपना विवाद औद्योगिक विवाद अधिनियम के अन्तर्गत उठा सकता है। इस पर यह दावा प्रस्तुत किया गया। प्रार्थी ने यह घोषित करने का निवेदन किया कि प्रार्थी भारतीय खाद्य निगम में उसी तिथि से जिस तिथि से प्रार्थी से कनिष्ठ श्रमिकों को समायोजित कर नियोजित किया गया, नियोजित किये जाने का अधिकारी है और पूर्ण वेतन तथा समस्त आर्थिक परिलाभ पाने का अधिकारी है।

3. विपक्षीगण ने प्रार्थी के दावे का खंडन करते हुये यह कहा है कि दिनांक 23.10.2005 को माननीय उच्च न्यायालय द्वारा प्रार्थी का कोई अधिकार न मानते हुये रिट याचिका खारिज की गई है। प्रार्थी और विपक्षी के बीच श्रमिक और नियोजक का संबंध नहीं है। दिनांक 1.11.1990 के उपरान्त संविदा श्रमिकों के नियोजन पर प्रतिबंध है। प्रार्थी से

कनिष्ठ किसी भी व्यक्ति को समायोजित करते हुये नियोजित नहीं किया गया। प्रार्थी को विपक्षी की सेवा में समायोजन का कोई अधिकार नहीं है। अतः वाद निरस्त किया जावे।

4. दिनांक 12.01.2016 को प्रार्थी के प्रतिनिधि ने एक प्रार्थना-पत्र प्रस्तुत कर प्रार्थी की मृत्यु दिनांक 6.4.2014 को हो जाना सुचित करते हुये उसकी पत्नि व पुत्रों को पक्षकार बनाये जाने का निवेदन किया। जिसे अधिकरण द्वारा दिनांक 24.8.2016 को स्वीकार कर संशोधित याचिका प्रस्तुत किये जाने का आदेश पारित किया। प्रार्थी के विधिक प्रतिनिधियों की ओर से संशोधित शीर्षक प्रस्तुत किया गया। किन्तु विधिक प्रतिनिधियों की ओर से प्रतिनिधित्व हेतु प्राधिकार पत्र प्रस्तुत नहीं किया गया।

5. दिनांक 13.12.2018 को प्रार्थी के विधिक प्रतिनिधिगण की ओर से प्राधिकार पत्र प्रस्तुत करने का श्री राजेन्द्र गुप्ता ने अवसर चाहा। दिनांक 13.3.2019 को श्री आर.सी.जैन ने मृतक प्रार्थी के विधिक प्रतिनिधियों की ओर से प्राधिकार पत्र प्रस्तुत करने का अवसर चाहा। तदुपरान्त दिनांक 10.6.2019 को विधिक प्रतिनिधि रमेश की ओर से श्री आर.सी.जैन ने अधिकार पत्र प्रस्तुत किया तथा शेष विधिक प्रतिनिधियों की ओर से प्राधिकार-पत्र प्रस्तुत करने का अवसर चाहा। दिनांक 16.10.2019 व 10.12.2019 को भी वह प्राधिकार पत्र प्रस्तुत नहीं किया गया। दिनांक 13.2.2020 व 28.7.2020 को प्रार्थी की ओर से कोई उपस्थित नहीं था। दिनांक 26.11.2020 को श्री नरेश कुमार गुप्ता ने उपस्थिति पत्र प्रार्थी की ओर से प्रस्तुत किया। दि. 15.3.2021 को मृतक प्रार्थी के विधिक प्रतिनिधियों की ओर से कोई उपस्थित नहीं हुआ। विपक्षी अभिभाषक ने यह आक्षेप किया है कि इस विवाद में प्रार्थी को सेवा में समायोजित करते हुये नियोजित न किये जाने का विवाद लम्बित है और प्रार्थी ने स्वयं को सेवा में समायोजित किये जाने के अनुतोष सहित विगत वेतन की मांग की है। इसलिये प्रार्थी की मृत्यु के उपरान्त उसके विधिक प्रतिनिधियों को किसी प्रकार समायोजित किये जाने का अनुतोष दिया ही नहीं जा सकता है। प्रार्थी की मृत्यु के साथ ही विवाद का अन्त हो चुका है।

6. मैंने इन तथ्यों और परिस्थितियों पर ध्यानपूर्वक विचार किया। इस विवाद में प्रार्थी को उससे कनिष्ठतर व्यक्तियों को समायोजित करते हुये नियोजित करना और प्रार्थी को वंचित रखने से संबंधित विवाद संदर्भित है। प्रार्थी की मृत्यु हो जाना, मृत्यु-प्रमाण पत्र के आधार पर विवादित नहीं है। इस स्थिति में प्रार्थी की मृत्यु के पश्चात, प्रार्थी को यदि विधिपूर्ण रीति से विपक्षीगण ने सेवा में समायोजित करते हुये नियोजन नहीं दिया हो तो अब प्रार्थी को सेवा में समायोजित करवाना और नियोजन प्रदान करवाना एक वैयक्तिक अनुतोष होने के कारण उसके विधिक प्रतिनिधिगण को प्रदान नहीं किया जा सकता। प्रार्थी स्वयं ने यह स्वीकार किया था कि अप्रार्थीगण ने उसे सेवा में समायोजित न कर एक प्रकार से सेवामुक्त कर दिया है। इस प्रकार प्रार्थी ने दि. 1.1.1991 से विपक्षी के अधीन कोई कार्य नहीं करना स्वयं ही माना है। इस स्थिति में प्रार्थी की मृत्यु के उपरान्त उसके विधिक प्रतिनिधियों को सेवा में समायोजन व नियोजन, विगत वेतन अथवा आर्थिक परिलाभ प्रदान किये जाने का कोई आधार उत्पन्न नहीं होता है। यह स्पष्ट हो जाता है कि प्रार्थी की मृत्यु के उपरान्त उसके विधिक प्रतिनिधियों को कोई अनुतोष प्राप्त करने का अधिकार नहीं है क्योंकि विधिक प्रतिनिधियों को कोई वाद कारण ही शेष नहीं रहा है।

7. इस तथ्यात्मक परिदृश्य में इस विवाद को प्रार्थी की मृत्यु के पश्चात न्याय निर्णयन नहीं किया जा सकता है। इसलिये इस विवाद को प्रार्थी की मृत्यु के परिणामस्वरूप उपशमित किया जाता है।

8. श्रम मन्त्रालय भारत सरकार द्वारा इस अधिकरण को न्यायनिर्णयन हेतु प्रेषित विवाद का उत्तर उपर्युक्तानुसार दिया जाता है।

9. अधिनिर्णय की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17 (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जावे।

राधा मोहन चतुर्वेदी, पीठासीन अधिकारी

नई दिल्ली, 5 अगस्त, 2021

का.आ. 547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, नई दिल्ली के पंचाट (संदर्भ सं. 32/2019) को प्रकाशित करती है जो केन्द्रीय सरकार को 05.08.2021 को प्राप्त हुआ था।

[सं. एल-12012/51/2018-आईआर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 5th August, 2021

S.O. 547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen, received by the Central Government on 05.08.2021.

[No. L-12012/51/2018-IR(B-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, NEW DELHI**

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi

INDUSTRIAL DISPUTE CASE NO. 32/2019

Date of Passing Award- 9th July, 2021

Between:

Shri Dinesh Kumar,
S/o Shri Naipal Singh,
93/5 Prem Kunj, Roorkee,
Distt. Haridwar, Uttarakhand,
Haridwar, Uttarakhand.

... Workman

Versus

1. The Chief Head Disciplinary Authority
UCO Bank, Circle Office, BHEL complex,
Sector-4, Ranipur,
Haridwar, Uttarakhand.
2. The Zonal Manager (Appellate Authority)
UCO Bank,
Zonal Office, LIC Building,
Prabhat Nagar,
Meerut (U.P)

...Managements

Appearances:-

Shri A.N. Verma (A/R) : For the Workman

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of UCO Bank, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L- 12012/51/2018 (IR(B-II) dated 26.12.2018 to this tribunal for adjudication to the following effect.

“Whether the UCO Bank management erred in taking services from the workman Shri Dinesh Kumar for so long without following any due process and also allowing him to associate with banking activities? If so, what remedy lies now for his reinstatement in the Bank Services?”

As stated by the claimant he was working as a casual sweeper in the Greater Noida Branch of UCO Bank w.e.f 02.07.2007 to 09.07.2018 continuously without any break. The work and engagement of the claimant is evident from various correspondences made by the Branch with the Zonal and Head office of the Bank. On 05.01.2009 the Zonal Office of UCO Bank had issued instruction to all the Branches in the zone to submit the statement of casual sweepers working as on 31.12.2008. Accordingly the Manager of Greater Noida Bank prepared the list on 10.01.2009 and forwarded the same to the Zonal Office. Filing the said list as Annexure-3 the claimant has stated that his name was appearing in the said list. The Zonal Office subsequently forwarded a list of casual sweeper received from the Head Office Calcutta vide annexure-5 and asked the branches to examine the list and point out the discrepancies if any within 7 days. Accordingly the branch of the Bank prepared a fresh list dated 25.06.2009 in which the name of the claimant was included and the same was sent to the Zonal Office with a request for regularization of the service of the claimant as a sweeper. But the claimant was not regularized in the post though other persons engaged later than him were regularized as per the list enclosed as annexure-7. On 19.02.2013 the Greater Noida Branch again forwarded their letter dated 25.6.2009 to the Zonal Office Meerut renewing their request for regularization of the service of the claimant. On this the HRM Department of the Head Office sought for some clarification with regard to the casual sweepers and the same was complied by the Branch wherein it was clearly mentioned that the claimant Dinesh Kumar is working as a casual sweeper in the Branch since 02.07.2007. But surprisingly instead of regularizing the service of Dinesh Kumar other persons were regularized and while doing so, the service rendered by the claimant as a casual sweeper for 11 years and that he had worked for more than 240 days in a calendar year was ignored. On 9.7.2018 the Branch Manager of the Bank of Greater Noida Branch without any reasonable cause prevented the claimant petitioner from working as the sweeper and thereby terminated his service without following the law laid down under the Industrial Dispute Act. No termination notice, Notice pay or retrenchment compensation was paid to the claimant. Being aggrieved he raised a dispute through the union where his cause was espoused

before the Labour Commissioner. Steps were taken for conciliation but the same failed. Thus the Appropriate Government referred the matter to this tribunal for adjudication in terms of the reference.

Though notice was served on the Management Bank and it had entered appearance through its A/R on 26.07.2019, did not file any written statement despite proper opportunity being given. The respondent management was set ex-parte by order dated 28.01.2020.

The claimant examined himself as WW1 but could not be cross examined for the absence of the respondent.

The claimant testifying as WW1 deposed in the exact line of the claim statement. He also proved certain documents marked as WW1/1 to WW1/17. His oral and documentary evidence adduced by the claimant has not been challenged by the respondent. Thus, from the uncontroverted oral evidence and the undisputed documents filed by the claimant it appears that the claimant was working as a casual labour in the Branch of the bank from 02.07.2007 to 9.07.2018 continuously i.e till his service was disengaged by the manager of the Branch illegally and without following the law laid down u/s 25F,G of the Id Act. Furthermore the action of the management in regularizing the service of persons engaged on a letter date then the claimant when his case was duly recommended by the branch manager amounts to unfair labour practice.

The Unfair Labour Practice defined u/s 2(ra) means any of the practice specified in the V schedule of the I D Act. Under the said V Schedule to employ workmen as Badlis, casuals or temporaries and to continue them as such for years with the object of depriving them of the status and privilege of permanent workmen amounts to unfair labour practice. In this case the documents filed by the workman showing regularization of some of the casual workers coupled with his oral testimony lead to a conclusion that the claimants has been working for long years and the respondent in utter disregard of law deprived him them from regularizing his service against the vacant post which amount to unfair labour practice.

Besides the Hon'ble High Court of **Jammu and Kashmir in the case of J and K Bank Limited vs. Central Government Industrial Tribunal and Others reported in 2018 LAB I.C. 2970** have held:

“Unfair Labour Practice-what amounts to-workmen continued in temporary/contractual capacity for years together despite availability of vacant posts, aimed at depriving them of status and privileges of permanent workmen- clearly amounts to unfair labour practice- directions issued by Tribunal to appellant Bank to frame scheme for regularization of respondent workmen within period of 3 months and that respondents workmen would be deemed to have been regularized in case of failure of appellant- Bank to frame scheme, held, justified.”

In this case the oral and documentary evidence since proves the continuous service of the workmen for the respondent on daily wage basis since the year 1982, the decision of the management in not regularizing their service against the permanent vacancy is held to be illegal and unjustified.

Here is a case where as indicated above the workman has been victimized on account of unfair labour practice by the Respondent. The post for which he is aspirant is vacant and persons junior to him have been regularized. Hence it is felt proper to issue a direction to the management to regularize the service of the claimant within a period of 3 months against a permanent post. This direction is specific in respect of the claimant of this claim petition. Hence, ordered.

ORDER

The claim be and the same is allowed. It is held that the action of the management in depriving the workman from regularizing his service is illegal, unjustified and amounts unfair labour practice. The Respondent Bank is hereby directed to regularize the service of the claimant /workman within 3 months from the date of publication of the award and the regularization shall be effective from the date when the juniors to him were regularized in other branches as per annexure-7. It is further directed that the management shall not adopt any dilly dallying practice which would be detrimental to the interest of the workman. The respondent is further directed to pay him the pay scale and other benefits from the date of regularization which would be at par with the persons regularized in the post of sweeper earlier. The arrear of the remuneration payable to the claimant shall be paid to him within 2 months from the date of regularization without interest failing which the same shall carry interest @9% per annum from the initial date of accrual till the payment is made.

Consign the record as per Rule. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 6 अगस्त, 2021

का.आ. 548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -2, धनबाद के पंचाट (संदर्भ संख्या 16/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.08.2021 को प्राप्त हुआ था।

[सं. एल-20012/154/2007-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 6th August, 2021

S.O. 548.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.2, Dhanbad (Ref. No.16 of 2008) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 04.08.2021.

[No. L-20012/154/2007-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT : Dr. S.K.Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO 16 OF 2008

PARTIES:

The Joint General Secretary,
Bahujan Mazdoor Union,
Mines Rescue Station,
PO; Dhansar,
Dhanbad (Jharkhand) 826001

Vs.

The General Manager,
Kustore Area of M/s BCCL.
Post: Jharia
Dhanbad- 826001

Order No. L-20012/154/2007-IR(CM-I) dt.25.02.2008

APPEARANCES :

On behalf of the workman/Union : Mr. S.C.Gaur Ld. Advocate

On behalf of the Management : Mr.U.N. Lal, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 18th Feb., 2021

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-20012/154/2007-IR (CM-I) dt.25.02.2008**

SCHEDULE

“Whether the action of the Management of Simlabahal Colliery under Kustore Area of M/s. BCCL in not regularizing the services of Shri Nand Lal Chouhan as Dumper Driver is justified and legal? If not, to what relief is the concerned workman entitled and from what date?”

1. On receipt of the **Order No. L-20012/154/2007-IR (CM-I)dt.25.02.2008** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 16 of 2008 on 10.03.2008 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.
2. Upon registration of the Industrial Dispute Case on 10.03.2008 the workman side filed the Written Statement of Claim on 08.06.2011. Against which the O.P./Management filed counter claim to the Written Statement of Claim with exchange of copies against each other opposite party on 22.05.2012 followed by rejoinders by the both sides. Thus the case moved on evidence on both sides. The Sponsoring Union/workman side led evidence and deposed before the Court. Simultaneously O.P./Management's Representative testimonial has been taken on record and cross examination of the workman was also recorded. Finally the matters proceed over arguments. and the written arguments were filed on 02.07.2015 by both sides under Reference and finally hearing was conducted on 04.02.2001 enabling thereby to the case closed for hearing and reserved for final Award/order as the case may be.
3. The case as claimed by the sponsoring Union/workman in the Written Statement of claim is as following;
 - (i) That Shri Nandlal Chauhan bearing Pers. No. 02857928 and CMPF A/No. DHN/31/379 had been a permanent workman in Simlabahal Colliery under the Kustore Area of M/s BCCL in the job of Dumper Driver since 01.09.1998.
 - (ii) The workman was not given as proper Grade-C to which he is entitled.
 - (iii) As the workman concerned obtained Heavy Driving License from Motor Vehicle Authority which was submitted to the O.P./Management. On submission of the Driving License he was authorized to work as Dumper Driver.
 - (iv) Even then the workman concerned was not regularized as Dumper Driver and Grade "C" till now. So this is a case of victimization, as claimed by the Sponsoring Union/workman.
 - (v) That the alleged action of the Management of Simlabahal Colliery in not regularizing him as Dumper Driver is illegal and unjustified as he is not entitled to regularization as a Dumper Driver is illegal and unjustified as he is entitled to regularization as a Dumper Driver from the date 01.09.1998 with Wage Protection and Grade "C".
 - (vi) So the workman prays for passing an Award seeking direction to O.P./Management to regularize him as a Dumper Driver with Grade "C" w.e.f. 01.09.1998 with Wage protection.
4. Whereas contrary to the statement of the Sponsoring Union, the Ld. Advocate Mr.U.N.Lal representing from O.P./Management contested the claims with categorical denials which may be summarized as following:
 - (i) That Shri Nandlal Chouhan had been an employee of Simlabahal Colliery and working as Dumper Khalasi as Cat. II
 - (ii) As for Dumper Driver the post is a promotional one or on selection basis amongst its own employees having requisite, experience, qualification, apart from necessary Driving License etc. subject to availability of vacancy undergoing through departmental Promotion Committee. The same is done through Departmental Promotion Committee (DPC) subject to availability of vacancy for the said post taking into aspect Manpower Budget particularly for the year concerned.
 - (iii) The claim of the workman/sponsoring Union for regularization of the workman concerned from the post of Dumper Khalasi is not correct and no such other workmen had been ever been regularized in the past thereby superseding the workman concerned.
 - (iv) Owing to non-requirement /vacancy, the O.P./Management has not taken any action in the matter of holding the D.P.C. as per the policy of the company.
5. Further in its rejoinder the O.P./management came out defending its points and brushing aside all the points raised by the workman in his claim by reaffirming the action of the Management is right and there is no deviation from its stand it had already taken as the workman does qualify for the said regularization.
6. The workman in its rejoinder justified stand as just and proper with rebuttal of all the points raised by the O.P./Management. The workman again renewed his demand for his regularization and demand for regularization as Dumper Driver Cat. V from 1.9.1998 with payment of full Cat. -V wages with all full benefits.
7. The Ld. Counsel representing the workman Mr.S.C.Gaur filed the list of prayer therewith the documents, as noted below in favour of workman's contention to be taken on record for being used at the time of hearing.

- (i) Authorization under 36(3) of the Coal Mines regulation by Manager of Simlabahal Colliery (Ext.W.1)
- (ii) Driving License (Ext.W.2)
- (iii) Pay slip for Feb.2012 (Ext.W.3)
- (iv) Xerox copies of Log Book of BHR-7049 for April, 2012.

8. In support of their contentions O.P. Company examined as O.P.M.W.-I Shri Sushil Kr.Bhera and was cross examined, brought on record copies of promotional channel for Excavation Personnel Dumper Operator as Ext.M.1 and Service Book of the said employee as Ext.M.2 respectively which have been marked as Ext and discussed at the relevant portion.

- (i) Xerox copies of Promotional channel for Excavation personnel (Dumper Operator) Ext. MW-I)
- (ii) Xerox copies of two –page Service Book of the said workman (Ext.MW-2)

FINDING

9. Now the point of determination in this proceeding therefore is to examine whether the petitioner has succeeded in establishing his contention(s) by way of cogent and consistent evidence, and, to further examine of the applicant is entitled to any relief as prayed for or at all as against the O.P./Company.

- (i) In course of deposition of the workman Nand Lal Chauhan on 05.11.2013 contested that the purported Authorization letter dt.01.9.1998 under the signature of one official Management named some Sinha of Simlabahal Colliery under Kustore area of M/s BCCL as Dumper Driver under the Mines Regulation Act.,1957 which was produced before the Court marked as Ext.W.1 and also produced Original Driving License, Dhanbad which was marked as Ext.W.2. It has been further asserted and consequent upon authorization he had been working as Dumper Driver but he was being paid the wages of Khalasi which is apparently clear from his latest Pay-slip dt.13.5.2013) which was produced on behalf of the workman marked as Ext.W.3. There is distinct difference in wages of Khalasi under Cat.-I and that of the Driver in Cat.V as per National Coal Wages Agreement (NCWA) – Nomenclature and Designation of the Coal Mines. So he is entitled for regularization of his service as Dumper Driver. And in doing so whatever financial differences arisen out due to non-regularization to the post of dumper Driver may also be paid with retrospective date as claimed for.
- (ii) In the cross examination by Shri U.N.Lal, Ld. Advocate for the O.P./Management the workman stated that his present designation Khalasi in Cat.II and further asserted that he was not sure whether the Dumper Operator post comes under the Excavation category I as he is illiterate and know nothing more than just to put his signature only. He denied the fact that he does not possess Heavy Motor Vehicle Driving License, rather asserted that he passed Class VIII. He further stated that he had gone for training for the Dumper Driver at Dhansar but returned back empty handed as he had not passed Class VIII. He was not under any training for one year in Cat.D (Excavation). On being asked the validness of so called authorization the workman pleaded ignorance simultaneously affirmed he was instructed by the Manager to drive it. He also asserted that it is not a fact that he worked Dumper Operator for one or two days against Leave Vacancy only echoing his claim as justified.

10. From the submission made from both sides along with the documents and cited judgments of the Apex Court by the Management side following are observed:

- (i) The concerned petitioner Sri Nand Lal Chauhan produced the Authorization Letter dated 01.09.1998 (Ext.W.-1) is not a full proof Authorization Letter to show it has been issued by fulfilling the due process rather just a symbolic proof just to carry out some work to certain period, subject to comply with the provisions of Regulations 38 and 39.
- (ii) From the contention of the Management the post of Dumper Driver is a promotional one subject of clearance of the Departmental Promotion Committee which does not appear to have been executed as viewed with supporting documents put forth by the O.P./Management and he seem to have not even appeared in the DPC as there was no such meeting ever held for the period under reference. .
- (iii) The system and process of promotion to the post Dumper Driver as D as exhibited in M-I does not itself match to what the workman concerned narrated in his self deposition and cross examination.
- (iv) On being asked the validness of the purported Authorization letter the workman expressed his inability to clear the position over which suspension persists as per provision of the Cadre Scheme

formulated by the JBCCI and circulated through I.I. of the National Coal Wages Agreement NCWA).

- (v) There is no prima facie factual materials on records to suggest that he was issued formal letter following due process even after holding the Departmental Promotion committee (DPC) whereas it appears ridiculous how O.P./Management went beyond prerogative to issue a small chit appear under as Ext. W.-I which was a really bone of contention.
- (vi) Based on the above submission and factual position as emerged out by taking into consideration and in accordance with the bye-laws of the Group of Collieries of Bharat Cooking Coal India Ltd (BCCL) that the workman concerned had never gone through the proper procedure of promotion nor have proved with materials to stake claim to the said post merely because of authorization letter over which legal validness is questionable. Such a person cannot invoke the theory of legitimate regularization or being confirmed in the Dumper Driver post when the promotion to the post could be made only by following a proper procedures and in the concerned case without holding the Departmental Promotion committee (DPC).

11. On careful examination of the terms and condition, the byelaws and having regard to facts and circumstances of the case and considering the materials on record and evidence adduced by the parties it is emerged that concerned workman Shri Nand Lal Chauhan in this Industrial Dispute Case as referred by the Government of India for adjudication before this Tribunal, the workman did not prove by way of cogent and consistent evidence to have qualified for Dumper Driver post under Cat. V or as per provision of the Cadre Scheme formulated by the JBCCI and circulated through I.I. of the National Coal Wages Agreement (NCWA). So there is no any relief to be granted and as such no relief is awarded.

Dr. S.K. THAKUR, Presiding Officer

नई दिल्ली, 6 अगस्त, 2021

का.आ. 549.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स जेट एयवेज/जेट लाइट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 26/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.07.2021 को प्राप्त हुआ था।

[सं. एल-11012/18/2012-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 6th August, 2021

S.O. 549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.2, Dhanbad (Ref. No. 26 of 2013) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Jet Airways / Jet Lite and their workmen, which was received by the Central Government on 30.07.2021.

[No. L-11012/18/2012-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT : Dr. S.K.Thakur, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO 26 OF 2013

PARTIES:

The President,
Industrial Mazdoor Congress,,
Water Board Colony, Boring Road, Pani Tanki
PATNA (BIHAR)

Vs.

The Station Manager,
Jet Airways/Jet Lite,
J.P.N. International Airport,
PATNA (BIHAR)

Order No. L-11012/18/2012-IR(CM-I) dt.15.01.2013

APPEARANCES :

On behalf of the workman/Union : Mr. Chandra Prakash Singh, Union Representative

On behalf of the Management : Mr. Subhash Kumar, Supervisor (Security)

State : Bihar

Industry : Civil Aviation

Dated, Dhanbad, the 2nd February, 2021

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their **Order No. L-11012/18/2012-IR(CM-I) dt.15.01.2013.**

SCHEDULE

“Whether the Management of Jet Airways violating the provisions of CL (R&A) Act, and M.W. Act is justified or not?”

2. To what relief they are entitled to?

3. The Management is adopting various unfair labour practices and what relief the workmen are entitled to?”

On receipt of the **Order No. L-11012/18/2012-IR(CM-I) dt.15.01.2013.** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 26 of 2013 on 28.01.2013 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal on the date fixed and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Post were sent to the parties concerned.

2. None appears on behalf of management side on 18.01.2021. The case is fixed for steps for filing Written Statement of Claim by the Sponsoring Union as final opportunity and in default, for proceeding under Rule .Status represents that the case is hanging for long time over filing of Written Statement of Claim and other relevant documents together with annexing witness(s) if any, thereto, to facilitate to carry forward the case. But neither Representative of the Sponsoring Union nor the /petitioner took any positive steps.

3. Record reveals that the Central government refers the said dispute for adjudication to this Tribunal in respect of the matters specified in the Schedule upon Sponsoring Union raising the Industrial Dispute. So, the Instant case registered on 28.01.2013 and notices in prescribed form served upon the Sponsoring Union as well as the Opp. Party/Company at the address given in the Schedule of the reference directing it to appear and file the W.S. on the next date fixed but proceeding did not come into light because the party concerned remains to shy away coming forward with legitimate claim in the form of Written Statement of Claim to apprise the Tribunal of the claim they have.

4. The case registered on 28.01.2013 came into existence as Reference No. 26/2013 with issuance of notice for appearance on 06.05.2013, and subsequently on 16.12.2013, 23.05.2014, 18.07.2014, 22.01.2019 27.06.2019, 30.10.2019 and finally on 18.01.2021 for filing Written Statement of Claim. The Sponsoring Union through the workmen or Ld Advocate made time and again appearances during the hearings of the proceeding but admittedly they could not be able to file the Written Statement of Claim and merely buying time which was granted. In the absence of Written Statement of claim by Sponsoring Union or by workmen, proceeding of the case does not originate nor it has any relevancy so far as the Management /O.P. representation is concerned. As part of the order dt.27.06.2019 the last and final Notice requiring their appearance were sent to both the litigant parties on 31.12.2020. Admittedly proceeding of the case came to halt and persistent pressure by way of adjournment and notices appears of no use. The Party who raised the dispute

should have been well conversant of the rules as per terms of reference by the Government of India before this Tribunal, which reads as follows:

“The Parties raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such statement to each one of the opposite parties involved in this dispute under rule 10(b) of the Industrial Disputes (Central), Rules, 1957.”

5. The Industrial Dispute under reference deals with the workmen seeking relief to the extent they are entitled to against the alleged violation of the provisions of CL(R&A) Act and M.W. Act and unfair labour practice so adopted by the Jet Airways (India) Ltd., if the action of the O.P./Management is unjust .

6. Noteworthy, the proceeding of the case was predominately held at Camp Court, Patna in view of the Government of India, Ministry of Labour & Employment letter dated 23.09.2013 to give effective contest to poor workmen to defend the case.

7. What the fact has transpired from record that in course of final hearing on 18.01.2021, the Sponsoring Union appeared through Ld. Representative Mr. Chandra Prakash Singh and filed the petition dated 18.01.2021 stating therein that the Opposite party /Management Company is already closed and that the existing workmen are not interested to contest with the instant Case and so the case matter be disposed by passing order on the basis of documents filed by the Union/workmen on record. However, the long awaited Written Statement was never filed and the issue was never determined on any date as claim with petition/document was never filed by the Union/workmen. Nothing is found on record to be considered before this Tribunal. Therefore, it is clear that the Sponsoring Union /Petitioners (workman) have no interest in furthering the proceeding of this case.

8. Having examined the whole facts and materials on record and keeping in mind the prayer made by the Union Representative, Tribunal is persuaded to safely presume that the existing petitioners are no more interested to proceed with this adjudication with so is the inclination of the workmen, there is no more scope left out to proceed further. When the workmen have lost interest to contest the case as stated in the grounds therein represented by Mr. Chandra Prakash Singh, representative from the Sponsoring Union, the Industrial Dispute appears to have ceased on its merits or the footing on which issue has been raised. Therefore, the Tribunal finds no impediment in allowing the prayer made by the sponsoring Union on 18.01.2021 for passing an Award as no claim in existence. Thus, the case stands disposed of as devoid of merits and no relief is awarded in the instant dispute raised.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 6 अगस्त, 2021

का.आ. 550.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 30/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/39/2007-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 6th August, 2021

S.O. 550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.30 of 2008) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 30.07.2021.

[No. L-20012/39/2007-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 30/2008**

Employer in relation to the management of EJ Area of M/S. B.C.C.L.

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : Sri Naresh Prasad, Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 28.06.2021

AWARD

By Order No.L-20012/39/2007 (IR(CM-I)) dated 04/06/2008 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“i)Whether the action of the Management of Bhowra Coke Plant of M/s. BCCL in denying payment of wages from 5.1.2001 to 10.3.2003 to Shri Basdeo Bhuia, Hopper Mazdoor, is legal and justified? ii) To what relief is the concerned workman entitled and from what date?”

2. After receipt of the reference, both parties were noticed but neither the workman/union nor the management appeared before the Tribunal. Thereafter registered notice was issued to the workman/union which returned with endorsement of “Addressee Left”. Later on, the Ld. Lawyer of management appeared but no one appeared on behalf of the workman/union. Now the Case is pending since 17/06/2008 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 6 अगस्त, 2021

का.आ. 551.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 13/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/23/2007-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 6th August, 2021

S.O. 551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No.13 of 2009) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 30.07.2021.

[No. L-20012/23/2007-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

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

Reference: No. 13/2009

Employer in relation to the management of North Tisra Colliery under Lodna Area of M/S. B.C.C.L.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

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

For the workman. : None

State : Jharkhand

Industry:- Coal
Dated 28.06.2021

AWARD

By Order No.L-20012/23/2007 (IR(CM-I)) dated 25/03/2009 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“i) Whether the action of the management of North Tisra Colliery of M/s. BCCL in not providing dependant employment to Shri Ravi Kumar Upadhyay, s/o Shri D.N. Upadhyay, Shovel Operator, under the provisions of NCWA is justified and legal? ii) To what relief is the dependant of the workman concerned entitled?”

2. After receipt of the reference, both parties were noticed but the workman/union didn't appear before the Tribunal. However the management has appeared in this case. Thereafter again registered notice was issued to both the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 02/04/2009 and workman/union is not appearing before Tribunal. So, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 6 अगस्त, 2021

का.आ. 552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 23/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/429/2000-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 6th August, 2021

S.O. 552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 23 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 30.07.2021.

[No. L-20012/429/2000-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 23/2001**

Employer in relation to the management of Bhuli Township Administration of M/S. B.C.C.L.

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand

Industry:- Coal

Dated 28.06.2021

AWARD

By Order No.L-20012/429/2000(C-I) dated 25/01/2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the union from management of M/s BCCL to allow Sri Satyendra Yadav S/o Late Deoki Mahato, Ex- Night Guard of Central Hospital, Bhuli, to assume duties as per appointment letter dated 7.5.92 is justified & legal ? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently both of them left appearing before this Tribunal. Thereafter again four regd. notices were issued to the parties but even then no one appeared on behalf of the workman/union. Now the Case is pending since 01/03/2001 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D .K. SINGH, Presiding Officer

नई दिल्ली, 6 अगस्त, 2021

का.आ. 553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. -1, धनबाद के पंचाट (संदर्भ संख्या 41/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30.07.2021 को प्राप्त हुआ था।

[सं. एल-20012/568/2001-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 6th August, 2021

S.O. 553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.1, Dhanbad (Ref. No. 41 of 2002) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 30.07.2021.

[No. L-20012/568/2001-IR(CM-I)]

RAJENDER SINGH, Under Secy.

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

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

Reference: No. 41/2002

Employer in relation to the management of Govindpur Area of M/S. B.C.C.L.

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

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

For the workman. : Sri N.G. Arun, Representative

State : Jharkhand.

Industry:- Coal

Dated 28.05.2021

AWARD

By Order No.L-20012/568/2001-IR(C-I) dated 01/03/2002 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Govindpur Colliery of M/s. BCCL in denial of regularisation of Sri Sukhram Nonia a trammer is legal and justified? If not, to what relief is the workman entitled and from what date ?”

2. After receipt of the reference, both parties were noticed and both the parties appeared for certain dates but subsequently workman left taking step in this case. Further in course of hearing of the case, the Representative of Sponsoring Union Sri N.G. Arun has informed that union is not interested in contesting the case. In view of such it is felt that the workman has lost its interest in this matter. Hence “No dispute” award is passed. communicate.

D. K. SINGH, Presiding Officer