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सं. 20]	नई दिल्ली, मई 15—मई 21, 2022, शनिवार/वैशाख 25—वैशाख 31, 1944
No. 20]	NEW DELHI, MAY 15—MAY 21, 2022, SATURDAY/VAISAKHA 25—VAISAKHA 31, 1944

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)

कोयला मंत्रालय

नई दिल्ली, 17 मई, 2022

का.आ. 471.—कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 9 की उपधारा (2) के अनुसरण में, केंद्र सरकार एतद्वारा श्री विजय कुमार मिश्रा, सीपीईएस (1991), कोयला खान भविष्य निधि आयुक्त, रांची को दिनांक 02.05.2022 (अपराह्न) से दिनांक 31.05.2025 तक उक्त धारा के प्रयोजनार्थ प्राधिकारी विनिर्दिष्ट करती है।

[फा. सं. 20/1/2022-स्था.-1]

संजीव भट्टाचार्य, अवर सचिव

MINISTRY OF COAL

New Delhi, the 17th May, 2022

S.O. 471.—In pursuance of sub section (2) of section 9 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), the Central Government hereby specifies Shri Vijay Kumar Mishra, CPES (1991), the Coal Mines Provident Fund Commissioner, Ranchi as the authority with effect from 02.05.2022 (FN) till 31.05.2025 for the purposes of the said section.

[F. No. 20/1/2022-Estt-I]

SANJIB BHATTACHARYA, Under Secy.

नई दिल्ली, 17 मई, 2022

का.आ. 472.—कोयला खान भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1948 (1948 का 46) की धारा 3ग की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा श्री विजय कुमार मिश्रा, सीपीईएस (1991) को दिनांक 02.05.2022 (अपराहन) से दिनांक 31.05.2025 तक अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, के लिए कोयला खान भविष्य निधि संगठन में, कोयला खान भविष्य निधि आयुक्त नियुक्त करती है।

[फा. सं. 20/1/2022-स्था.-ii]

संजीव भट्टाचार्य, अवर सचिव

New Delhi, the 17th May, 2022

S.O. 472.—In exercise of the powers conferred by sub section (1) of section 3C of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), the Central Government hereby appoints Shri Vijay Kumar Mishra, CPES (1991), as the Coal Mines Provident Fund Commissioner in the Coal Mines Provident Fund Organisation with effect from 02.05.2022 (FN) till 31.05.2025 or until further orders, whichever is earlier.

[F. No. 20/1/2022-Estt-ii]

SANJIB BHATTACHARYA, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 25 अप्रैल, 2022

का.आ. 473.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के अंतर्गत, भारतीय विमानपत्तन प्राधिकरण के अधीन विमानपत्तन निदेशक का कार्यालय, भारतीय विमानपत्तन प्राधिकरण के निम्नलिखित कार्यालयों, जिनमें 80 प्रतिशत कर्मिकों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

1. विमानपत्तन निदेशक का कार्यालय, भारतीय विमानपत्तन प्राधिकरण, डिब्रूगढ़ हवाई अड्डा, डिब्रूगढ़, असम - 786012
2. विमानपत्तन निदेशक का कार्यालय, भारतीय विमानपत्तन प्राधिकरण, बिजु पटनायक अंतरराष्ट्रीय हवाई अड्डा, भुवनेश्वर, ओडिशा-751020

[फा. सं. ई-11014/9/2015-रा.भा.]

पीयूष श्रीवास्ताव, वरिष्ठ आर्थिक सलाहकार एवं अपर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 25th April, 2022

S.O. 473.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government, hereby notifies the following Offices of the Airports Authority of India, under Ministry of Civil Aviation, whereof 80% staff have acquired the working knowledge of Hindi.

1. The Airport Director, Airports Authority of India, Dibrugarh Airport, Dibrugarh, Assam- 786012
2. The Airport Director, Airports Authority of India, Biju Patnaik International Airport, Bhubneshwar, Orissa- 751020

[F. No. E-11014/9/2015-OL]

PIYUSH SRIVASTAVA, Senior Economic Advisor & Add. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 17 मई, 2022

का.आ. 474.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय केमिकल्स एंड फर्टिलाइज़र्स लिमिटेड (थल यूनिट) के कारखानों और स्थापनाओं के नियमित कर्मचारियों को उक्त अधिनियम के प्रचालन से छूट प्रदान करती है। यह छूट राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से एक वर्ष की अवधि के लिए प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;
- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट प्रदान करने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) प्रचालन के अधीन था ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन निगम द्वारा नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या इस प्रयोजन के लिए निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी-
 - i. उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरण में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या

- ii. यह अभिनिश्चयन के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
- iii. यह अभिनिश्चयन के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
- iv. यह अभिनिश्चयन के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापना के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा-
 - (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है; या
 - (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
 - (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
 - (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;
 - (ङ) अन्य शक्तियों का प्रयोग करना जैसा विनिर्दिष्ट किया जाए।
- (6) विनिवेश या निगमीकरण के मामले में, प्रदान की गई छूट स्वतः रद्द हो जाएगी और तब नई इकाई को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/05/2020-एस एस-1]

मदन चौरसिया, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 17th May, 2022

S.O. 474.— In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **Rashtriya Chemicals and Fertilizers Limited (Thal unit)** from the operation of the said Act. The exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;

- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
 - i. verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
 - ii. ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - iii. ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - iv. ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
 - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
 - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
 - (e) exercise such other powers as may be specified.
- (6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and then the new entity may apply to the appropriate Government for exemption.

[No. S-38014/05/2020-SS-I]

MADAN CHAURASIA, Under Secy.

नई दिल्ली, 17 मई, 2022

का. आ. 475—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एग्जीक्यूटिव डायरेक्टर-एसेट मैनेजर, मेसर्स ओएनजीसी लिमिटेड, मेहसाना (गुजरात); प्रोप्रीएटर, मेसर्स ऐ.डी. एंटरप्राइज, मेहसाना (गुजरात) के प्रबंधन के संबंध में नियोजकों और जनरल सेक्रेटरी, उत्तर गुजरात कामदार एसोसिएशन, मेहसाना (गुजरात) के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या (104/2018) प्रकाशित करती है।

[सं. एल-30011/44/2018-आईआर (एम)]

डी. गुहा, अवर सचिव

New Delhi, the 17th May, 2022

S.O. 475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (104/2018) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Executive Director-Asset Manager, M/s ONGC Ltd., Mehsana (Gujarat); The Proprietor, M/s A.D. Enterprise, Mehsana (Gujarat) and The General Secretary, Uttar Gujarat Kamdar Association, Mehsana (Gujarat).

[No. L-30011/44/2018-IR(M)]

D.GUHA, Under Secy.

ANNEXURE

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

Present : Radha Mohan Chaturvedi, Presiding Officer

Dated 12th April, 2022

Reference (CGITA) No. - 104/2018

1. The Executive Director-Asset Manager,
M/s ONGC Ltd., KDM Bhavan,
Palavasna, Mehsana (Gujarat)
2. The Proprietor,
M/s A.D. Enterprise,
Urmi Complex, Opp. B.K. Cinema, S.T. Workshop Road,
Mehsana (Gujarat)

...First Parties

V/s

The General Secretary,
Uttar Gujarat Kamdar Association,
9/D, 3rd Floor, Surya Complex, Nr. Prashant Cinema,
Mehsana (Gujarat) – 384002

...Second Party

For the First Party No. 1

: Shri K.V. Gadhia

For the F.P. No. 2 and Second Party

: None

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-30011/44/2018-IR (M) dated 29.10.2018 for adjudication to this Tribunal.

SCHEDULE

“Whether the claim of Uttar Gujarat Kamdar Association, Mehsana vide letter dated 21.07.2017 that the contract between ONGC Ltd., Mehsana and its contractor is sham and bogus, is proper and justified?

If yes, whether the demand of General Secretary, Uttar Gujarat Kamdar Association, Mehsana vide letter dated 21.07.2017 to give Shri (s) Narayanbhai Shankarbhai Bhangi and 19 others (List enclosed), Contractual Sweepers/Mali working under ONGC Ltd., Mehsana permanent status of ONGC Ltd., Mehsana with similar wages and other benefits of ONGC Ltd., which are being paid to the permanent workmen, from the date of their respective original joining is legal, fair and justified? If yes, then what relief the workmen, Shri(s) Narayanbhai Shankarbhai Bhangi and 19 others entitled to and what other directions are necessary in this matter?”

1. The reference was received in this Tribunal on 14.11.2018. The Ministry had directed the party raising the dispute to file the statement of claim complete with relevant documents with the Tribunal within 15 days of receipt of this order of reference as per provision made under Rule 10 (B) of Industrial Disputes (Central) Rules, 1957. This order of reference had been sent to all the parties as well as this Tribunal through registered post by the Ministry. Therefore, it is inferred that the same had been delivered to all the parties including claimants.
2. Notice Exh. 2 issued by the Tribunal to all parties to appear and file statement of claim and written statement thereof. A period of more than 3 years had been elapsed but none has appeared and filed the statement of claim as directed and expected by the Ministry.
3. In considered opinion of this Tribunal, it is established that either the claimant of this dispute is not interested to prosecute the claim or the said dispute is no more in existence.
4. It is therefore just & proper to pass an award considering “no dispute” between the parties.
5. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act.

RADHA MOHAN CHATURVEDI, Presiding Officer

नई दिल्ली, 17 मई, 2022

का. आ. 476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उपाध्यक्ष, मैसर्स प्रिज्म सीमेंट लिमिटेड, सतना; निदेशक, मैसर्स रवि सुरक्षा संगठन प्रा.लिमिटेड, ग्वालियर के प्रबंधन के संबद्ध नियोजकों और श्री राम सरोज कुशवाहा, महासचिव, जिला सतना सीमेंट स्टील फाउंड्री, खादन कामगार यूनियन, सतना के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या (सीजीआईटी/एलसी/आर/14/2018) को प्रकाशित करती है।

[सं. एल-29011/11/2017-आईआर(एम)]

डी. गुहा, अवर सचिव

New Delhi, the 17th May, 2022

S.O. 476.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT/LC/R/14/2018) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Vice President HR, M/s Prism Cement Limited, Satna; The Director, M/s Ravi Security Organizations Pvt. Ltd., Gwalior and Shri Ram Saroj Kushwaha (General Secretary), Zila Satna Cement Steel Foundry Khadan Kaamgar Union, Satna.

[No. L-29011/11/2017-IR(M)]

D.GUHA, Under Secy.

ANNEXURE

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

NO. CGIT/LC/R/14/2018

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

Shri Ram Saroj Kushwaha
General Secretary,
Zila Satna Cement Steel Foundry Khadan Kaamgar Union
AITUC Office, Sant nagar, Ghur Dang, Ward No.11,
Post Birla Vikas, District, Satna (M.P.)

...Workman

Versus

The Vice President HR
M/s Prism Cement Limited,
Village-Manakahri, Post Bathia
District Satna (M.P.)

The Director,
M/s Ravi Security Organizations Pvt. Ltd.
126, Mayur Market, Thatipur Gwalior (M.P.)

...Management

AWARD**(Passed on 4-4-2022)**

As per letter dated 3-3-2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-29011/11/2017-IR(M). The dispute under reference relates to:

“Kya vice President HR Prism Cement Limited Satna (M.P.) ke antargat karyarat Thekedar Messers Ravi Security Organisation Pranali Limited ke adheen suraksha guard ke roop mein karyarat Shri Bhupendra Bahadur Singh o 31-3-2016 ko theka samapt hone ke baad bhi naye thekeedar Messers SIS(India) Limited ke adeheed 27-5-2016 tak neyojan mein rakhne ke bawajood uske sewayein neyamit na karte hue bena kese karan athava notice ya chatni muawja ke samapt keye jaane ke karyawahi nyayuchhit hai?Yadi nahi, to sambhandit karmachari kes anutosh ke haqdar hai”? .”

1. After registering the case on the basis of reference, notices were sent to the parties.
2. The workman never appeared inspite of service of notice and did not file any written statement of claim.
3. The management appeared but since there is no statement of claim, the Management preferred not to file any written statement of defence.
4. Today also when the case was taken up for hearing the workman did not appear.
5. I have heard Mr. Kuldeep Bhargav, learned counsel for the Management.
6. The Reference is the issue for determination, in the case in hand.
7. The initial burden to prove the its claim is on the workman in which he has failed. Hence, holding the claim of the workman not proved, the reference deserves to be answered against the workman.
8. Accordingly, the reference is answered against the workman.
9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 धनबाद के पंचाट (संदर्भ संख्या 07/2017) को प्रकाशित करती है।

[सं. एल-41012/07/2017-आई आर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 07/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.2 Dhanbad* as shown in the Annexure, in the industrial dispute between the management of S.E. Railway and their workmen.

[No. L-41012/07/2017- IR(B-1)]

D. GUHA, 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 07 OF 2017**PARTIES:**

Shri Harslata Biswal,
Dhanbad Colliery Karmchari Sangh, Flat No. G- 204,
Ramson Residency, Vinay Vihar Colony,Dhaiya,PO:ISM, Dhanbad

Vs.

The Divisional Rly. Manager,
Adra Division, S.E.Rly,
PO: Adra, Distt:Purulia (West Bengal) ,

Order No. L-41012/07/2017 –IR (B-I) dt. 25.07.2017

On behalf of the workman/Union : None

On behalf of the Management : Management Representative

State : West Bengal**Industry : Rly****Dated, Dhanbad, the 22nd March, 2022****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-41012/07/2017 –IR (B-I) dt. 25.07.2017** :

SCHEDULE

“Whether action of the management of Adra Division of S.E. Railway in not paying wages or any kind of remuneration of Sh.Sapan Kumar Tripathy, Commercial Clerk for the period of work done by him from 25.06.2013 to 02.03.2014 is justified? If not, to what relief the workman is entitled to ?.”

1. On receipt of the above reference notice was sent to the workman as well as to the Respondent/management. The postal article sent to the workmen referred above, is deemed to be delivered to the workmen as the same is not returned undelivered. Workman is given sufficient opportunities to file claim statement but none turned up to file statement of claim which shows that the workman no longer is interested in adjudication of the matter on merit. However Management Representative, Asstt. Personnel Officer –II in a letter to the Desk Officer of Ministry of Labour & Employment, Government of India dt. 11/17.08.2017 stated that order for payment of stipend for the period from 25.06.2013 to 02.06.2014 (excluding the period from 10.03.2014 to 22.03.2014) has already been issued and payment will be made very shortly.

2. Since the workman has neither put their appearance nor has filed statement of claim to prove his cause against the Respondent/Management. This aforesaid facts construes convincingly presumption of non-existent of the dispute between Employer and Employee. As a matter of fact the Tribunal finds no scope to adjudicate in the matter rather pass a “No claim Award”. Accordingly “No Dispute Award is passed in the instant reference ID No. 07/2017 with no relief to the workman

3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वरिष्ठ महाप्रबंधक, मैसर्स अल्ट्राटेक सीमेंट लिमिटेड, नीमच के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, खादन श्रमिक और कर्मचारी यूनियन, नीमच के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या (सीजीआईटी/एलसी/-आर/21/2021) प्रकाशित करती है।

[सं. एल-29011/5/2021-आईआर(एम)]

डी. गुहा, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 478.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT/LC/R/21/2021) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Senior General Manager, M/s Ultratech Cement Limited, Neemuch and The General Secretary, Khadan Shramik and Karmachari Union, Neemuch.

[No. L-29011/5/2021-IR(M)]

D. GUHA, Under Secy.

ANNEXURE

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

NO. CGIT/LC/R/21/2021

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

The Senior General manager,
Ultratech Cement Limited,
Vikram Nagar, Khor, Tehsil Jawad,
District Neemuch, M.P.

...Workman

Versus

The General Secretary
Khadan shramik and Karmachari Union Neemuch
Godharvall Tailors, maharani Laxmibai Road, No.2
Ujjain (M.P.)

...Management

AWARD

(Passed on 10th day of May-2022)

As per letter dated 1/3/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-29011/5/2021(IR(M) The dispute under reference relates to:

“Kya neyajak varish mahaprabhandak Ultratech Limited Neemuch M.P. द्वारा कर्मकर श्री Shashi Prakash Sharma HIO को संस्थान में प्रचालित प्रामाणिक केन्द्रीय स्थायी आदेशों के अनुसार 58 वर्ष के अधिवर्षा आयु पूर्ण करने पर सेवानिवृत्त करना उचित है? यदि नहीं तो कर्मकर क्या लाभ पाने का पत्रा है.”

1. After registering the case on the basis of reference, notices were sent to the parties.
2. Inspite of service on parties, the workman never appeared. None of the parties have filed any statement of claim/defence inspite of sufficient time given to them.
3. Since the burden to prove the claim is on the workman in which he has miserably failed. May be the workman is not interested in pursuing his claim.
4. Accordingly the reference deserved to be answered against the workman and is answered against the workman.
5. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वरिष्ठ महाप्रबंधक, मैसर्स अल्ट्राटेक सीमेंट लिमिटेड, नीमच के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, खादन श्रमिक और कर्मचारी यूनियन, नीमच के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या (सीजीआईटी/एलसी/-आर/22/2021) को प्रकाशित करती है।

[सं. एल-29011/7/2021-आईआर(एम)]

डी. गुहा, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT/LC/-R/22/2021) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Senior General Manager, M/s Ultratech Cement Limited, Neemuch and The General Secretary, Khadan Shramik and Karmachari Union, Neemuch.

[No. L-29011/7/2021-IR(M)]

D. GUHA, Under Secy.

ANNEXURE

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

NO. CGIT/LC/R/22/2021

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

The General Secretary
Khadan Shramik & Karmachari Union Neemuch
Godharvall Tailors, Maharani Lazxmibai Road No.2
Ujjain, Madhya Pradesh

...Workman

Versus

The Senior General manager
Ultratech Cement Limited,
Vikram Nagar, Khor, Tehsil Jawad
District Neemuch, M.P.

...Management

AWARD

(Passed on 10th day of May-2022)

As per letter dated 1/3/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-29011/7/2021-IR(M) The dispute under reference relates to:

“Kya neyajak varisht mahaprabhandak ultratech cement limited neemuch M.P. dwara karmkar Shri RAdhyshayam Lohar HIO ko sansthan mein prachalit pramanik kendriya sthara orders kea anusar 58 varsh ke adharshata aayu puurn karne par sevna nevrut karna uchhit hai?Yadei nahi to karmkar kya labh paane ka patra hai? .”

1. After registering the case on the basis of reference, notices were sent to the parties.
2. In spite of service on parties, the workman never appeared. None of the parties have filed any statement of claim/defence in spite of sufficient time given to them.
3. Since the burden to prove the claim is on the workman in which he has miserably failed. May be the workman is not interested in pursuing his claim.
4. Accordingly the reference deserved to be answered against the workman and is answered against the workman.
5. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वरिष्ठ महाप्रबंधक, मैसर्स अल्ट्राटेक सीमेंट लिमिटेड, नीमच के प्रबंधन के संबद्ध नियोजकों और जनरल सेक्रेटरी, खादन श्रमिक और कर्मचारी यूनियन, नीमच के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या (सीजीआईटी/एलसी/-आर/23/2021) को प्रकाशित करती है।

[सं. एल-29011/6/2021-आईआर(एम)]

डी. गुहा, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. (CGIT/LC/-R/23/2021) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of The Senior General Manager, M/s Ultratech Cement Limited, Neemuch and The General Secretary, Khadan Shramik and Karmachari Union, Neemuch.

[No. L-29011/6/2021-IR(M)]

D.GUHA, Under Secy.

ANNEXURE

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

NO. CGIT/LC/R/23/2021

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

The Senior General manager,
Ultratech Cement Limited,
Vikram Nagar, Khor, Tehsil Jawad,
District Neemuch, M.P.

Versus

The General Secretary
Khadan shramik and Karmachari Union Neemuch
Godharvall Tailors, maharani Laxmibai Road, No.2
Ujjain (M.P.)

...Workman

...Management

AWARD(Passed on 10th day of May-2022)

As per letter dated 1/3/2021 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-29011/6/2021-IR(M) The dispute under reference relates to:

“Kya neyajak varisht mahaprabhandak ultratech cement limited neemuch M.P. dwara karmkar Shri Basant Kumar paneri HIO ko sansthan mein prachalit pramanik kendriya sthara orders kea NUSAR 58 varsh ke adharvarshata aayu puurn karne par sevna nevrut karna uchhit hai?Yadei nahi to karmkar kya labh paane ka patra hai? .”

1. After registering the case on the basis of reference, notices were sent to the parties.
2. Inspite of service on parties, the workman never appeared. None of the parties have filed any statement of claim/defence inspite of sufficient time given to them.
3. Since the burden to prove the claim is on the workman in which he has miserably failed. May be the workman is not interested in pursuing his claim.
4. Accordingly the reference deserved to be answered against the workman and is answered against the workman.
5. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 04/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/05/2017-आईआर. (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2017) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/05/2017 – IR (CM-1)]

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 04 OF 2017**PARTIES:**

The Secretary,
Rashtriya Mazdoor Union,
At: Sijua, Dhanbad -828121

Vs.

The. General Manager,
Sijua Area of M/s BCCL,
PO: Sijua, Dhanbad -828121

Order No. L-20012/05/2017-IR(CM-I) dated 02.06.2017

On behalf of the workman/Union : Mr.S.K.Sinha Union Representative

On behalf of the Management : Mr.D.K.Verma, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 23rd March, 2022

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-20012/05/2017-IR(CM-I) dated 02.06.2017.**

SCHEDULE

“Whether the action of the Management of Mudidih Colliery under P.B. Area of M/s BCCL in dismissing Shri Mangra Manjhi from the service of the company w.e.f. 20.10.2005 is justified and fair? If not, to what relief the concerned workman is entitled?”

1. On receipt of the above reference from Government of India and subsequently registration on 12.06.2017 notices were sent to the workman as well as to the Respondent/Management. The notices are understood to have delivered to its destinations as none turned undelivered. But the workman neither appeared nor filed the written statement of claim even after providing sufficient opportunities. This construes convincingly facts of workman's disinterestedness in adjudication of the matter.

2. Since the workman has neither put his appearance nor did file statement of claim, a basis over which Tribunal has to exercise its jurisdiction for adjudication. Further lingering over subject matter it will show waste of time and effort of the Tribunal. Under such circumstances the Tribunal has no scope but to close subject matter which appears to be meritless by the time and awarding with no relief to the workman whatsoever. Under such circumstances the Tribunal passes no “No Claim award” as the workman himself appears reluctant to contest the case

3. Let the copy of this Award be sent to the Appropriate Government as required under I.D. Act for publication.

Dr. S.K. THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल.के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह-श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 02/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/40/2016-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2017) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/40/2016 – IR (CM-1)]

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 02 OF 2017**PARTIES:**

The Secretary,
Rashtriya Mazdoor Union,
At: Sijua, Dhanbad -828121

Vs.

The. General Manager,
Govindpur Area –IV of M/s BCCL ,
PO: Sijua, Dhanbad -828121

Order No. L-20012/40/2016-IR(CM-I) dated 17.01.2017

On behalf of the workman/Union : Mr.S.K.Sinha Ld.Advocate

On behalf of the Management : None

State : Jharkhand Industry : Coal**Dated, Dhanbad, the 28th March, 2022****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-20012/40/2016-IR(CM-I) dated 17.01.2017.**

SCHEDULE

“Whether the action of the Management of Katras Chaitudih Colliery under Govindpur Area of M/s BCCL in dismissing Shri Naresh Beldar from the services of the Company w.e.f. 05/10/2005 is fair and justified? If not, to what relief the concerned workman is entitled?”

1. Having received the above reference from appropriate Government of India and subsequently registration on 24.01.2017 notices were sent to the workman as well as to the Respondent/Management under Registered Cover but the workman did not file the written statement of claim even after providing sufficient opportunities nor did turn up for appearance. In course of hearing dated 01/10.2019 Union Representative pleading on behalf of the workman points out certain discrepancy in the matter of Union's address expressing doubt over proper delivery of the Notices thereby seeking a Corrigendum. With the Tribunal specific directive to Sponsoring Union to write the Ministry under intimation to this Tribunal posting of date not finalized subject to arrival of corrigendum.

2. Since no corrigendum received either from the party or the Ministry of Labour & Employment with no progress at all from any quarter since 01.10.2019 to till date contrary to the fact no effort on the part of the workman was taken to move forward the case but they kept on evading subsequent proceeding also. Under such peculiar circumstance when no effort was reported to be taken by the workman/Union nor any claim so far filed before the Tribunal resulting in stagnation of the proceeding over first stage. There is no option but to close the subject matter as even after so much efforts Union/workman appear reluctant to proceed further. The Tribunal also sees no scope to proceed further in the absence of the unwillingness of the Union/workman in the subject matter with passing of “No Claim award” as no relief.

3. Let the copy of this Award be sent to the Appropriate Government as required under I.D. Act for publication.

Dr. S. K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 483.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2ए धनबाद के पंचाट (संदर्भ संख्या 12/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/74/2018-आईआर. (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 483.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.12/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/74/2018 – IR (CM-1)]

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 12 OF 2018

PARTIES:

Jt. General Secretary,
R.C.M.S., Rajendra Path, Dhanbad

Vs.

The General Manager,
Bastacolla Area of M/s BCCL.
PO: Jharia ,
Dhanbad

Order No. L-20012/74/2018-IR(CM-I) dt. 29.10.2018

On behalf of the workman/Union : None

On behalf of the Management : Mr. D. K.Verma., Ld.Advocate & Management Representative

State : Jharkhand **Industry :** Coal

Dated, Dhanbad, the 22nd March, 2022

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-20012/74/2018-IR(CM-I) dt. 29.10.2018.**

SCHEDULE

“Whether action of the management of Bastacolla Colliery under Bastacolla Area of M/s BCCL in not accepting the DOB of Sri Shashi Bhushan Rai, Ex.Sampling Assistant as 30.12.1956 as per record of the Company in Form –B Register’ is proper, legal and justified?

ii) “If not, what relief the concerned workman is entitled to and from which date? And what other directions are required in this regard.”

1. Upon registration of the above reference notice was sent to the workman as well as to the Respondent/Management. The Notices as usual sent to the workman referred above through registered post are supposed to have delivered to the destination. Workman has been given sufficient opportunities to file claim

statement but none turned up in spite of the opportunity afforded to file claim statement which primarily shows workman's unwillingness in adjudication of the matter on merit.

2. On close persuasion of the records and available materials, it points to the fact that the workman has neither put their appearance nor they have filed statement of claim to prove their cause against the Respondent/Management, as such this Tribunal is left with no scope to continue with the proceedings for adjudication except to pass a "No Claim Award". Accordingly "No Claim Award is passed in the instant reference ID No. 12/2018.

3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 484—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 37/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/58/2011-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.37/2016) of the Central Government Industrial Tribunal-cum-Labour Court No 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/58/2011 – IR (CM-1)]

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 37 OF 2016

PARTIES:

The President,
Jharkhand Mines Lal Jhanda Mazdoor Union.
At/PO: Bhowra,Dhanbad.828302.

Vs.

The Chief General Manager,
Bastacolla Area of M/s BCCL,
PO: Dhansar,Dhanbad.-828106,

Order No. L-20012/58/2011-IR (CM-I) dated 12.08.2016

On behalf of the workman/Union : None

On behalf of the Management : Mr.Ganesh Prasad.,Ld.Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 22nd March, 2022

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-20012/58/2016-IR (CM-I) dated 12.08.2016.**

SCHEDULE

“Whether action of the Management of Bastacolla Colliery of M/s BCCL in not regularizing Shri Ram Binay Shaw as SDL Operator w.e.f. 26.09.2001 in view of Form of Appointment of Competent Person No. 34 dated 26.09.2001 (Copy enclosed) is fair and justified? If not, what relief the concerned workman is entitled to?”

1. On receipt of the above reference notice was sent to the workman as well as to the Respondent/management. The postal article sent to the workmen remained unreturned and so is understood to have been delivered. Workman is given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file written statement of claim which shows that the workman is not interested in adjudication of the matter on merit.
2. Since the workman has miserably proved failure to file written statement of claim an initial effort to contest the issue framed under Order of the Reference over which adjudication is to be made. As he neither put his appearance nor had he filed statement of claim to prove his cause against the Respondent/Management this Tribunal found no ground to deal with the issue in absence of any written statement of claim except option to pass a “No claim Award”. Accordingly “No claim award is passed in the instant reference ID No. 37/2016 .
3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 54/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल. 20012/56/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May 2022

S.O. 485—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54/2015) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/56/2015 – IR (CM-1)]

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 54 OF 2015**PARTIES:**

The General Manager,
Bastacolla Area of M/s BCCL.
At :Vikas Bhawan, At/PO: Jharia Dhanbad.828111.

Vs.

The General Secretary,
Rashtriya Mazdoor Union,
Etwari Nagar, Hirapur, Dhanbad.-826001

Order No. L-20012/56/2015-IR (CM-I) dated 10.07.2015

On behalf of the workman/Union : Mr.Channndrika Prasad, Ld.Advocate
 On behalf of the Management : None
State : Jharkhand Industry : Coal
Dated, Dhanbad, the 22nd March, 2022

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-20012/56/2015-IR(CM-I) dated 10.07.2015.**

SCHEDULE

“Whether action of the management of GOCP under Bastacolla Area of M/s BCCL in not taking date of birth of Shri Ram Naresh Prasad as 17.11.1955 as per his Matriculation Certificate is fair and justified? To what relief the concerned workman is entitled to?”

1. On receipt of the above reference notice was sent to the workman as well as to the Respondent/management. The Notices sent to the workmen referred above, is supposed to have been delivered to its destination. Even after providing ample opportunities Workman did not file statement of claim nor did take pain for appearance. In the light of so many adjournments granted to file claim of the written statement but of no avail shows that the workman is not interested in adjudication of the matter on merit.

2. Under this situation that the workman has not been able to put appearance nor has filed statement of claim to prove cause against the Respondent/Management, this Tribunal is constrained with holding the opinion that the aforesaid Industrial Dispute deserves to be disposed of in sheer reluctance of the workman with passing a “No claim Award”. Accordingly award is passed in the instant reference ID No. 54/2015 with no relief to the workman.

3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 14/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/46/2001-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/46/2001 – IR (C-1)]

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 14 OF 2018**PARTIES:**

The Working President,
 Rastriya Colliery Mazdoor Sangh,
 Rajedndar Path,Dhanbad

Vs.

The. General Manager,
Barora Area of M/s BCCL,
PO: Nawagarh, Dhanbad

Order No. L-20012/46/2001(C-I) dt. 27.04.2001 :

On behalf of the workman/Union : : None

On behalf of the Management : Mr.Ganesh Prasad, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 22nd March, 2022

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-20012/46/2001(C-I) dt. 27.04.2001.**

SCHEDULE

“Whether the version of the management of Muraidih Colliery ,Barora Area of Ms BCCL that Shri Jay Mangal Singh, Dump Man/Penman is not eligible for the post of Dump Man/Trip man on the basis of educational qualification/experience, and Cadre Scheme is right ? If not, to which relief the workman is entitled to?”

1. On receipt of the above reference inadvertently by CGIT NO.1, Dhanbad but later transferred to CGIT -2 Dhanbad notice was sent to the workman as well as to the Respondent/management. The postal article sent to the workmen referred above is treated to be delivered to the workman in the absence of returned undelivered. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file claim statement, which shows that the workman is not interested in adjudication of the matter on merit.
2. It appears that party which raised the dispute is no longer interested to proceed with the case and the Industrial Dispute between them cease to exist .The workman has neither put his appearance nor has filed statement of claim to prove his cause against the Respondent/Management. The instant Reference I.D. No. 26/2019 is thus disposed of with 'No Claim Award'
3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S. K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14^व की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 26/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/54/2019-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 487—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/54/2019 – IR (CM-1)]

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 2019**PARTIES:**

Shri Ram Rataan Ram,
Jt. General Secretary,
Bhahujan Mazdoor Union,
MRS,Dhansar,Dhanbad

Vs.

The General Manager,
Katrass Area of M/s BCCL,,
PO: Sijua,
Dhanbad

Order No. L-26012/54/2019-IR(CM-I) dt. 29.08.2019

On behalf of the workman/Union : None

On behalf of the Management : Management Rep.

State : Jharkhand Industry : Coal**Dated, Dhanbad, the 22nd March, 2022****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-26012/54/2019-IR(CM-I) dated 29.08.2019.**

SCHEDULE

“Whether the action of the Management of Katrass Area of M/s BCCL in denial of fitment of wages after inclusion of SPRA in the basic pay of Shri Om Prakash Yadav (Personnel No.02897452,Dozer Operator with retrospective effect, is justified? If not, to what relief the concerned workman is entitled to?”

1. Upon registration of the case on 13.09.2019, notices as usual were served to the workman as well as to the Respondent/Management. The Notice/Summon sent to the workman is supposed to have delivered. Workman was given sufficient opportunities to file claim of statement but none turned up in spite of the opportunity afforded to file claim statement. In prima facie indifference of the workman shows that the workman is not interested in adjudication of the matter. Management Representative stated by filing a petition from the workman under his own signature on 22.03.2022 and also on behalf of the Management have resolved the Industrial dispute under references as of now as no dispute exists in between the parties under reference with prayer that the present Ref. case registration as Ref. Case No. 22/2019 be disposed of accordingly.

2. Since the workman's self-disclosure in the petition is convincing facts that the dispute under reference does not exist at all in between the parties so there is absolutely no relevancy of any adjudication of the matter under framed. Based on this petition so endorsed by the O.P./ Management supporting he statement of the workman the Tribunal has no option but to pass a “No Claim Award” .Accordingly “No Claim Award” is passed in the instant reference ID No. 26/2019.

3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 27/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/60/2019-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 488.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/60/2019 – IR (CM-1)]

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 27 OF 2019

PARTIES:

The Regional Organization Secretary,
Rashtriya Colliery Mazdoor Sangh.,
Bokaro -829128

Vs.

The. General Manager,
G.M.Unit,Kathara Area of M/s CCL.,
PO:GM Unit Kathara ,Bokaro -827001

Order No. L-20012/60/2019-IR(CM-I) dated 11.11.2019 :

On behalf of the workman/Union : None

On behalf of the Management : Mr.D.K.Verma, Ld.Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 22nd March,2022

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-20012/60/2019-IR (CM-I) dated 11.11.2019.**

SCHEDULE

“Whether non-grant of SLU benefit w.e.f. 01.01.2004 to Shri C.B.Prasad, Sr. Draughtsman of G.M.Unit, Kathara by the Management of Kathara of M/s CCL under provision of NCWA-VI and VII is justified or not? If not, then what remedies he is entitled.”

1. As the Reference Industrial Dispute got registered soon after receipt from Government of India, notices were issued upon the workman as well as the Respondent/management. The Notice sent by Regd. Dak must have reached its destination as it did not return undelivered. Workman is given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file claim statement which shows that the workman is not interested in adjudication of the matter on merit.

2. Since the workman has neither put their appearance nor has been filed statement of claim to prove his cause against the Respondent/Management. As such this Tribunal is left with no option, except to pass a "No Claim Award". Accordingly "No Claim Award" is passed in the instant reference ID No. 27/2019.

3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी.सी.एच. जमाडोबा मैसर्स टाटा स्टील लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 24/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/51/2019-आई-आर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of T.C.H. Jamadoba of M/s Tata Steel Limited. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/51/2019 – IR (CM-1)]

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 24 OF 2019

PARTIES:

The Secretary,
Rashtriya Colliery Mazdoor Sangh,
Rajendra Path, Post Box No. 22, Dhanbad -826001

Vs.

The General Manager (J),
Tata Group of Collieries of M/s Tata Steel Co.,
PO: Jamadoba, Dhanbad -828112

Order No. L-20012/51/2019-IR(CM-I) dated 16.08.2019

On behalf of the workman/Union : None

On behalf of the Management : Mr.D.K.Verma, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 23rd March, 2022

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-20012/51/2019-IR (CM-I) dated 16.08.2019.**

SCHEDULE

“Whether the action of the Management of T.C.H. Jamadoba of M/s Tata Steel Limited in denial of employment to the dependent of Late Lakhi, Per. No. 212043 is justified and fair? If not, to what relief the concerned workman is entitled?”

1. As the Reference Industrial Dispute got registered soon after receipt from Government of India notices were issued upon the workman as well as the Respondent/Management. The Notice sent by Regd. Dak must have reached its destination as the same have not been returned undelivered Workman is given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file claim statement which shows that the workman is not interested in adjudication of the matter on merit.
2. Since the workman has neither put their appearance nor has been filed statement of claim to prove his cause against the Respondent/Management. In view of the conduct and gesture of the Union /workman the Tribunal did not find any merit to allow the reliefs as sought for when the workman was not able to file even written statement of claim even after affording so much time. Accordingly this ID is dismissed being devoid of any merit with “No Claim Award” in the instant Reference ID No. 24/2019
3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S. K. THAKUR Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 490.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्य 01/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं.एल. 20012/47/2016-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/2017) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/47/2016 – IR (CM-1)]

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 01 OF 2017**PARTIES:**

The General Secretary,
Koyla Ispat Mazdoor Panchayat ,
Chhatabad No.-5, PO: Katrasgarh, Dhanbad -828113

Vs.

The General Manager,
Sijua Area of M/s BCCL,
PO: Sijua, Dhanbad -828121

Order No. L-20012/47/2016-IR(CM-I) dated 23.12.2016

On behalf of the workman/Union : None

On behalf of the Management : Mr. D. K. Verma, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 28th March, 2022**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-20012/47/2016-IR (CM-I) dated 23.12.2016.**

SCHEDULE

“Whether the action of the Management of BCCL in terminating the services of Shri Sukar Bhuia M/Loader w.e.f. 02/05/2014 without conducting of fair and legal enquiry especially when the charges leveled against the workman was as older as 17 years is legal and justified. If not, what relief the workman is entitled to and from which date.”

1. Consequent upon receipt of the above reference from Government of India and subsequently registration on 06.01.2017 under Reference No. 01/2017 notices were sent to the workman as well as to the Respondent/Management under Registered Cover. But the workman did not file the written statement of claim even after providing sufficient opportunities nor did turn up for appearance which prima facie points out lack of workman's interest in adjudication of the matter. The workman who raises the dispute is understood to be well conversant of limitation of time for filing of the Written Statement of claim. But disputant has not shown such inclination.

2. Tribunal's role becomes functus officio and has no scope to move ahead when no written statement of claim is made so far. The dispute appears to be no more to exist leaving behind no scope but to close the subject matter as even after so much efforts. Union appears reluctant to file even written statement of claim since inception. So the Tribunal sees no scope to proceed further in the absence of the unwillingness of the Union/workman in the subject matter with passing of “No Claim award”

3. Let the copy of this Award be sent to the Appropriate Government as required under I.D. Act for publication.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नाव चलाना के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 01/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/53/2016-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 491.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.01/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of SAIL. and their workmen, received by the Central Government on 17.05.2022

[No. L-20012/53/2016-IR (CM-1)]

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 01 OF 2018**PARTIES:**The Jt. General Secretary,
R.C.M.S, Rajender Path, Post Box No. 22, Dhanbad.**Vs.**The General Manager,
Chasnalla Colliery of M/s SAIL,
PO: Chasnalla, Dhanbad.-828135,**Order No. L-20012/53/2016-IR(CM-I) dated 16.02.2018**

On behalf of the workman/Union : None

On behalf of the Management : Mr.D.K.Verma, Ld. Advocate

State : Jharkhand**Industry : Coal****Dated, Dhanbad, the 22nd March, 2022****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-20012/53/2016-IR (CM-I) dated 16.02.2018.**

SCHEDULE

“Whether action of the management of Chasnalla Colliery of M/s SAIL in fixing the basic pay of Shri Ashok Kumar Singh, Sr. P.A. less than to his junior Shri Anandimay Gon, Sr. P.A. is fair and justified? If not, what relief should Shri Ashok Kumar Singh is entitled to and from which date?”

1. On receipt of the above reference notice was sent to the workman as well as to the Respondent/management. The postal article sent to the workman referred above, has not been returned undelivered and so is treated to be duly delivered to the workmen. Workman is given sufficient opportunities to file claim statement ,but none turned up in spite of the opportunity afforded to file claim statement which shows that the workman is not interested in adjudication of the matter on merit. Although the opposite Party/Management showed appearance but of no significance in the absence of appearance or non-submission of claim statement from workmanside.

2. Since the workman has neither put their appearance nor they have filed statement of claim to prove their cause against the Respondent/Management, as such this Tribunal is left with no choice, except to pass a “No claim Award”. Accordingly “No claim award is passed in the instant reference ID No. 01/2018.

3. Let the copy of the Award be sent to the Appropriate Government as required under the Act for publication.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 18 मई, 2022

का.आ. 492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोल इंडिया लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह श्रम न्यायालय नंबर 2, धनबाद के पंचाट (संदर्भ संख्या 12/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2022 को प्राप्त हुआ था।

[सं. एल-20012/150/2014-आईआर. (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 18th May, 2022

S.O. 492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.12/2015) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of Coal India Limite and their workmen, received by the Central Government on 17.05.2022.

[No. L-20012/150/2014 – IR (CM-1)]

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 12 OF 2015**PARTIES:**

The General Secretary,
Coal Mines Engineering Workers
Association (CMEWA)
19 No., Bekarbandh, Dhanbad -826001
-826003

Vs.

The Chairman,
Coal India Ltd.,
10, Netaji Subhas Road, Kolkata -700001
& eight its Subsidiaries as
per Schedule

Order No. L-20012/150/2014-IR(CM-I) dated 05.02.2015 & 6.5.15

On behalf of the workman/Union : None
On behalf of the Management : Mr. U.N. Lal Ld. Advocate

State : Jharkhand Industry : Coal
Dated, Dhanbad, the 25th March, 2022

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-20012/150/2014-IR(CM-I) dated 05.02.2015**

SCHEDULE

“Whether the Charter of Demands except point no. (i) relating to revision of Pension and revision for DA on pension and (ix) relating to payment of Gratuity Act may be amended and employee be paid Gratuity @ one month pay for every completed year of service of Coal Mines Engineering Workers Association (CMEWA) before the Management is justified or not? If yes, to what relief the workers are entitled to?”

Charter of Demands

- i) Revision of Pension and provision for D.A. on pension.**
- ii) Compensation of Rs. 10 Lac to the worker who met an accident and expired while working.**
- iii) Inclusion of Christian Medical College, Vellore in the panel of Hospitals for treatment of workmen.**
- iv) Promotion of employees of Electrical and Mechanical Department on obtaining the Supervisory License as assistant Foreman – T&S GRADE-C at par with Mining Sirdar.**

- v) **Promotion of electrician to T&S Grade-C on the basis of HT permit and to Category-VI on the basis of LT permit.**
- vi) **The requirement of HT, LT & Metric Certificate be waived off for promotion of Switch Board Attendant to the next Grade.**
- vii) **All employees be given one month's Earned Leave for every year.**
- viii) **Encashment of balance Sick Leave at the time of retirement of employees.**
- ix) **Payment of Gratuity Act may be amended and employee be paid Gratuity @ one month pay for every completed year of service.**
- x) **Payment off Rescue allowance be made as per JBCCI.**

1. Upon reference from the Government of India for adjudication to this Tribunal, and subsequently registration on 16.02.2015 as Reference No. 12/2015, notice/summon was sent to both the parties, i.e., workmen O/P /management (Coal India Ltd and its subsidiaries wings). The Notice sent by Regd. Post likely to have reached its destination .But no Written statement of claim by the Sponsoring Union was filed in spite of notice and so many adjournments granted during the entire hearing of the proceedings . since inception 16.02.2015 to 24.03.2022. Moreover it was very specifically spelt out in the Order of reference itself on time limitation meant for the Sponsoring Union to file the written Statement of Claim complete with relevant documents under rule 10(B) of the Industrial Disputes (Central) rules,1957, and as a matter of fact the Sponsoring Union might be well conversant .

2. Even after availing so many adjournments the Union nor any representative could be able to file the written statement of claim nor did make appearance to face the trial. The matter over which reference has been framed predominantly dealing with the policy matters of the workers by way of Charter of Demands persists amongst Coal India Ltd.(CIL) and its subsidiaries across the Country .The Tribunal cannot exercise its jurisdiction in the absence of written statement of claim and adjournment could not be put on hold for indefinite period in the absence of the same .Under present scanty facts of the reference, the present matter did not call for any merit despite the remedy available under I.D. Act .The Sponsoring Union /workmen workman could not avail of it .Hence in the facts and circumstances in the present case an Award is passed with No Claim Award with reference No.12/2015.

3. Let the copy of the Award be sent to the appropriate Government as required under the act for publication.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 19 मई, 2022

का.आ. 493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (60/2020) प्रकाशित करती है।

[सं. एल 12011/18/2020.आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव,

New Delhi, the 19th May, 2022

S.O. 493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2020) 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 Indian Overseas Bank and their workmen.

[No. L-12011/18/2020 -IR(B-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE

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

Present: Smt. Parnita Mohanty

ID.NO. 60/2020

Sh. Pratap Kumar S/o Sh. Bijender
C/o Industrial Workers Union (Regd.).
RZ-16-C/17, Upper Floor, Gali No.3,
Main Sagarpur, New Delhi-110046

...Workman

Versus

1. The Chief Manager,
Indian Overseas Bank,
2nd Flor, Rachna Palace,
Patel Nagar Post,
New Delhi-110008
2. The AGM,
Indian Overseas Bank,
NHPC Complex, 1st & 2nd Floor,
Near Main Gate, Sector-33
Faridabad-121033
3. The General Manager,
Indian Overseas Bank,
F-8 & 9, Raheja Sqare,
Manesar, Haryana

...Management

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-12011/18/2020-IR(B-II) dated 24/06/2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

“Whether the Service of the workman Sh. Pratap Kumar S/o Sh. Bijender, were terminated in an illegal and unjustified manner by the Management of Indian Overseas Bank from 30.08.2019. If Yes, whether the workman Sh. Pratap Kumar s/o Shri Bijender, is entitled for reinstatement with full back wages, continuity of service and all consequential benefits ? What other relief the workman is entitled to?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 19 मई, 2022

का.आ. 494.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, यूको बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ सं. 82/2006) प्रकाशित करती है।

[सं. एल-12011/40/2006-आईआर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 19th May, 2022

S.O. 494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82/2006) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbad shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workman.

[No. L-12011/40/2006 -IR(B-II)]

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. 82/2006

Employer in relation to the management of UCO Bank, Patna

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers :- None

For the workman. :- None.

State : Jharkhand.

Industry:- Banking

Dated : 19.04.2022

AWARD

By Order No.L-12011/40/2006- (IR(B-II)) dated 30.08.2006 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 UCO Bank, Regional Office, Patna in not regularising the services of Shri Mahendra Yadav, Part time sweeper, UCO Bank, Fulidumar Branch, Distt. Banka, as part time sweeper under 1/3 scale of wages is legal and justified? If not, what relief the above workman is entitled to?”

2. The reference is received on 15/09/2006 by this Tribunal in which the State Secretary, UCO Bank Employees Association Bihar & Jharkhand State Committee, Patna had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now Case is pending since 15/09/2006 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 Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 19 मई, 2022

का.आ. 495.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह— श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 61/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.05.2022 को प्राप्त हुआ था।

[सं. एल-22012/72/2019-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 19th May, 2022

S.O. 495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/2019) of the Central Government Industrial Tribunal-cum-Labour Court, JABALPUR as shown in the Annexure, in the industrial dispute between the Management of Western Coalfields Ltd. and their workmen, received by the Central Government on 18.05.2022.

[No. L-22012/72/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/61/2019****Present:** P.K. Srivastava, H.J.S..(Retd)

The Regional Vice President
Rashtriya Collieries Mazdoor Sangh (INTUC)
263, Garg Colony, Bagdona,
Po Pathakhhera, District Betul (M.P.)

...Workman

Versus

The General Manager,
Western Coal Fields Limited Pathakhhera Area
P.O.Pathankhera, District
Betul (M.P.)-460449

...Management

AWARD**(Passed 9-5-2022)**

As per letter dated 28/8/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No. L-22012/72/2019-IR(CM-II). The dispute under reference relates to:

“Whether the action of the management of General manager, Western Coalfields Limited Pathakhhera Area, District Betul(MP) in rejecting the application of workman Shri Shivdas S/o Shri Ratan, SDL Operator(Token No.213.NEIS No.19131796 .”

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.
2. The case of the workman as stated in his statement of claim is that the workman Shivdas is a member of the Union and has authorized the Union to take up and pursue his case. The Workman Shivdas passed the Middle Board examination conducted by District Education Board Betul M.P.(D.E.B) in 1978 and got him registered in the Directorate of Employment and Training Betul on 21-8-1980. He was issued an identity card bearing Registration No.968780 in which is date of birth was recorded as 22-1-1963 and qualification Class-VIIIth pass. This date of birth was recorded on the basis of his date of birth mentioned in his middle pass certificate issued by the Middle Board. He was appointed as a Loader on 28-6-1983 in the Sarni Mines under the WCL Management. He produced his Middle Board pass certificate and transfer certificate mentioning his date of birth 22-1-1963 at the time of his first appointment but his date of birth was wrongly recorded as 1-1-1960 by Management in the concerned registers namely Form-B as well as the Service Register without any basis and consent. He was made to put thumb impression at the time of his first joining and entries were filled by the concerned clerk. He came to know about the incorrect recording of his date of birth in his service records and made oral complaints to his supervisor with the impression that it would be corrected accordingly. It is further the case of the workman union that another workman Shiv Shankar who also joined through employment exchange was issued appointment letter dated 9-7-1982 but in his service record in Form-B his date of birth recorded is as per the Employment Exchange reports dated 17-6-1958. This yardstick was not applied by the management in the case of the present workman Shivdas and his date of birth was not recorded on the basis of Employment Exchange reports. It is further the case of the workman that he made a representation on 9-2-2010 to the Mines Superintendent/Manager Chhatarpur Mines requesting for correction of his date of birth according to his educational qualification documents, which was not responded to by the management. He again made a representation on 3-10-2011 to the Mines Superintendent/manager again requesting correction of his date of birth and waited for response for four years then he submitted his third representation on 4-5-2016 requesting for correction of his date of birth in his service records. The management last responded vide its letter dated 19-6-2016 and sent a letter to the District Educational Officer Betul for verification of his certificate and date of birth recorded in his education qualification certificate. The District Educational Officer Betul sent a reply dated 31-8-2016 informing the management that the Educational Certificate was in fact issued by the District Education Officer and the date of birth recorded in it was correct. The management further constituted a Committee for correction of his date of birth

vide order dated 11-1-2016 in the light of Clause-B(II) contained in I.I.76 NCWA-III. Though the Committee recommended corrections of his date of birth on the basis of his educational qualification recorded but the decision taking authority did not accept the recommendation and refused to correct the date of birth on the basis that there was no discrepancy regarding the date of birth in the records maintained by the Management which is against law and against I.I.No.76, further it is the case of the workman that in the case of his co-workman Keval Prasad his date of birth was corrected in the same facts and circumstances accepting the recommendation of the Committee. Thus the management acted arbitrarily in refusing correction in the date of birth of workman Shivdas in his service records. It has been prayed, accordingly that holding the action of the management against law the workman Shivdas be granted relief of correction of date of birth in his service records in the light of his educational qualification certificate and also be accorded consequential benefits.

3. The case of the management in brief is that the workman did not produce any testimonials in respect of his date of birth or qualification. The post was meant for illiterate persons. The date of birth in Form-B which is maintained at the time of first appointment was mentioned as 1-1-1960 on the basis of information furnished by the workman and it was accepted by the workman by putting his thumb impression, the same date of birth was recorded in his service register for Form PS-3 and form PS-4 and LTC form. The workman put his signature on these documents also accepting this date of birth. He first raised a dispute after the lapse of 27 years from his initial appointment on 3-10-2011 in response to notice displayed by the Management on the notice Board. Part of the record called NEIS. Since it was found that there was no discrepancy regarding the date of birth of Shivdas in the registers maintained by the Management, hence his prayer for correction was refused. The management has accordingly prayed that the reference be answered against the workman.

4. At the stage of evidence, the workman did not produce or prove any oral or documentary evidence on oath. The Management has filed and proved Exhibit M1, copy of form-B, Exhibit M-2, copy of service register, M-3, copy of PS-4, Exhibit M-5 copy of LTC form, Exhibit M-6 the office order of management dated 14-5-2012, Exhibit M-7 copy of application of workman dated 14-5-2016, Exhibit M-8 I.I.No. 37 dated 5-2-1981, Exhibit M-9 I.I.No.76 dated 25-4-1988, Exhibit M-19 copy of finding of Area Date of Birth Committee constituted for correction of date of birth of workman shivdas, copy of order of Hon'ble High Court dated 21-10-2019 in W.P.No.799/2011. Copy of order of Hon'ble High Court in W.P.No.23123/2019.

5. The workman has examined Shri Sachin Nagar Deputy Manager Personnel who has not cross-examined by the workman.

6. At the time of arguments also none appeared from the side of the workman union. I have heard arguments of Shri A.K. Shashi, learned counsel for the Management and have perused the record.

7. **The reference is the issue for determination in the case in hand.**

8. The case of the workman has been elaborated earlier. The burden to prove his case that his date of birth was 22-1-1963 in his education qualification certificate and fact that they have been found genuine on inquiry by Management also, the fact that he has been filing representation at different times as mentioned in his statement of claim for correction of his date of birth is on the workman and by adducing no evidence, the workman has failed to discharge this burden, hence, I am constrained to hold that the claim of the workman is not proved. Accordingly the workman is held entitled to no relief.

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

A. The action of the management of General manager, Western Coalfields Limited Pathakhera Area, District Betul(MP) in rejecting the application of workman Shri Shivdas S/o Shri Ratan, SDL Operator(Token No.213. NEIS No.19131796 is held to be just and proper.

B. The workman is held entitled to no relief.

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

P.K. SRIVASTAVA, Presiding Officer