



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-02082025-265186  
CG-DL-W-02082025-265186

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY  
साप्ताहिक  
WEEKLY

सं. 27] नई दिल्ली, जुलाई 13—जुलाई 19, 2025, शनिवार/आषाढ 22—आषाढ 28, 1947  
No. 27] NEW DELHI, JULY 13—JULY 19, 2025, SATURDAY/ASHADHA 22—ASHADHA 28, 1947

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

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

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

वित्त मंत्रालय  
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 14 जुलाई, 2025

का.आ. 1315.—भारतीय जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय जीवन बीमा निगम (एलआईसी) के प्रबंध निदेशक श्री आर. दोराईस्वामी (जन्म तिथि: 29.8.1966) को एलआईसी के मुख्य कार्यकारी अधिकारी और प्रबंध निदेशक (सीईओ और एमडी) के पद पर कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए अथवा 62 वर्ष की आयु प्राप्त करने की तारीख (अर्थात् 28.08.2028) तक, अथवा अगले आदेशों तक, जो भी पहले हो, वेतन मैट्रिक्स के स्तर-17 [रु. 2,25,000/- प्रति माह (नियत)] में नियुक्त करती है।

[फा.सं. ए-11011/06/2024-बीमा-I]

धीरज भास्कर, उप सचिव

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

New Delhi, the 14th July, 2025

**S.O. 1315.**—In exercise of the powers conferred by section 4 of the Life Insurance Corporation of India Act, 1956 (31 of 1956), the Central Government hereby appoints Shri R. Doraiswamy (DoB:29.08.1966), Managing Director, Life Insurance Corporation of India (LIC) as Chief Executive Officer and Managing Director (CEO & MD), LIC for a period of three years from the date of assumption of charge or till the date of his attaining the age of 62 years (i.e. 28.08.2028), or until further orders, whichever is the earliest, in Level 17 of the Pay Matrix [Rs. 2,25,000/- per month (fixed)].

[F. No. A-11011/06/2024-Ins.I]

DHEERAJ BHASKAR, Dy. Secy.

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**वाणिज्य और उद्योग मंत्रालय**  
**(उद्योग संवर्धन और आंतरिक व्यापार विभाग)**

नई दिल्ली, 4 जुलाई, 2025

**का.आ. 1316.**—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में उद्योग संवर्धन और आंतरिक व्यापार विभाग के नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80% से अधिक कर्मिकों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:

1. **प्रतिलिप्यधिकार कार्यालय,**

बौद्धिक संपदा भवन, प्लॉट सं.-32, सेक्टर -14, द्वारका, नई दिल्ली-110078

2. **व्यापार चिह्न रजिस्ट्री,**

निजाम पैलेस, द्वितीय बहुतल कार्यालय भवन, 7वां तल, 234/4, आचार्य जगदीश चंद्र बोस रोड, कोलकाता - 700020

[फा. सं. ई-11017/3/2022-हिंदी:]

एन. के. वाधवा, संयुक्त सचिव

**MINISTRY OF COMMERCE AND INDUSTRY**  
**(Department for Promotion of Industry and Internal Trade)**

New Delhi, the 4th July, 2025

**S.O. 1316.**—In pursuance of Sub-Rule (4) of Rule 10 of the official language (Use for official purposes of the Union) Rules 1976, the Central Government hereby notifies the following offices under control of Department for Promotion of Industry & Internal Trade whose more than 80% staff have acquired working knowledge of Hindi:

1. **Copyright Registry**

Boudhik Sampada Bhawan, Plot No.- 32, Sector - 14, Dwarka, New Delhi - 110078

2. **Trade Marks Registry,**

Nizam Palace, 2nd M.S.O. Building, 7th Floor, 234/4, A.J.C. Bose Road, Kolkata - 700 020

[F. No. E-11017/3/2022-Hindi:]

N.K.WADHWA, Jt. Secy.

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## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

## (खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 3 जुलाई, 2025

**का.आ. 1317.**—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत या उससे अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है:-

| क्र.सं. | अधिसूचित किए जाने वाले कार्यालय                          |
|---------|----------------------------------------------------------|
| 1.      | केन्द्रीय भंडारण निगम, क्षेत्रीय कार्यालय, गुवाहाटी      |
| 2.      | गुण नियंत्रण प्रकोष्ठ, भोपाल                             |
| 3.      | भारतीय अनाज संचयन प्रबंधन एवं अनुसंधान संस्थान, लुधियाना |

[फा. सं. ई-11011/1/2008-हिंदी(321924)]

राजेन्द्र कुमार, संयुक्त सचिव

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

## (Department of Food and Public Distribution)

New Delhi, the 3rd July, 2025

**S.O. 1317.**—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution), whereof 80% or more staff have acquired the working knowledge of Hindi:

| S. No. | Offices to be notified                                         |
|--------|----------------------------------------------------------------|
| 1      | Central Warehousing Corporation, Regional Office, Guwahati     |
| 2      | Quality Control Cell, Bhopal                                   |
| 3.     | Indian Grain Storage Management & Research Institute, Ludhiana |

[F. No. E-11011/1/2008-Hindi(321924)]

RAJENDER KUMAR, Jt. Secy.

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 जुलाई, 2025

**का. आ. 1318.**—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिग्रहण) अधिनियम 1962 (1962 का 50), (इसके बाद उक्त अधिनियम कहा जाएगा) की धारा 2 की उपधारा (क) के अनुसरण में, केंद्र सरकार उक्त अधिनियम के अधीन नीचे दी गई तालिका के कॉलम (1) में उल्लिखित व्यक्ति को कॉलम (2) में उल्लिखित क्षेत्रों के संबंध में कॉलम (3) में उल्लिखित इंडियन ऑयल कॉर्पोरेशन लिमिटेड के प्रचालनरत पेट्रोलियम पाइपलाइनों के लिए सक्षम प्राधिकारी के कार्यों को करने के लिए अधिकृत करती है।

| व्यक्ति का नाम एवं पता         | क्षेत्राधिकार का क्षेत्र | पेट्रोलियम पाइपलाइनों का नाम                             |
|--------------------------------|--------------------------|----------------------------------------------------------|
| (1)                            | (2)                      | (3)                                                      |
| श्री कुंदन<br>प्रचालन प्रबंधक, | बिहार और झारखंड<br>राज्य | बरौनी कानपुर पाइपलाइन<br>पटना मोतिहारी बैतालपुर पाइपलाइन |

|                                                                    |  |                                                                                                                                                                                                                            |
|--------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| इंडियन ऑयल कॉर्पोरेशन लिमिटेड,<br>पूर्वी क्षेत्र पाइपलाइन्स, बरौनी |  | मोतिहारी अमलेखगंज पाइपलाइन<br>30" हल्दिया बरौनी पाइपलाइन<br>पारादीप हल्दिया बरौनी मेनलाइन<br>पारादीप हल्दिया बरौनी लूपलाइन<br>पारादीप हल्दिया बरौनी मोतिहारी पाइपलाइन<br>बरौनी पटना पाइपलाइन<br>12" हल्दिया बरौनी पाइपलाइन |
|--------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

इससे पूर्व एस.ओ. संख्या 1355 दिनांक 05 सितम्बर 2023 के अंतर्गत भारत के राजपत्र में दिनांक 09 सितम्बर 2023 को प्रकाशित बिहार और झारखंड राज्य में इंडियन ऑयल कॉर्पोरेशन लिमिटेड के लिए पहले अधिसूचित सक्षम प्राधिकारी श्री राहुल चौहान, अनुरक्षण प्रबंधक, को डी-नोटिफाइड समझा जाए।

यह अधिसूचना इसके जारी होने की तारीख से प्रभावी होगी।

[फा. सं. आर-11025(II)/239/2017-ओआर-I/ई-13892]

शशि शेखर सिंह, अवर सचिव

### MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 9th July, 2025

**S O. 1318.**—In Pursuance of sub-section (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act 1962 (50 of 1962), (hereinafter called the said act), the Central Government hereby authorizes the person mentioned in column (1) of the table given below to perform the functions of the Competent authority under the said Act for Indian Oil Corporation Limited in respect of areas mentioned in column (2) for its operational petroleum pipelines laid under the said Act mentioned in Column (3) of the said Table:

| Name & Address of Person                                                                                       | Area of Jurisdiction         | Name of Petroleum Pipeline(s)                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                                                                                                            | (2)                          | (3)                                                                                                                                                                                                                                                                                                      |
| Shri Kundan,<br>Operations Manager,<br>Indian Oil Corporation Limited,<br>Eastern Region Pipelines,<br>Barauni | Bihar and<br>Jharkhand State | Barauni Kanpur Pipeline<br>Patna Motihari Baitalpur Pipeline<br>Motihari Amlekhganj Pipeline<br>30'' Haldia Barauni Pipeline<br>Paradip Haldia Barauni Mainline<br>Paradip Haldia Barauni Loopline<br>Paradip Haldia Barauni Motihari Pipeline<br>Barauni Patna Pipeline<br>12'' Haldia Barauni Pipeline |

Earlier notified Competent Authority for Indian Oil Corporation Limited in State of Bihar and Jharkhand, Shri Rahul Chauhan, Maintenance Manager, vide SO No 1355 dated 05<sup>th</sup> September 2023 published in the Gazette of India dated 09<sup>th</sup> September 2023, may be de-notified.

The Notification will be effective from the date of its issue.

[F.No. R-11025(II)/239/2017-OR-I/E-13892]

SHASHI SHEKHAR SINGH, Under Secy.

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 4 मार्च, 2025

**का. आ. 1319.**—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के

उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मेसर्स कोटेकना इंस्पेक्शन इंडिया प्राइवेट लिमिटेड, बारबिल-जोडा हाईवे, पोस्ट- सेरेंडा, वाया- बारबिल, क्योझर, ओडिशा-758035 (जिसे एतद्पश्चात् उक्त अभिकरण कहा जायेगा), को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष के लिए, वाणिज्य मंत्रालय की शासकीय राजपत्र में प्रकाशित भारत सरकार की अधिसूचना के साथ अनुसूची में निर्दिष्ट दिनांक 20 दिसम्बर, 1965 की अधिसूचना की संका.आ. 3975 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह-1, अर्थात् लौह अयस्क और मैंगनीज अयस्क के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन पारादीप पत्तन, गोपालपुर पत्तन तथा धामरा पत्तन में उक्त खनिज और अयस्क के निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

(i) यह अभिकरण, खनिज और अयस्क समूह-1 का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा निमित्त अधिकारियों को पर्याप्त सहयोग और सहायता प्रदान करेगी;

(ii) यह अभिकरण, इस अधिसूचना में यथा विनिर्दिष्ट अपने कार्यों का निष्पादन करने के लिए, निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा समय-समय पर, लिखित रूप में, दिए गए निर्देशों से आबद्ध होंगी।

[फा.सं. के-16014/1/2025 - निर्यात निरीक्षण]

सिद्धार्थ महाजन, संयुक्त सचिव

## MINISTRY OF COMMERCE AND INDUSTRY

### (Department of Commerce)

New Delhi, the 4th March, 2025

**S.O. 1319.**—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government now recognizes, M/s Cotecna Inspection India Private Limited, Barbil-Joda Highway At/PO- Serenda, Via- Barbil, Keonjhar, Odisha-758035 (hereinafter referred to as the said agency), as an agency for three years with effect from the date of publication of this notification in the Official Gazette, for the inspection of Minerals & Ores, Group - I, namely, Iron Ore and Manganese Ore, as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, published in the Official Gazette vide number S.O.3975 dated 20<sup>th</sup> December, 1965 respectively, before export of the said Minerals and Ores at Paradip Port, Gopalpur Port and Dhamra Port, subject to the following conditions, namely:-

(i) the said agency shall extend adequate cooperation and assistance to the officers nominated by the Export Inspection Council on this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores – Group I (Inspection) Rules, 1965;

(ii) the said agency, in performance of their function as specified in this notification, shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council may give, in writing from time to time.

[F. No. K-16014/1/2025 - Export Inspection]

SIDDHARTH MAHAJAN, Jt. Secy.

नई दिल्ली, 15 जुलाई, 2025

**का. आ. 1320.**—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मेसर्स टीसीआरसी क्वालिटी कंट्रोल एल एल पी, वाई नंबर 09, होलिंग परिसर नंबर एन-33/27, दुर्गाचैक न्यू कॉलोनी, दुर्गाचैक, पूर्व मेदिनीपुर, पी.ओ. - दुर्गाचैक, पी.एस. - दुर्गाचैक, पिन कोड - 721602, पश्चिम बंगाल (जिसे एतद्पश्चात् उक्त अभिकरण कहा जाएगा) को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय, भारत सरकार की राजपत्र में प्रकाशित अधिसूचना दिनांक 20 दिसम्बर, 1965 संख्या का.आ. 3975 में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क (समूह-1) अर्थात्, लौह अयस्क और मैंगनीज अयस्क के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन हल्दिया पत्तन, में उक्त खनिज और अयस्क का निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

- (i) यह अभिकरण, खनिज और अयस्क समूह-1 का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा नामित अधिकारियों को पर्याप्त सहयोग और सहायता प्रदान करेगी; और
- (ii) यह अभिकरण, इस अधिसूचना में यथा विनिर्दिष्ट अपने कार्यों का निष्पादन करने के लिए, निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा समय-समय पर, लिखित रूप में, दिए गए निर्देशों से आबद्ध होंगी।

[फा. सं. के-16014/3/2025- निर्यात निरीक्षण]

सिद्धार्थ महाजन, संयुक्त सचिव

New Delhi, the 15th July, 2025

**S. O. 1320.**—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s TCRC Quality Controls LLP, Ward No 09, Holding Premises No. N-33/27, Durga Chak New Colony, Durga Chak, Purba Medinipur, P.O.- Durga Chak, P.S. – Durga Chak, Pin Code - 721602, West Bengal (hereinafter referred to as said agency), as an agency for a period of three years from the date of publication of this notification in the Official Gazette, for the inspection of Minerals and Ores (Group-I), namely, Iron Ore and Manganese Ore as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, published in the official Gazette vide number S.O. 3975, dated the 20<sup>th</sup> December, 1965, prior to export of the said Minerals and Ores at Haldia Port subject to the following conditions, namely: -

- (i) the said agency shall extend adequate cooperation and assistance to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965; and
- (ii) the said agency, in performance of their function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F.No. K-16014/3/2025- Export Inspection]

SIDDHARTH MAHAJAN, Jt. Secy.

नई दिल्ली, 15 जुलाई, 2025

**का.आ. 1321.**—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एसजीएस इंडिया प्राइवेट लिमिटेड, दरवाजा नंबर: प्लॉट नंबर 63, आईपी, ऑटोनगर, विशाखपत्तनम-530012, आंध्र प्रदेश (जिसे एतदपश्चात् उक्त अभिकरण कहा जाएगा) को इस अधिसूचना के शासकीय राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय, भारत सरकार की शासकीय राजपत्र में प्रकाशित भारत सरकार की अधिसूचना के साथ अनुसूची में निर्दिष्ट दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं० का.आ. 3975 तथा दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ.3978 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क समूह-1, अर्थात् लौह अयस्क, मैंगनीज अयस्क, फेरो मैंगनीज तथा बाक्साइट और समूह -II, अर्थात् बैराइट्स के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन विशाखापट्टनम पत्तन, गंगावरम पत्तन, काकीनाडा पत्तन और कृष्णापट्टनम पत्तन में उक्त खनिज और अयस्क का निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

- (i) यह अभिकरण, खनिज और अयस्क समूह-1 का निर्यात (निरीक्षण) नियम, 1965 तथा खनिज और अयस्क समूह-II का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा नामित अधिकारियों को पर्याप्त सहयोग और सहायता प्रदान करेगी; और
- (ii) यह अभिकरण, इस अधिसूचना में यथा विनिर्दिष्ट अपने कार्यों का निष्पादन करने के लिए, निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा समय-समय पर, लिखित रूप में, दिए गए निर्देशों से आबद्ध होंगी।

[फा. सं. - के -16014/6/2025-निर्यात निरीक्षण]

सिद्धार्थ महाजन, संयुक्त सचिव

New Delhi, the 15th July, 2025

**S.O. 1321.**—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s SGS India Private Limited, Door No.: Plot No. 63, AEP, Autonagar, Visakhapatnam-530012, Andhra Pradesh (hereinafter referred to as said agency), as an agency for a period of three years with effect from the date of publication of this notification in the Official Gazette, for the inspection of Minerals & Ores, Group-I, namely, Iron Ore, Manganese Ore, Ferro Manganese and Bauxite, and Group-II, namely, Barytes as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, published in the official Gazette vide number S.O. 3975 dated 20<sup>th</sup> December, 1965 and S.O. 3978 dated 20<sup>th</sup> December, 1965 respectively, prior to export of the said Minerals and Ores at Visakhapatnam Port, Gangavaram Port, Kakinada Port and Krishnapatnam Port, subject to the following conditions, namely: -

- (i) the said agency shall extend adequate cooperation and assistance to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965 and the Export of Minerals and Ores - Group II (Inspection) Rules, 1965; and
- (ii) the said agency, in performance of their function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F.No.- K-16014/6/2025- Export Inspection]  
SIDDHARTH MAHAJAN, Jt. Secy.

### श्रम और रोजगार मंत्रालय

नई दिल्ली, 6 मार्च, 2025

**का.आ. 1322.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 200/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/03/2025 को प्राप्त हुआ था।

[सं. एल.-20012/217/2001-आई.आर. (सी.एम-1)]  
मणिकंदन.एन, उप निदेशक

### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 6th March, 2025

**S.O. 1322.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 200/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of BCCL, and their workmen, received by the Central Government on 03/03/2025.

[No. L-20012/217/2001 – IR (CM-I)]  
MANIKANDAN. N, Dy. Director

### 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. 200/2001

Employer in relation to the management of Block-II Area of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Dinesh Kumar Singh**  
Presiding Officer/Link Officer

**Appearances:**

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 12/02/2025

**AWARD**

By Order No.L-20012/217/2001-IR(C-I) dated 18/09/2001 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 non regularisation of Sri Manoj Kumar Singh by the management of B.C.C.L, Block II area on the post of attendance clerk is justified, proper and legal? If not to what relief is the concerned workman entitled and from what date?”**

2. This reference is received on 11/01/2001 by this Tribunal in which the Joint General Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference 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. Thereafter notice of the workman/union returned with endorsement “insufficient address”. Now Case is pending since 01/11/2001 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/Link Officer

नई दिल्ली, 9 जून, 2025

**का.आ. 1323.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय,चंडीगढ़-2 के पंचाट (संदर्भ संख्या 110/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/04/2025 को प्राप्त हुआ था।

[सं. एल.-23012/24/2018-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 9th June, 2025

**S.O. 1323.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/2018) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh-2 as shown in the Annexure, in the industrial dispute between the Management of Ms. BBMB and their workmen received by the Central Government on 22/04/2025.

[No. L-23012/24/2018-IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH.**

Present: Mr. Kamal Kant, Presiding Officer.

ID No.110/2018

Registered on:- 07.01.2019

Smt. Ganga Devi Wd/o Sh. Dholu Ram and other, LR of the deceased workman Dholu Ram, R/o Village Tihari, PO Thuran, Tehsil Jhandutta, Distt. Bilaspur, Himachal Pradesh.



.....Applicants

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, BSL Project/BBMB Sundernagar, Distt. Mandi, (HP)-175038.

.....Respondents/Management

Present: Mr. S C Gupta, AR for workman.  
Mr. Ravinder Rana, Law Officer for the respondents.

**Award****Passed on:- 04.04.2025**

Central Government vide Notification No.L-23012/24/2018-IR(CM-II), dated 20.12.2018, under clause (d) of sub-section (1) and subsection 2(A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of management of BBMB in not accepting the demands of Smt. Ganga Devi & Others, (Legal Heirs/Legal Representatives of Late Dhollu Ram) for declaring his retrenchment/termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/legal representatives of late workman are entitled to and from which date?”**

1.The brief facts related to the case are that the applicants are legal heirs of Sh. Dhollu Ram (deceased workman), who was engaged on 12.11.1965 for the construction of the Beas Sutluj Link Project {hereinafter called as BSL(P)}. The said project remained initially under the Management of Beas Control Board, which was constituted on 10.02.1961 and after enactment of Punjab Re-Organization Act, 1966 (hereinafter called “Re-Organization Act”) Beas Control Board was renamed as Beas Construction Board (hereinafter called “BCB”) and also Bhakra Management Board, which was established w.e.f. 01.10.1967 and later on it was renamed as Bhakra Beas Management Board (hereinafter called as BBMB), which is working as such w.e.f. 15.05.1976. The workman of this project was considered as the employees of the Central Government by the Hon'ble Supreme Court in the case titled as Jaswant Singh and others versus Union of India and Others AIR 1980 SC 115. The management made illegal retrenchment of the employees in phases and the deceased workman was also retrenched along with them. The deceased workman had completed 240 days in every calendar year and was not interrupted till his retrenchment and the retrenchment is illegal and in violation of Section 25F, 25H, Rule 77 and 78 of the ID Act. The workman was also retrenched by the employer on 30.06.1977 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, management appointed fresh workmen/employees, violating Section 25-H of the I.D. Act. The BSL (P) is an industrial establishment as per Section 25(L) of the ID Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of Jaswant Singh (supra). No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the ID Act. It is maintained that the deceased workman after his retrenchment remained ill and could not raised the dispute during the period but raised his voice for re-employment through the union and ultimately, he died on 15.01.1988. The deceased workman after his retrenchment did not remain in the gain full employed till his death.

2.It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 07.05.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in case titled Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007 vide of orders dated 08.07.2014. Vide order dated 08.07.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as Raghubir Singh V/s General Manager, Haryana Roadways, Hissar, JT 2014 (10) SC 168. It is therefore, prayed that the claim petition of the applicants may kindly be allowed and retrenchment/discharge order dated 30.06.1977 of the deceased workman be held illegal and the workman be considered in continuous service up to 15.01.1988, when he got

died, and the management may be directed to release all consequential benefits till 15.01.1988 instead of 30.06.1977.

3. Respondents filed written statement, alleging therein that the applicants are legal heirs of the deceased workman and their application is not maintainable under the provisions of the ID Act and the applicants raised the present dispute at a belated stage after 43 years without furnishing any plausible reason for extraordinary delay. The deceased workman Sh. Dhollu Ram was Ex-work charged employee of Beas Construction Board (BCB), which was constituted under Section 80(1) of the Re-organization Act. The deceased workman was retrenched after completion/part completion of the works of BCB in accordance with the provisions of the ID Act. The deceased workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of ID Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Punjab Govt. Irrigation Department prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board (hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a writ petition in the Hon'ble Supreme Court of India, titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440, in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the applicants is hopelessly time barred and the applicants being legal heirs has no legal right to file claim petition under the ID Act. It is prayed that claim be dismissed.

#### **Evidence of parties:**

4. Parties were given opportunity to lead evidence.

5. Applicant Mr. Suman Singh S/o Sh. Dhollu Ram has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. He also tendered document Ex.WW1/1 Discharge Certificate. AR for workman closed the evidence on behalf of workman on 06.10.2023.

6. The management has filed affidavit of Er. Dinesh Kumar S/o Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance and Plant Design Division, BBMB Sundernagar, Distt. Mandi, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned AR of workman. He tendered into evidence copy of service record of workman Ex.MW1/B and closed the evidence on behalf of management on 16.10.2024 and the case is fixed for arguments.

#### **Submissions of Applicants:**

7. While arguing the case, Id. AR for the applicants contended that in this case, claim has been filed by the LR of deceased, who expired on 15.01.1988 and as per law laid down by Hon'ble Supreme Court and various Hon'ble High Courts, claim can be filed even after the death of the applicant. To support this view, he placed reliance upon the in case law titled as Anjalamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another, 1995(6) SLR 680, Bharathamma and others versus The Labour Court and another (WP No.11342 of 1994) 1995(2) Andh. LD 472 and Rameshwar Manjhi versus Management of Sangaramgarh Colliery (1994 AIR 1176, 1994 SCC(1)292. He further contended that in this case deceased workman was discharged on 30.06.1977 due to reduction in strength and he was issued discharge certificate by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the ID Act which provides re-employment of retrenched deceased workman. He further has drawn the attention of the Court towards the statement of wife of deceased workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. He also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the ID Act.

#### **Submissions of management:-**

8. While arguing the case, learned Law Officer for the management contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Deceased workman Sh. Dholu Ram was employed as work charged employee on 12.11.1965 and was retrenched on 30.06.1977. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440 has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India. AR for management further argued that as per Rule 4 of the Industrial Dispute (Central) Rules 1957, the application and the statement can be signed by the workman himself or by any officer of the trade union of which he is member or by another workmen in the same establishment duly authorized by him in his behalf and since in this case, application has not been moved by the applicant, the claim is not maintainable and is liable to be dismissed.

9. So far as the claim of the applicant regarding re-employment after retrenchment on 30.06.1977 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

*“It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years’ continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected.”*

10. Learned representative for the management further contended that in this case workman was retrenched on 30.06.1977 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section 25-H of the Act and his claim is hopelessly time barred as the legal heirs have filed the present claim petition in the year 2018. To support this view he has placed reliance in the case titled as Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682, wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 43 years. He also relied upon the case titled as Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018, where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the ID Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others and judgment passed by Hon'ble High Court, Madras in WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petroloum Corporation Ltd. and others, wherein it is stated that as per Section 2-A(3) of the ID Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified in sub-section (1) of Section 2-A. In the present case workman was engaged on 12.11.1965 and was discharged on 30.06.1977 and the legal heir has sought re-employment after 43 years which was held to be highly time barred. Thus, he contended that claim of applicant is time barred. Deceased workman was discharged on 30.06.1977 and thereafter his legal heirs filed present claim before the Labour Conciliation Officer.

**Findings:**

11. I have given due consideration to the arguments advanced by the learned AR for the workman and also for the respondents.

12. So far as this contention of the AR for the respondents that in this case, application is not maintainable by LR concerned, the same is devoid of merit as Hon'ble High Court of Andhra Pradesh in case law titled as Anjalamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra) and Bharathamma and others versus The Labour Court and another (supra) has categorically held that in case workman had died, then even LR of the deceased can move an application in respect of the monetary benefits. The relevant para 14 & 15 of Anjalamma and others versus Labour Court-III at Hyderabad rep. by its Presiding Officer, Hyderabad and another (supra) are produced as under:

14. As already pointed out supra the question whether the legal heirs/representatives of a deceased workman can raise an industrial dispute directly under [Section 2-A\(2\)](#) of the Act did not arise for consideration in any of the decisions of the High Courts or in Rameshwar Manjhi's case (supra). But the Supreme Court in para 13 in the context of an industrial dispute filed under [Section 2-A](#) of the Act has laid down the law that in the event of death of the workman during pendency of the proceedings the legal representatives or heirs can continue the proceedings. If according to the Apex Court if a pending proceedings can be continued by the legal heirs/representatives of the deceased workman after the death of the workman during the pendency of the proceedings, there is no good reason to hold that such legal representatives/heirs are incompetent to institute the dispute before the Industrial Court after the death of a workman have locus standi to continue an industrial dispute instituted by such workman in a Labour Court in law, then they are also competent to institute such workman. The observation of the Supreme Court in paras 11 and 12 in general and in para 13 in particular read with the views expressed by the Calcutta (sic. Kerala) High Court in Gwalior Rayon's case (supra) and that of the Gujarat High Court in Bank of Baroda's case (supra) which views are affirmed by the Apex Court in Rameshwar Manjhi's case clearly go to show that legal heirs/representatives of a deceased workman can institute industrial dispute before the jurisdictional Labour Court after the death of such workman.

15. This question may be considered from another angle as well. As pointed out supra, the Labour Court in exercise of its discretionary power under [Section 11-A](#) of the Act can grant reliefs of reinstatement or lumpsum compensation in lieu of reinstatement, back wages, continuity of services or any other appropriate relief, pecuniary or otherwise having regard to the facts and circumstances of each case. In the present case if the workman were to alive he would have instituted the industrial dispute in the Labour Court and there was absolutely no legal impediment for him to do so and if the Industrial Court were to uphold the claim of the workman it would have granted the relief of reinstatement or lumpsum compensation in lieu of reinstatement, back wages and other reliefs. If that is so what the deceased workman himself would have been awarded by the Labour Court except the relief of reinstatement had he survived, should be considered to be a part of his estate. The learned Authors Clerk & Lindsell on Torts have pointed out that since it is the deceased's own cause of action which survives for the benefit of his estate, the estate should recover such damages as the deceased himself would have been awarded had he survived. Therefore it should be held that with the death of the workman the cause of action to seek reliefs contemplated under the Act from the Labour Court does not die with him in totality and the causes of action to recover lumpsum compensation in lieu of reinstatement and back-wages do survive for the benefit of his estate. Recognizing this position and in order to resolve the conflict of opinions existed earlier among several High Courts, the Legislature inserted sub-section (8) in [Section 10](#) by [Amending Act 46 of 1982](#) and after the amendment proceedings before any adjudicatory authority in relation to an industrial dispute shall not lapse merely be reason of the death of any of the parties to the dispute being a workman and the adjudicator is enjoined to complete such proceedings and submit his award to appropriate Government. There cannot be any dispute that the petitioners-legal heirs of the deceased workman are entitled to the estate left behind the workman. This is so having regard to the provisions of [Section 306](#) of the Indian Succession Act and the observation of the Division Bench of the Gujarat High Court in the case of Bank of Baroda extracted above and approved by the Apex Court. In that view of the matter I am in respectful agreement with the view taken by my learned brother S. Dasaradha Rama Reddy, J. in Bharathamma & Others v. The Labour Court (supra) and it does not require any reconsideration.

Thus, application on behalf of LR's is maintainable and arguments advanced by the AR for respondents is not maintainable.

13. The management relied upon mainly in this case on the case titled as *Jaswant Singh and another (supra)*, which is very material for decision of this case. The said judgment deals with two types of petitioners. First type of petitioners was employed by the BCB on purely temporary basis and they had also given written undertaking confirming the term of their appointment. The BCB appointed the first type of petitioners on ad-hoc basis with a clear understanding that they will have no right to be retained in service after the completion of the Beas Project. They are Engineers, Section Officer, Accounts Clerk, Teacher etc. and they have claimed their parity with other employees who belonged to the services of the Punjab, Haryana and Rajasthan Governments and who were serving on deputation in connection with the works of the Bhakra Nangal Scheme.

14. In respect of these employees, it was held as follow:-

*"To sum up, we are of the opinion that the petitioners are employees of the Central Government. Their conditions of service will be primarily governed by the terms of their appointment but, if they are entitled to the benefit of any of the rules of the Central Civil Services (Temporary Service) Rules 1965, they may make representations in that behalf to the appropriate authorities. It is, however, not possible for this Court to grant to the petitioners any of the reliefs claimed by them as arising out of the provisions of the aforesaid rules, including the relief by way of a declaration that they shall be deemed to be in quasi- permanent service under rule 3. We are further of the opinion that the petitioners have no right to be transferred to the services of the Bhakra Management Board, now re-named as the Bhakra Beas Management Board. Lastly, the proposed retrenchment of the petitioners does not offend against the guarantee of equality contained in articles 14 and 16 of the Constitution, since the petitioners and the Deputationists belong to two different and distinct classes."*

15. As regards, second type of employees i.e. work charged employees the judgment deals in Para 41, 42, 43, 44, 45, 46 and 47 which read as follow:-

*"41.A work-charged establishment broadly means an establishment of which the expenses, including the wages and allowances of the staff, are chargeable to 'works'. The pay and allowances of employees who are borne on a work-charged establishment are generally shown as a separate sub-head of the estimated cost of the work."*

*42. The entire strength of labour employed for the purposes of the Beas Project was work-charged. The work-charged employees are engaged on a temporary basis and their appointments are made for the execution of a specified work. From the very nature of their employment, their services automatically come to an end on the completion of the works for the sole purpose of which they are employed. They do not get any relief under the Payment of Gratuity Act nor do they receive any retrenchment benefits or any benefits under the Employees State Insurance Schemes."*

*43. But though the work-charged employees are denied these benefits, they are industrial workers and are entitled to the benefits of the provisions contained in the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. The work-charged employees, therefore, are in a better position than temporary servant like the other petitioners who are liable to be thrown out of employment without any kind of compensatory benefits."*

*44. The record of Writ Petition No. 4505 of 1978 shows that offers of alternative employment were made to the work-charged employees and many of them have accepted those offers. The rule of 'last come, first go' has also been consistently adopted while retrenching the work-charged employees. In fact the work-charged employees possess a unique right as industrial employees since, by reason of section 25J(1) of the Industrial Disputes Act, the provisions of Chapter VA, "Lay-off and Retrenchment", have effect notwithstanding anything inconsistent therewith contained in any other law including standing orders made under the Industrial Employment (Standing orders) Act, 1946."*

*45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the*

*conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.*

*46. Apart from the settlement in the conciliation proceedings, an award was made by the Industrial Tribunal, Central, Chandigarh, in Reference No. 2-C of 1971, in an industrial dispute between the work-charged employees of the Beas-Sutlej Link Project, Sundernagar, with which we are concerned, and the management. Under that award, as stated in the award itself, a consent formula was evolved to which the workmen "virtually agreed". The benefits which flow- to the work- charged employees under the aforesaid award dated May 15, 1974, have been accepted by almost all the work- charged employees, involving a burden of about Rs. 3 crores on the employers.*

*47. Since the work-charged employees are bound by the settlement dated June 28, 1977 effected between them and the management in the conciliation proceedings and since they are also bound by and have accepted benefits under the consent award dated May 15, 1974 they are not entitled to any rights apart from those flowing from the aforesaid settlement and the Award. SLP No.1246 of 1979 which is filed to challenge the Award and C.M.P. No.2077 of 1979 which is filed for condonation of the delay of over four and half years caused in filing the SLP shall have to be dismissed."*

16. Thus, from the above observation of Hon'ble Supreme Court it is clear that work charged employees are engaged on a temporary basis and their appointments are made for the specified work and their service comes to an end on the completion of work for the sole purpose of which they are employed.

17. Para 43 provides that work charged employees are industrial worker and entitled to the benefit of the provisions contained under the Industrial Disputes Act. Their rights flow from that special enactment under which even contracts of employment are open to adjustment and modification. Para 45 as reproduced above further provides that in the conciliation proceeding it has been held that there were about 36000 work charged employees working on Beas Project out of them 26000 has already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi under Section 12 of the ID Act. The said settlement is binding on all the work charge employees who are working in the establishment to which the dispute relates. In para 46 it is further stated that apart from the settlement in the conciliation proceeding an award was made by the CGIT Chandigarh in reference no.2-C in an industrial dispute between the work charged employee of the Beas Sutlej Project, Sundernagar with which we are concerned and the management. A consent formula was evolved to which the workmen virtually agreed. In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse inference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as 2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another wherein it has been held "that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party". In this case also as per order dated 24.02.2025 of this Tribunal, respondents were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of ID Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to

produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

19. As regards award passed by Central Govt. Industrial Tribunal, Chandigarh, the relevant claim of the work charged employees was regarding their regularization services and the finding given by the Tribunal is as follow:-

**“Regulation of Services of the workcharged employees.**

*It is an un-disputed fact that the entire strength of labour as employed in the Project is workcharged. The institution of workcharged establishment is not only necessary but sometime unavoidable. These workmen are engaged on temporary basis and their services are utilized for the execution of a specified work for which they may be suited. From the very nature of employment the services of such workman automatically come to an end on the completion of the work. A workcharged employee does not get any relief under the Payment of Gratuity Act nor is he benefitted by the employees state Insurance Scheme. He does not indeed enjoy any retiral benefits. Before partition of the country in 1947 it was not usual to have project, construction of which required a number of years to complete but after constituting ourselves into a democratic Republic and the Government having taken in hand five year plans for development of the country there are various schemes involving the construction of works for a period extending over several years as is the case of the instant Project. It commenced in 1962 and more than 12 years having passed the completion might take another few years. In such situation it seems reasonable and fair that a workman who has, like a regular employee, spent the part of his life ranging from 5-10 years upto 20 year, should not be thrown on the road and must be assured some benefits as are available to regular staff. The other aspect of the matter is that the employer could not compelled to retain workcharged employees after the work for which the latter had been engaged is completed, as after all, he was employed before a particular job and the employer, be it the Government or any of its public undertakings, cannot taken upon itself the responsibility of that workman for all time to come. It can be well argued that such a workmen should feel happy and content that instead of remaining un-employed be got employment for a long time.*

*To assure Industrial peace and economic justice to such class of workmen some balance has in my opinion to be struck between the two extremes. It is the duty of the State under the Directive Principles enunciated in part 4 of the constitution to secure and protect that social order in which justice, social and economic could be had by all institutions of national life. I feel that it is equally the duty of an adjudicator of industrial disputes charged with the duty of administering social justice to be guided by the fundamentals contained in this chapter though he has to bear in mind the limits of the economic capacity of the employer and Endeavour must have ever be made to secure work for every citizen do in our present economy. It is not possible to immediately achieve that object. The workman employed by the respondent management are drawn from different states out of which I am informed about 8/10 thousands are from Punjab about 22000 from Himachal Pradesh and the remaining from the states of Rajasthan and Haryana. Some of the workmen are from U.P and Bihar and a handful from Kerala. The board has by and large been consistently following the Punjab pattern in the matter of wage structure, revision thereof from time to time and grant of dearness allowance. It is only with regard to categories not appearing in the common Schedule of Rates prepared by the erstwhile United State of Punjab that the board took its independence decisions on the recommendations of its own standing committee. Even Himachal Pradesh Government generally followed the Punjab policy. The state government of Punjab in its wisdom, and I should say rightly has declared that the services of work charged employees in building and roads branch who had worked for 10 years or more would stand regularized in the sense that the workmen would be treated at par with those in the regular service of the state government. The benefit of this announcement was afterwards extended to the employees of its irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.*

*In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is*

*work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."*

20. A perusal of aforesaid findings made it ample clear that the order has been passed by the then learned Presiding Officer, CGIT, Chandigarh to maintain industrial peace and to secure employment to the work charged employees after the completion of the work and it was also held by the learned CGIT that State Govt. who are beneficiary under the project and the Central Govt. will make every reasonable effort to get those workmen re-employed at any other project or work whether in any one of these States or in any other part of the country where there is a need of workmen of those trades.

21. It is specific case of the applicant that respondents also appointed fresh workmen, but preference was not given to her late husband during his lifetime, which is in clear violation of section 25-H of the ID Act. In this regard, it is pointed out that no pointed cross examination has been done by the law officer of the respondents, meaning thereby, the respondents have admitted that they have engaged fresh workmen but preference was not given to the deceased workman during his life time.

22. Admittedly, in this case, no effort was made by the respondents to give any employment after the retrenchment of the workmen and even there is non-compliance of Rules 77 and 78 of Industrial Rules. The same are reproduced below:

**77. Maintenance of seniority list of workmen.** -The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

**78. Re-employment of retrenched workmen.** - (1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefore, to the address given by him at the time of retrenchment or at any time thereafter:

*Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior-most retrenched workmen in the list referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:*

*Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen:*

*Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.]*



*(2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule:*

*Provided that the provisions of this sub-rule need not be complied with by the employer in any case where an intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.*

23. Moreover, a perusal of cross examination of Er. Dinesh Kumar (MW1) reveals that the deceased workman was never called for re-appointment at any point of time and as per aforesaid Rule 77 & 78, the workman was required to be given notice. Moreover, no explanation has been given that after the retrenchment of the deceased workman, other persons were not recruited by the management, which is in violation of Section 25-H of the ID Act.

24. However, the present work charged employee and other work-charged employees have been retrenched long back and even at the stage it is impossible to re-employe them. However, certainly in respect of workcharged employees present respondents were directed by the Hon'ble Supreme Court in Judgment of Jaswant Singh (Supra) to give benefits in terms of settlement and award dated 15.05.1974. The main purpose of Hon'ble Supreme Court and Ld. CGIT Chandigarh was to rehabilitate to some extent the work charged employees and restore peace and congenial atmosphere that is why Ld. CGIT Chandigarh had given directions to all state to re-employe them. Thus, it does not lie in the mouth of present respondents that no relief can be granted against present respondents as deceased husband of applicant was not their employee.

A. So far as this argument of Ld. AR of the management that those work charged employees only who have completed 10 years of service were required to be adjusted within 6 months from their retrenchment is concerned, the same is devoid of merit as no effort was made by the management to adjust the work charged employees. Moreover, no documentary evidence has been produced that any effort was made to adjust the workman after his retrenchment. Further, Ld. CGIT Chandigarh in its last lines concluded as under:-

*“As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these states or in any other part of the country where there is a need of workmen of those trades”*

Nothing has come on record that above directions were complied with.

25. Moreover, in the absence of production of settlement between work charged employees and management, it cannot be interfered what were the terms and conditions in the said settlement. Further, CGIT Chandigarh has fixed ten years time and accrual of vacancy within six months keeping in view the facts and circumstances of the case and has evolved his own formula to bring peace and harmony between work charged employees and management but it cannot be said to be a universal policy in the absence of production of settlement between work charged employees and management. However, no effort was made to adjust the petitioners in view of order of CGIT.

26. As regard, this contention of learned AR of management that petitioners were not the employees of the BBMB but were the employees of BCB, the same is devoid of merit as Discharge certificate was issued by the BBMB. Moreover, as per respondents Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. When all work of BCB stands transferred to BBMB so it cannot be said that BBMB is separate identity than BCB. Rather BCB has merged in BBMB. Moreover, Hon'ble Supreme Court in Jaswant Singh case (supra) in respect of work charged employees has no where stated that relief can be sought by work charged employees only against the BCB. So contention of Ld. AR of the management that BCB and BBMB are two separate entities is devoid of merit.

27. So far this argument of Law Officer for the respondents that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2018. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of Jaswant Singh case (Supra). Moreover, limitation was added in Section 2A of the ID Act in the year 2010 (15.09.2010) and

deceased workman was dismissed from service on 30.06.1977 and AR for respondents has failed to bring this fact that the aforesaid provision was retrospective.

28. It is added here that in the present case, the reference was made under clause (d) of sub-section (1) of Section 10 of the Act. It is not case filed under Section 2-A of the Act. Hon'ble Supreme Court of India in case titled as **Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)** has held as follow:

*“42. It is an undisputed fact that the dispute was raised by the workman after he was acquitted in the criminal case which was initiated at the instance of the respondent. Raising the industrial dispute belatedly and getting the same referred from the State Government to the Labour Court is for justifiable reason and the same is supported by law laid down by this Court in Calcutta Dock Labour Board (supra). Even assuming for the sake of the argument that there was a certain delay and latches on the part of the workman in raising the industrial dispute and getting the same referenced for adjudication, the Labour Court is statutorily duty bound to answer the points of dispute referred to it by adjudicating the same on merits of the case and it ought to have moulded the relief appropriately in favour of the workman. That has not been done at all by the Labour Court. Both the learned single Judge as well as the Division Bench of the High Court in its Civil Writ Petition and the Letters Patent Appeal have failed to consider this important aspect of the matter.”*

Even Hon'ble Supreme Court in para no.31 of the said judgment has held as follow:

*“31. The rejection of the reference by the Labour Court by answering the additional issue no. 2 regarding the delay latches and limitation without adjudicating the points of dispute referred to it on the merits amounts to failure to exercise its statutory power under Section 11A of the Act. Therefore, we have to interfere with the impugned award of the Labour Court and the judgment & order of the High Court as it has erroneously confirmed the award of the Labour Court without examining the relevant provisions of the Act and decisions of this Court referred to supra on the relevant issue regarding the limitation.”*

29. Hon'ble Supreme Court has also referred in the said case decision of **Ajaib Singh v. The Sirhind Co-Operative Marketing Cum- Processing Service Society Limited & Anr. (AIR 1999 Supreme Court 1351)**, wherein, Court has opined that relief cannot be denied to the workman merely on the ground of delay, stating that:-

*“10. It follows, therefore, that the provisions of Article 137 of the Schedule to Limitation Act, 1963 are not applicable to the proceedings under the act and that the relief under it cannot be denied to the workman merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the labour court can be generally questioned on the ground of delay alone. Even in a case where the delay in shown to be existing, the tribunal, labour court or board, dealing with the case can appropriately mould the relief by declining to grant back wages to the workman till the date he raised the demand regarding his illegal retrenchment/ termination or dismissal.*

30. In view of the aforesaid observations of the Hon'ble Supreme Court, the delay was not thus fatal to the case of the applicants. It is also added here that so far as the case **Ram Chand Vs. The BBMB and another (supra)**, **Ghungriya Ram versus Himachal Pradesh State Electricity Board Limited and others (supra)** and **Mr. D Poomaran versus The General Manager, Bharat Petroloum Corporation Ltd. and others (supra)** referred by the AR for respondents are concerned, those cases were filed by the workman under Section 2-A of the ID Act, which specifically provides limitation of 3 years from the date of dismissal or retrenchment. Section 10(1) of the ID Act specifically provide that appropriate government may refer any industrial dispute at any time, whereas the same is conspicuously absent in sub-section (3) of Section 2A, which could clearly depict the intention of the legislature namely, it had deliberately imposed limitation period under sub-section (3) of Section 2A. Thus, period of limitation cannot be considered. So far as the case law titled as **Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal (supra)**, the same is not attracted to the facts and circumstance of the present case in view of the judgment **Raghubir Singh V/s General Manager, Haryana Roadways, Hissar (supra)**, whose relevant paras are reproduced above. Therefore, it cannot be said that case of applicant was beyond limitation.

31. However, it is added that Mr. Suman Singh, son of deceased workman in his affidavit nowhere stated that retrenchment compensation was not paid to his deceased father. In his cross examination, he has stated that he has no knowledge whether his late father was paid retrenchment compensation. Remaining silent in his affidavit that his late father was not paid any retrenchment compensation meaning thereby that his late father was paid retrenchment compensation by the management. Moreover, in written statement, stand of the

respondents is that the deceased workman was paid all terminal benefits i.e. retrenchment compensation, gratuity and ex-gratia etc. on account of retrenchment from BCB as per provisions of the ID Act and other relevant laws. Thus, it shall be presumed that deceased workman was given retrenchment compensation. Even a perusal of service record (MW1/B) of deceased workman reveals that he was paid gratuity etc. So, there is no breach of Section 25 F of the Act.

32. Further, there was non-compliance of *Jaswant Singh Case (Supra)*, Reference No.2C of 1971 and Rule 77 & 78 of Industrial Rules and in this case it would be highly difficult to re-employ the workman. The only remedy left is to compensate the workman in term of money.

33. Keeping in view the fact and circumstances of the present case and other connected case of similar nature the following scheme of compensation is deemed fit by this Tribunal:

- i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.
- ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.
- iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. Deceased workman Sh. Dholu Ram was employed on 12.11.1965 and was retrenched on 30.06.1977 as mentioned in Discharge Certificate (Ex.WW1/1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 11 year and about 7 months (more than 5 years), so the applicants are entitled for Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

35. The reference is answered accordingly and stands disposed off.

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

KAMAL KANT, Presiding Officer

नई दिल्ली, 3 जुलाई, 2025

**का. आ. 1324.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयरलाइंस के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (पहचान संख्या 9/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल- 22013/01/2025-आई.आर. (सी.एम-II)]

मणिकंदन एन, उप निदेशक

New Delhi, the 3rd July, 2025

**S.O. 1324.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 9/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Indian Airlines**, and their workmen, received by the Central Government on **03/07/2023**.

[No. L-22013/01/2025 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**  
Presiding Officer

Dated the 20<sup>th</sup> day of June, 2025

**INDUSTRIAL DISPUTE L.C.No. 9/2023**

Between:

Sri Sunil Kumar,  
S/o. Late Sri Premanand,  
R/o. 32- 81/1. SN 53. Sainik Nagar,  
RK puram, Medchal-Malkajgiri.  
Pin code -500056, Hyderabad,T.S.

.....Petitioner

AND

1. The Air India limited-  
(M/s Indian Airlines Merged with AIL)  
Airlines house, 113 Gurudura  
Rakabgunj Road. New Delhi- 110001.
2. The Air India limited  
Rep. by the Regional Director -Southern  
Region (o) Airlines House,  
Meenambakkam, Chennai-600016
3. Mr. Natarajan Chandrasekaran  
Chairman of Air India Ltd.  
Gurudwara Rakabganj Road,  
New Delhi – 110001
4. Sh. Madhu Mathen  
ED (IFS), For Cabin Crew matters  
Air India Main Booking Office  
2nd Floor, S'Jung Airport  
New Delhi – 110003.

....Respondents

**Appearances:**

For the Petitioner : M/s. M/s. Sunil Kumar Jha & N. Balu, Advocates

For the Respondent: NIL

**AWARD**

Sri Sunil Kumar who worked as Cabin Crew (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Air India Limited seeking for declaring the proceeding dated 2.2.2023 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

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

It is submitted that the Petitioner was appointed as Cabin crew vide appointment letter No.MPE/CC/DR/2005/4522 dated 22.7.2005 in the Respondent organization. Petitioner had taken up works in complete zeal and right earnestness in the employment and that Petitioner has completed almost 17 years in the service and on the date of initiation into the services, the Petitioner was posted as chief cabin crew with an additional responsibility of check cabin crew since Respondent is very much aware that this kind of post can be occupied only by those candidates who have successfully completed all the required parameters and work experience in the Post of a cabin crew member, it is submitted during the pandemic 2019, the Petitioner has not taken any leave and his support

services were satisfactory. As per the Respondent's record Petitioner was assigned all hazardous tasks, which the Petitioner had completed successfully, as a front-line warrior including Vande Bharat, a travel mission during pandemic and was instrumental in bringing back stranded Indians from different countries without any adverse remarks or without evading the assigned work during pandemic 2019-20. In fact, the Petitioner is the recipient of several appreciations for the selfless services rendered and many documentaries have been issued which are much known by the department of Respondents. It is further submitted that although suffered during COVID-19- the Petitioner never evaded the headily rosters. There was another incident when the Air India business performance was below the maintenance, Air India gradually lost the business but despite these unfavourable reasons, the Petitioner continued his loyalty towards the Respondent by remaining in employment even with a pay cut. Petitioner used to be on the time for all the work assigned and used to be punctual in attending office and completing works assigned, including during the works for the merger of Indian Airline with Air India. It was another incident in 2001 during the course of employment with Indian Airlines when Indian Airlines was taken over by Air India and in the process of merger there was uncertainty in the employment even then Petitioner continued in Respondent employment without taking any other opportunities for a higher salary. It is submitted that the Petitioner had logged in seventeen (17) years of employment with the Respondent without any adverse remark with respect to his employment either from Captain/Pilot or from the passengers which was very much acknowledged by Respondent No.1, but Respondent has removed Petitioner from the employment. The only reason for this bone of contention there was a quarrel between the Petitioner and a junior colleague during the international flight from Riyadh to Hyderabad on 01-01-2023. It is submitted that this incident initially was not noticed during the process of the disciplinary committee even then it was noticed by the first officer of the flight wherein the Pilot-in command categorically highlighted with remarks that the "entire flight went safely there was no safety issue, all SOP was followed and landed in time", Hence it was a positive remark from Pilot-in command i.e., Captain Ravindra Singh), in fact after this issues the junior colleague who is also a resident of the Petitioner's colony and after some talks, the matter and all the issues were settled and closed. It is submitted that without any proper notice, the Petitioner was called by the Respondent at their Delhi office on 18.01.2023 and surprisingly the matter was taken up which had concluded amicably and certain uncomfortable queries were put to Petitioner on the 18.1.2023 the Respondent no.2 had issued the NTS after the inquiry which was conducted by Respondents without following the due process and without any prior proper notice on 19.1.2023 onward surprisingly roaster was showing NTS (not to system assign) which is opposed to the principles of natural justice. Petitioner was in a dilemma since there was no proper communication about the same. It is submitted that without any prior information/notice on 2.2.2023, the Petitioner received an Email during the evening time stating that the Petitioner has been relieved from the service, which was a rude shock to the Petitioner and the Petitioner's

wife and widowed mother who has lost her husband during the pandemic period. Consequently, Petitioner's mother was admitted in the hospital. In fact, the Petitioner's wife and children were in shock and deep sorrow that the Petitioner has lost his employment without being afforded any opportunity to clear his position, which is unfair and unconstitutional. It is submitted that as per the appointment letter dated 22.7.2005 served by Indian Airlines to the Petitioner wherein the grounds of termination were mentioned categorically, as hereunder:-

- a. If you fail to maintain normal vision without glasses/with contact lenses.
- b. Do not maintain your weight within the prescribed limit.
- c. Develop Air sickness ,and
- d. If the documents produced by you in support of your age educational qualification etc., found to be false at any stage.

It is submitted that the Petitioner has maintained the eligibility of employment consistently, and at any point time in his tenure of employment he has not violated any points of the appointment letter, hence the termination is absolutely unfair, unlawful, and illegal. It is submitted that the Petitioner has followed all the protocols, rules & regulations stated in the appointment letter issued by Indian Airlines, there was no allegation of breach of any public safety, Respondent has no additional appointment letter issued by Air India, therefore the termination procedure should be adopted only in terms and condition stated in the first appointment letter hence, the termination of procedure adopted by the Respondent is absolutely arbitrary, unconstitutional, and against the Principle of Natural Justice. As per the governing law of employment, the Respondents have clearly contravened the employment statutes and the Respondent has no power or authority to remove the Petitioner from employment. It is submitted that the aforementioned clauses are within the stipulated parameters and are as prescribed by the Respondent from to time but still, the Respondent has terminated Petitioner from the employment without following the due process of law, which tantamount to prejudiced action and will never under any circumstances, suffice any logical explanation. This irrational, prejudicial, and haphazard action by the Respondent against the Petitioner, wherein the Petitioner had put in seventeen (17) years of sincere and dedicated service and had worked hard only for the welfare and wellbeing of employer and its stakeholders, this absolute disregard of his sincere service coupled with unexplained prejudice, has deeply aggrieved the Petitioner wherein even after the absolute illegal termination of employment, Petitioner never received any support or any assistance to voice cause for his justice. Therefore, prayed to set aside the termination order passed against the Petitioner.

3. Notice served upon the Respondent but despite service of notice, Respondent failed to file any counter and the case proceeded ex-parte against Respondent. In ex-parte evidence Petitioner has filed his affidavit of chief

statement wherein he has reiterated the averments made in the petition. He has also exhibited photostat copies of documentary evidence filed in support of the claim. The details of the documents are:-

Ex. W1 is appointment letter issued by Indian Airlines dated 19-7-2005. Ex. W2/1 is termination letter No. RDSR/IFS/HYD/81011223/18 dated 2.2.2023. Ex.W2/2 is the letter No. RDSR/IFS/HYD/81011223/17 dated 2.2.2023 regarding reasons for issuing Ex.W2/1. Ex. W3 is email reply of Petitioner against the termination. Ex. W4 is Vande Bharat Mission report issued by Respondent (2 pages). Ex. W5 is article published by Respondent 2019-2020. Ex. W6 is photographs of Petitioner during Vande Bharat Mission during Covid-19. Ex. W7 is death certificate of Petitioner's father. Ex. W8 is Police verification certificate dated 12.3.2023. Ex. W9 is promotion letter dated 13.1.2014. Ex. W10 is fitness certificate of Petitioner. Ex. W11 is Eye certificate. Ex.W12 is legal notice dated 11.3.2023. Ex. W13 is postal receipts for issuance of legal notice. Ex. W14 are proof of delivery of legal notice.

4. Petitioner has also submitted written arguments. Heard. Perused the record. It is the settled law that even if the case is proceeding ex-parte against the Respondent it has to be decided on merits on the basis of appreciation of evidence adduced by the Petitioner on record and according to law.

5. At the outset Petitioner has strenuously argued that the Respondent vide letter dated 2.2.2023 has terminated his services without holding the departmental enquiry in gross violation of principles of natural justice. Therefore, the termination order dated 2.2.2023 passed by Respondent is de hors of the rules of the service and liable to be set aside.

6. In view of the submissions made by the Petitioner, perused the record. Document Ex. W1 is the appointment letter of Petitioner Sri Sunil Kumar dated 19.7.2005 stated to be issued by General Manager (Personnel) of Respondent, Indian Airlines, and it goes to show that Petitioner Sri Sunil Kumar has been appointed as Cabin Crew. Further, in para 4 of said Ex.W1 it is specifically mentioned that, during the tenure of service in the company, employee will be governed by the Indian Airlines Service Regulations applicable to the flying crew as framed and amended by the company from time to time and further it is mentioned that during the tenure of service in Indian airlines employee will be governed by the Indian Airlines Standing Orders (Regulations) concerning Discipline and Appeals as framed and amended by IAL from time to time. Further Ex.W2/1 is the termination order dated 2.2.2023 issued by Regional Director -Southern Region of Air India Limited whereby the services of the Petitioner Sri Sunil Kumar, Chief Cabin Crew has been terminated with immediate effect in terms of regulation and 13(a) of the Service Regulations applicable to him. Further, document dated 2.2.2023 annexed with the termination letter i.e., Ex.W2/2 goes to show the reasons of issuing the termination order of the Petitioner Sri Sunil Kumar from service are

mentioned therein. This document contains the details of reasons for termination of the service of the Petitioner which are reproduced as here under:-

*"It has been reported that while operating AI-942 sector RUH-HYD on 01.01.2023 you had a verbal duel with Mr. Premander Kumar Singh, another crew member, and thereafter both of you exchanged physical blows on each other, in full view of the business class passengers.*

*Finally, Capt. Devesh Silwal, the Co-Pilot came out of the cockpit and separated both of you and diffused the situation.*

*Subsequently, on 03.01.2023, you went to Mr Premander Kumar Singh's residence at around 11 pm with a group of people and created nuisance. You had threatened his mother in the presence of the apartment Secretary. The next day, Mr Premander Kumar Singh alongwith his father complained about this incident in Neredmet Police Station. You were summoned to the Police Station and counselled by the SI not to repeat this again.*

*Your above acts have thus caused harm and damage to the reputation of the Company in the eyes of travelling. and general public besides, unbecoming of a cabin and reflects poor management of CRM.*

*Your aforesaid acts clearly evidences that you have conducted yourself in a manner which is not conducive to the best interests, credit and prestige of the Company. In such circumstances, the Company has no other option than to terminate your employment under Regulation 13(a) of the Service Regulations applicable to you. As Regulation 13(a) permits the Competent Authority to terminate the services of a workman without assigning any reasons, a letter of simple termination/termination simpliciter, is attached herewith. This letter is being issued to you to convey the reasons of termination separately without assigning the same in the letter of termination.*

*We reserve our rights to justify our action in terminating your services by leading evidence, before any Court of Law, if and when required."*

Thus, from the document Ex.W2/1 and document Ex.W2/2, annexed with termination order goes to reveal that services of the Petitioner has been terminated with immediate effect in terms of Regulation 13 (a) of the Service Regulations applicable to the Petitioner. In this context the reference of decision of Hon'ble Supreme Court in the case of **Indian Airlines Ltd., vs. Prabha D. Kanan AIR 2007 Supreme Court 548** is relevant wherein Hon'ble Supreme Court have held:-

*"[Regulation 13](#) is invoked when the termination of the services is effected by reason of some act on the part of the employee which does not amount to misconduct. It can be invoked:*

- (i) where an employee is rendered incompetent and unsuitable.*
- (ii) where continuance in employment may also constitute a grave security risk.*
- (iii) where there is justifiable lack of confidence.*
- (iv) where lack of confidence must have a direct correlation to the nature of duties performed.*
- (v) where the Board must consider it to be necessary in the interest of the Corporation to immediately terminate the services of the employee concerned.*

*The provisions, therefore, provide for inbuilt safeguards.*

*In [Ajit Kumar Nag](#) (supra), a Three-Judge Bench of this Court had the occasion to construe Standing Order 20(vi) of the Certified Standing Orders of Indian Oil Corporation which reads as under:*

*"Where a workman has been convicted for a criminal offence in a court of law or where the General Manager is satisfied for reasons to be recorded in writing, that it is neither expedient nor in the interest of security to continue the workman, the workman may be removed or dismissed from service without following the procedure laid down under III of this clause."*

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*[Referring to Tulsiram Patel](#) (supra), this Court held that as security of a State is not involved and a limited power is conferred upon the General Manager being the highest administrative head of the Corporation, it cannot be contended that the power had been conferred upon a petty officer of the Corporation. It was further opined:*



"35. We are equally not impressed and hence unable to uphold the contention that clause (vi) of Standing Order 20 confers a blanket or uncanalised power on the General Manager. In our judgment, sufficient guidelines and safeguards have been provided in the Standing Orders themselves, such as (i) the power is conferred on the highest administrative head of the Corporation; (ii) eventualities have been specifically and expressly stated in clause (vi) of Standing Order 20; (iii) satisfaction of the General Manager that such an eventuality has arisen; (iv) recording of reasons in writing; and (v) right of appeal against the decision of the General Manager. Such a provision, in our considered view, cannot be held arbitrary or unreasonable, violative of [Article 14](#) of the Constitution."

*The Court further opined that even in absence of an appeal, the employee is not remediless as a power of judicial review would be applicable.*

*As has been held by this Court in [Ajit Kumar Nag](#) (supra), per se, the provisions cannot be held to be arbitrary or discriminatory."*

Thus, in view of law laid down by the Hon'ble Apex Court the termination order issued by the Respondent under Service Regulation 13(a) is legal and valid and there is no requirement of holding domestic enquiry in the present case against the Petitioner in view of provision contained under Regulation 13(a) of Service Regulations applicable to case of Petitioner. However, in the case of **Indian Airlines Ltd., vs. Prabha D. Kanan AIR 2007 Supreme Court 548**, constitutionality and / or validity of Regulation 13(a) of Indian Airlines (flying crew) Service Regulation has been held constitutionally valid.

7. Now, let us examine whether the conduct of the Petitioner as enumerated in the document annexed with Ex.W2/1 is covered under the Regulation 13(a) providing a reason to Respondent for issuing the termination order of the Petitioner from service. As it is evident from the document Ex.W2/2 that on 1.1.2023 when the Petitioner was on duty while operating A1- 942 sector RUH- HYD, the Petitioner had a verbal duel with Mr Premanand Kumar Singh another crew member and thereafter both of them exchanged physical blows on each other in full view of the business class passengers. Finally Capt. Devesh Silval, the Co-Pilot came out of the cockpit and separated both the of them and diffused the situation. Further, it is mentioned in Ex.W2/2 that subsequently on 3.1.2023 Petitioner went to Mr Premendra Kumar Singh's residence at around 11:00 PM with a group of people and created nuisance. Petitioner has threatened his mother in the presence of the Apartment Secretary. The next today Mr Premanand Kumar Singh along with his father complained about this incident in Neredmet Police Station. The Petitioner was summoned to the Police Station and counselled by the SI not to repeat this again. Further, it is mentioned that above acts of the Petitioner have thus caused harm and damage to the reputation of the company in the eyes of travelling and general public besides unbecoming of a cabin crew and reflects poor management of CRM. Therefore, the Respondent was of the view that the aforesaid acts clearly evidences that Petitioner have conducted himself in a manner which is not conducive in the best interests, credit and prestige of the company. In such circumstances, the company has no other

option than to terminate the Petitioner's employment under Regulation 13(a) of the Service Regulations applicable to the workman.

8. Thus, Respondent management has assigned cogent reason in Ex.W2/2 for issuing the termination order dated 2.2.2023 of the Petitioner from employment and that assigned reason has been denied and disputed by Petitioner. The aforementioned conduct of the Petitioner is quite unbecoming of as Chief Cabin Crew. Such conduct of Petitioner not only endangered the security of the passengers on board Aeroplane but also of the Aeroplane as well. Thus, Petitioner has shaken the confidence of the management by his aforementioned conduct that it was undesirable to continue him in his employment. Thus, the aforementioned conduct of the Petitioner as mentioned in Ex.W2/2 is grave and serious in nature. Petitioner was posted as Chief Cabin Crew and his conduct in view of the nature of his post and duties is unbecoming of his employment. Moreover, the said incident has taken place in view of public i.e., passengers on board which has caused serious loss to the reputation and business of the Respondent. Therefore, the conduct of Petitioner is not excusable in any circumstances as unbecoming of Chief Cabin Crew.

9. As regard the loss of confidence of the Respondent management in the employee due to the incidence narrated in the termination order, the reference of decision of Hon'ble Supreme Court in **Air India Corporation, Bombay vs. V.A. Rebellow & anr, 1972 AIR 1343** wherein Hon'ble Supreme Court have held:-

*"48. In our view, loss of confidence in such circumstances cannot be considered to be mala fide. We are unable to conceive of any rational challenge to the bona fides of the employer in making the impugned order in the above background. The complainant, it may be remembered had to deal with Air-Hostesses in the performance of his duties and if the appellant was not fully satisfied beyond suspicion about his general conduct and behaviour while dealing with them it cannot be said that loss of confidence was not bona fide. Once bona fide loss of confidence in affirmed the impugned order must be considered to be immune from challenge. The opinion formed by the employer about the suitability of his employee, for the job assigned to him even though erroneous, if bona fide, is in our opinion final and not subject to review by the industrial adjudication. Such opinion may legitimately induce the employer to terminate the employee's services; but such termination can on no rational grounds be considered to be for misconduct and must, therefore be held to be permissible and immune from challenge."*

Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, I am of the considered opinion that the termination order dated 2.2.2023 of the Petitioner from service issued by Respondent under Regulation 13(a) is legal and valid. Moreover, Respondent management while passing the termination order of the Petitioner has also disclosed the reason of issuing such order. Therefore, it cannot be said that the impugned termination order has been passed in violation of the principles of natural justice. There is no illegality or irregularity or impropriety in the said termination order hence, petition filed by the Petitioner against termination order sans merit, liable to be dismissed.

#### **AWARD**

In view of the fore gone discussion, the action of the Respondent in terminating the services of the Petitioner Sri Sunil Kumar, vide letter dated 2.2.2023 is held legal and justified. Petitioner is not entitled to any relief as prayed for. As such, the petition filed by the Petitioner as devoid of merits, stands dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 20<sup>th</sup> day of June, 2025.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner

Witnesses examined for the  
Respondent

WW1: Sri Sunil Kumar

MW1: NIL

#### Documents marked for the Petitioner

- Ex.W1: Photostat copy of appointment letter issued by Indian Airlines dated 19-7-2005
- Ex.W2/1: Photostat copy of termination letter No. RDSR/IFS/HYD/81011223/18 dated 2.2.2023
- Ex.W2/2: Photostat copy of Ir. No. RDSR/IFS/HYD/81011223/17 dated 2.2.2023 Reg. reasons of termination
- Ex.W3: Photostat copy of email reply of Petitioner against the termination
- Ex.W4: Photostat copy of Vande Bharat Mission report issued by Respondent
- Ex.W5: Photostat copy of article published by Respondent 2019-2020
- Ex.W6: Photostat copy of photographs of Petitioner during Vande Bharat Mission during Covid-19
- Ex.W7: Photostat copy of death certificate of Petitioner's father
- Ex.W8: Photostat copy of Police verification certificate dated 12.3.2023
- Ex.W9: Photostat copy of promotion letter dated 13.1.2014
- Ex.W10: Photostat copy of fitness certificate of Petitioner
- Ex.W11: Photostat copy of Eye certificate
- Ex.W12: Photostat copy of legal notice dated 11.3.2023
- Ex.W13: Photostat copy of postal receipts for issuance of legal notice
- Ex.W14: Photostat copy of proof of delivery of legal notice

#### Documents marked for the Respondent

NIL

नई दिल्ली, 4 जुलाई, 2025

**का.आ. 1325.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह - श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 16/2012-13) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल.-22012/107/2012-आई.आर.(सी.एम-II)]

मणिकंदन एन, उप निदेशक

New Delhi, the 4th July, 2025

**S.O. 1325.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 16/2012-13**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **03/07/2025**

[No. L-22012/107/2012– IR (CM-II)]

MANIKANDAN. N, Deputy Director

**ANNEXURE****BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,  
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/16/2012-13

Date: 29.04.2025.

**Party No.1:**

1. The Chief General Manager,  
Wani Area, Western Coalfields Ltd.,  
Post – Urjagram Tadali,  
Chandrapur (M.S).
2. The Sub Area Manager,  
Neeljai O/c Mines, Wani Area,  
Western Coalfields Ltd. Post – Neeljai,  
Tah – Wani,  
Yavatmal (M.S).

V/s.

**Party No.2:**

The Joint General Secretary,  
All India SC/ST/Backward Class Employees Co-ordination Council, Wani,  
Yavatmal (M.S.)

**AWARD**(Dated: 29<sup>th</sup> April, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Wani Area, Western Coalfields Ltd., and their workman Shri. R.P. Lanjewar, for adjudication, as per letter No. L-22012/107/2012 (IR(CM-II)) dated 31.07.2012, with the following schedule:-

**“With reference to CIL’s Career growth to Personnel with ITI Certificate Holder, Whether the Management’s denial to remove anomaly/pay disparity in respect of Shri. R.P. Lanjewar ITI Certificate Holder at par with his juniors who are drawing more wages in Wani Area of WCL is legal & justified? To what monetary benefit the workman is entitled to?”**

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 07/03/2019. Although statement of claim and written statement have been filed by the parties respectively. Petitioner has filed his affidavit as evidence. But petitioner has not turned up to the Court to establish the contents of the affidavit as well as the contents of the statement of claim. Petitioner has not adduced any evidence to establish his case. Petitioner is not coming to the Court for long time back. It appears that he is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

**ORDER**

**The Management’s denial to remove anomaly/pay disparity in respect of Shri. R.P. Lanjewar ITI Certificate Holder at par with his juniors who are drawing more wages in Wani Area of WCL is legal & justified. The workman is not entitled to any monetary benefit.**

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 4 जुलाई, 2025

**का.आ. 1326.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल.क प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण –सह – श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 30/2017-18) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2025 को प्राप्त हुआ था।

[सं. एल.-22012/62/2017-आई.आर.(सी.एम.-II)]

मणिकंदन एन, उप निदेशक

New Delhi, the 4th July, 2025

**S. O. 1326.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 30/2017-18**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **M/s.W.C.L.**, and received by the Central Government on **03/07/2025**

[No. L-22012/62/2017– IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,  
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/30/2017-18

Date: 14.05.2025.

**Party No.1:** The Sr. Manager (Mines),  
Western Coalfields Ltd. Sasti Open Case Mines,  
At Post. Sasti, Tah. Rajura, Distt. Chandrapur  
Chandrapur (M.S.)

V/s.

**Party No.2:** Shri. Manohar Fulzele S/o Govinda Fulzele,  
Ex. Employee, R/o Yenbodi, Tah. Ballarsha  
Distt. Chandrapur  
Chandrapur (M.S.)

**AWARD**

(Dated: 14th May, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Ltd Sasti Open Cast Mines, and their workman Shri Manohar Govinda Fulzele, for adjudication, as per letter **No. L-22012/62/2017 (IR(CM-II))** dated **16.11.2017**, with the following schedule:-

**“Whether the action of the management of WCL through the Sr. Manager (Mines), Sasti Open Cast Mine, Sasti Sub Area, Ballarpur, Distt. Chandrapur in termination of service of the applicant Shri Manohar Govinda Fulzele, Ex. Workman w.e.f. 28.03.2013 is just, fair or legal? If not, to what relief the concerned workman is entitled to?”**

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 08/04/2020. Although statement of claim and written statement have been filed by the parties respectively. Petitioner has also filed his affidavit as evidence but petitioner is not coming to the Court to prove the contents of the affidavit as well as the contents of the statement of claim. Petitioner is not coming to the Court since 08/04/2020. It appears that petitioner is not interested to contest the case further more. Claim of the petitioner is not proved. So. It is closed.

Hence, it is ordered.

**ORDER**

**The action of the management of WCL through the Sr. Manager (Mines), Sasti Open Cast Mine, Sasti Sub Area, Ballarpur, Distt. Chandrapur in termination of service of the applicant Shri Manohar Govinda Fulzele, Ex. Workman w.e.f. 28.03.2013 is just, fair or legal. The workman is not entitled to any relief.**

Justice (retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 14 जुलाई, 2025

**का. आ. 1327.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रमन्यायालय कोटा के पंचाट (केन्द्रीय)—03/2005(सीआईएस—03/2014)(सीएनआर—आरजेकेटी060000032005) प्रकाशित करती है।

[सं. एल— 12012/68/2005 आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 14th July, 2025

**S.O. 1327.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award(Ref. 03/2005(CIS-03/2014) (CNR-RJKT060000032005) of the *Indus.Tribunal-cum-Labour Court Kota* as shown in the Annexure, in the industrial dispute between the management Bank of Baroda and their workmen.

[No. L-12012/68/2005- IR(B-II)]

SALONI, Dy. Director

### अनुलग्नक

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

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

निर्देश प्रकरण क्रमांक:औ.न्या.(केन्द्रीय)—03/2005(सीआईएस—03/2014)

(सीएनआर—आरजेकेटी060000032005)

दिनांक स्थापित:01.10.2005

प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क.

एल—12012/68/2005(आईआर(बी-II)) दि.:30.08.2005

निर्देश/विवाद अन्तर्गत धारा 10(1)(घ) एवं उपधारा 2(क)

औद्योगिक विवाद अधिनियम,1947

मध्य

शिवनंदन कश्यप पुत्र माधो लाल कोली, निवासी— भोई  
मोहल्ला, कोटड़ी, कोटा

—प्रार्थी श्रमिक

एवं

1—ब्रांच मैनेजर, बैंक ऑफ बड़ौदा, रामपुरा, कोटा

2—रीजनल मैनेजर, बैंक ऑफ बड़ौदा, झालावाड़

—अप्रार्थी नियोजकगण

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:—

कोई उपस्थित नहीं

अप्रार्थी नियोजक की ओर से प्रतिनिधि:—

श्री सुरेश माथुर

अधिनिर्णयः

दि.: 26.11.2024

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के प्रासांगिक आदेश दिनांक 30.08.2005 के जरिये निर्देश विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे आगे "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10(1)(घ) एवं उपधारा 2(क) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ प्राप्त हुआ है:—

"Whether the workman Shri Shiv Nandan Kashyap was in continuous service of the Bank from 01.10.1995 to 31.10.2001? If yes, whether the action of termination the service of the workman by the Branch Manager, Bank of Baroda, Rampura Kota w.e.f. 31.10.2001 is legal and justified? If not to what relief the employees are entitled to and from which date?"

2— उक्त विवाद, न्यायाधिकरण में रेफर होने पर पंजीबद्ध कर पक्षकारों को उपस्थिति बाबत नोटिस जारी किए गए। नोटिस की पालना में प्रार्थी श्रमिक द्वारा उपस्थित होकर स्टेटमेंट ऑफ क्लेम न्यायाधिकरण के समक्ष प्रस्तुत कर संक्षिप्ततः यह कथन किया गया है कि प्रार्थी की प्रथम नियुक्ति प्रतिपक्षी के यहां चतुर्थ श्रेणी कर्मचारी के रूप में दिनांक 01.10.95 को हुई थी। प्रार्थी को 1200/-रु. मासिक वेतन प्रतिपक्षी द्वारा दिया जाता था। प्रार्थी की यह नियुक्ति बैंक ऑफ बड़ौदा द्वारा रामपुरा बाजार कोटा में हुई थी तथा वहां पर ही प्रार्थी के प्रतिपक्षी के नियोजन में निरंतर चतुर्थ श्रेणी कर्मचारी के रूप में कार्य किया। प्रार्थी से नियोजक द्वारा बैंक के सभी कार्य आवश्यकतानुसार लिए जाते थे, जैसे सफाई करना, पानी भरना व पानी पिलाना तथा जो भी कार्य प्रार्थी को दिए जाते थे, प्रार्थी नेकनीयती व ईमानदारी से कार्य करता रहा। प्रार्थी से कभी भी किसी बैंक कर्मचारी को अथवा किसी को भी कोई कभी शिकायत नहीं हुई। प्रार्थी ने दिनांक 01.10.95 से 31.10.2001 तक लगातार चतुर्थ श्रेणी के पद पर कार्य किया परंतु अचानक ही नियोजक ने दि. 01.10.2001 से प्रार्थी को ड्यूटी पर लेने से इंकार कर दिया। इस प्रकार प्रार्थी ने 6 साल एक माह बिना किसी सर्विस ब्रेक के नियोजक के अधीन कार्य किया, जिसका वेतन नियोजक द्वारा 1200/-रु. प्रतिमाह के हिसाब से प्रार्थी को भुगतान किया जाता रहा है। नियोजक द्वारा प्रार्थी को नौकरी से अलहेदा करने पूर्व नोटिस, नोटिस वेतन नहीं दिया गया प्रार्थी को हटाते समय अधिनियम की धारा 25 एफ व एन की पालना भी नहीं की गई है और प्रार्थना की है कि प्रार्थी को पिछले सम्पूर्ण वेतन सहित मय समस्त पिछले लाभों के सेवा पर बहाली का अनुतोष प्रदान किया जावे।

3— अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत कर यह प्रतिवाद किया गया है कि संस्थान के कूलरों में पानी भरना, तथा संस्थान की सफाई करना, संस्थान के स्थायी कार्य की श्रेणी में नहीं आते हैं। इस प्रकार के कार्य अक्सर डेली वैजेज पर कराए जाते हैं। प्रतिपक्षी संस्थान में नियुक्ति भारत सरकार द्वारा प्राप्त वैधानिक नियमों एवं दिशानिर्देशों से आमंत्रित है तथा ऐसी स्थिति के लिए निर्धारित प्रक्रिया का अनुसरण होता है। केन्द्र सरकार द्वारा दिए गए दिशा निर्देशों के अनुसार चतुर्थ श्रेणी कर्मचारी की नियुक्ति रोजगार कार्यालय के माध्यम से की जाती है एवं नियुक्ति केवल स्वीकृत पदों पर ही की जा सकती है। केन्द्रीय सरकार के उपरोक्त वर्णित दिशानिर्देशों की अनुपालना बैंक का वैधानिक दायित्व है। प्रार्थी का नाम कभी भी रोजगार कार्यालय द्वारा प्रस्तावित नहीं किया गया है, न ही उसे निर्धारित प्रक्रिया के तहत नियुक्ति दी गई है इसलिए उसका कथन कि उसे चतुर्थ श्रेणी कर्मचारी नियुक्त किया गया, सर्वथा असत्य है। प्रतिपक्षी एक राष्ट्रीय बैंक है जिसमें नियुक्ति के लिए नियम व एक चयन प्रक्रिया बनी हुई है, जिनको अपनाए बिना किसी व्यक्ति को नियोजित नहीं किया जा सकता है। प्रतिपक्षी के यहां नौकरी में रखे जाने से पूर्व रोजगार कार्यालय से योग्य उम्मीदवारों के नाम मंगवाए जाते हैं उनकी योग्यता के आधार पर उनकी लिखित परीक्षा होती है, उसमें उत्तीर्ण होने पर उनका भौतिक साक्षात्कार एक बोर्ड द्वारा किया जाता है। साक्षात्कार में सफल होने पर ही सफल उम्मीदवारों को नियुक्ति पत्र जारी किया जाता है, तब ही वह प्रतिपक्षी के यहां नियुक्त माना जाता है। प्रार्थी के मामले में ऐसी कोई प्रक्रिया नहीं हुई है, इस कारण यह नहीं माना जा सकता कि प्रतिपक्षी ने प्रार्थी को नियुक्त किया है। शाखा प्रबंधक को प्रतिपक्षी संस्थान में नियुक्ति का कोई अधिकार प्राप्त नहीं है। नियुक्ति पत्र सिर्फ जनरल मैनेजर द्वारा ही चयन प्रक्रिया के बाद जारी किए जाते हैं। प्रार्थी को इस प्रकार का कोई नियुक्ति पत्र जारी नहीं किया गया है ऐसी स्थिति में यह नहीं माना जा सकता कि प्रार्थी, प्रतिपक्षी संस्थान में नियोजित रहा है। प्रतिपक्षी संस्थान में कई कार्य ऐसे होते हैं जिनका संबंध संस्थान में होने वाले बैंकिंग कार्य से नहीं है, न ही इस प्रकार का कार्य पूरे दिन के लिए ही होता है, इन कार्यों को बैंक शुरू होने से पूर्व परिसर की सफाई करना, बैंक शुरू होने से पूर्व पानी के मटके भरने आदि हैं, जिनको संस्थान में नियोजित कर्मचारी नहीं माना जा सकता है। प्रतिपक्षी संस्थान के अलावा प्रार्थी अन्य स्थानों पर कार्य करने को स्वतंत्र था, इस समय भी अन्यत्र वह गेनफली एम्प्लॉयड है। अप्रार्थी द्वारा प्रार्थी को बैंक सेवा में कभी चतुर्थ श्रेणी कर्मचारी के रूप में दिनांक 01.10.95 में नियोजित नहीं किया गया एवं न ही इस आशय का कोई नियुक्ति पत्र जारी किया गया है। प्रार्थी द्वारा उक्त चरण में वर्णित है कि उसके द्वारा कूलरों में पानी भरना, सफाई करना आदि कार्य किए जाते थे इस प्रकृति के कार्य केवल दैनिक वेतन भोगी के द्वारा ही संपादित किए जाते हैं। प्रार्थी की नियुक्ति अप्रार्थी द्वारा किसी नियुक्ति पत्र के माध्यम से नहीं की गई है अतः समापन हेतु किसी नोटिस को दिए जाने का प्रश्न उत्पन्न नहीं होता। सर्वोच्च न्यायालय द्वारा ए.उमरानी बनाम रजिस्ट्रार को ऑफ सोसायटी एवं अन्य के वाद में यह धारित किया है कि यदि नियुक्ति अवैधानिक रूप से की गई है तो ऐसी अवैधानिकता को किसी भी संविधि के अंतर्गत प्रमाणित नहीं किया जा सकता है। सर्वोच्च न्यायालय द्वारा उत्तर प्रदेश राज्य बनाम नीरज अवस्थी (2006 (1) एससीसी 667) में निर्धारित किया है कि प्रक्रिया के अनुसरण के अभाव में किसी कर्मचारी की नियुक्ति अवैध एवं निंदात्मक है। अतिरिक्त सर्वोच्च न्यायालय द्वारा दि. 10.04.2006 को 5 न्यायाधीशों की खंडपीठ के अंतर्गत— सेक्रेटरी कर्नाटक राज्य बनाम उमादेवी एवं अन्य के प्रकरण में यह अनुमोदित किया है कि निर्धारित प्रक्रिया के अनुसरण के अभाव में किसी अस्थायी नियुक्ति को स्थायी नहीं बनाया जा सकता और प्रार्थना की है कि प्रार्थी का क्लेम प्रार्थना पत्र सव्यय खारिज किया जावे।

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

5— प्रार्थी पक्ष की ओर से आज 4.00 पी.एम. तक किसी के उपस्थित नहीं होने के कारण, आदेश दिनांक 20.11.2024 में वर्णितानुसार पत्रावली पर उपलब्ध सामग्री एवं अप्रार्थी की बहस के आधार पर प्रकरण का निस्तारण किया जा रहा है।

5— अप्रार्थी प्रतिनिधि को सुना गया, पत्रावली का अवलोकन किया गया। यद्यपि अप्रार्थी प्रतिनिधि की ओर से क्षेत्राधिकार के बिन्दू के पर कोई आपत्ति नहीं की गई है किन्तु न्यायालय को प्रकरण में सर्वप्रथम स्वतः यह देखना है कि क्या यह प्रकरण न्यायाधिकरण के क्षेत्राधिकार में आता है या नहीं। उक्त स्टेटमेंट ऑफ क्लेम प्रार्थी पक्ष द्वारा प्रस्तुत कर प्रार्थी को सेवा से हटाने की दि. 01.11.2001 अंकित की गई जबकि प्राप्त रेफरेंस आदेश निम्नानुसार है— "Whether the workman Shri Shiv Nandan Kashyap was in continuous service of the Bank from 01.10.1995 to 31.10.2001? If yes, whether the action of termination the service of the workman by the Branch Manager, Bank of Baroda, Rampura Kota w.e.f. 31.10.2001 is legal and justified? If not to what relief the employees are entitled to and from which date?" इस प्रकार स्पष्ट है कि रेफरेंस/विवाद अधिसूचना में प्रार्थी की सेवा पृथक्ता दि. 31.10.2001 अंकित है जबकि स्टेटमेंट ऑफ क्लेम व शपथ पत्र में 01.11.2001 है। ऐसे में यह स्थिति स्पष्ट नहीं है कि यह न्यायालय कौनसी सेवा पृथक्ता दिनांक मानकर रेफरेंस का निस्तारण करेगा। क्या यह न्यायालय प्रार्थी पक्ष द्वारा बतायी गई तिथि के आधार पर प्रकरण का गुणावगुण पर निस्तारण कर

सकता है अथवा नहीं? इस बाबत माननीय राजस्थान उच्च न्यायालय द्वारा पारित निर्णय "महावीर कण्डक्टर बनाम नन्द किशोर—2003 डबल्यूएलसी(राज.) यू.सी. पृष्ठ 424" के पेरा नम्बर 12 में माननीय न्यायालय के द्वारा निम्न अभिमत प्रकट किया गया है:—"Thus, in view of the above, I reach the inescapable conclusion that the Labour Court has no competence to correct/modify/amend/alter the terms of the reference or mention the date of termination etc., or proceed with the reference and accepting the date of termination as suggested by the workman and in case it does so the award becomes nullity, being without jurisdiction, based on the bad reference."

7— इसी निर्णय के पेरा संख्या 11 में माननीय उच्चतम न्यायालय के द्वारा "मदनपाल सिंह बनाम उत्तरप्रदेश राज्य एवं अन्य—एआईआर 2000 सुप्रीम कोर्ट पृष्ठ 537" का उल्लेख भी किया गया है जिसमें माननीय उच्चतम न्यायालय के द्वारा यह मत व्यक्त किया गया है कि श्रम न्यायालय का क्षेत्राधिकार रेफ्रेन्स में अंकित बिन्दु तक ही सीमित होता है और उसे रेफ्रेन्स से परे जाकर पक्षकारों के नामों या तिथियों में किसी भी प्रकार का कोई परिवर्तन या संशोधन करने की अधिकारिता नहीं है। नामों व तिथियों में कोई परिवर्तन या संशोधन करवाना है तो पक्षकारों को समुचित सरकार के समक्ष अपना पक्ष रखकर इस बाबत कार्यवाही करवानी होगी।

8— अतः उक्त निर्णयों के प्रकाश में यह स्पष्ट है कि रेफ्रेन्स/अधिसूचना में प्रार्थी की सेवा पृथकता दि.31.10.2001 एवं स्टेटमेंट ऑफ क्लेम व शपथ पत्र में सेवा पृथकता दि.01.11.2001 भिन्न होने से न्यायालय क्लेम में अंकित सेवा पृथकता दिनांक को आधार मानकर निर्णय पारित नहीं कर सकता है क्योंकि ऐसा निर्णय क्षेत्राधिकार के अभाव का होगा और शून्य होगा। लेकिन यह न्यायालय जब तक कि रेफरेंस में संशोधन न हो जाए तब तक अग्रिम कार्यवाही नहीं कर सकता। लिहाजा इस दृष्टि से चूँकि हस्तगत रेफ्रेन्स आदेश एवं स्टेटमेंट ऑफ क्लेम में उसे हटाने की तिथियां अलग-अलग हैं ऐसे में फिलहाल यह प्रकरण इस न्यायालय के क्षेत्राधिकार का होना नहीं पाया जाता है, परन्तु पक्षकार यदि समुचित सरकार से इस बाबत रेफ्रेन्स आदेश में संशोधन करवाकर न्यायालय में पेश करते हैं तो न्यायालय ऐसे रेफ्रेन्स आदेश पर विधि अनुसार कार्यवाही कर सकता है।

परिणामतः श्रम मंत्रालय, भारत सरकार द्वारा अपनी प्रासांगिक अधिसूचना दि. 30.08.2005 के जरिये सम्प्रेषित निर्देश/विवाद को इसी अनुरूप उत्तरित किया जाता है कि वर्णित रेफ्रेन्स अधिसूचना एवं स्टेटमेंट ऑफ क्लेम में प्रार्थी की सेवा पृथकता तिथियां अलग-अलग हैं और स्टेटमेंट ऑफ क्लेम में अंकित तिथि को न्यायालय आधार मानकर निर्णय पारित नहीं कर सकता है क्योंकि इस रेफ्रेन्स आदेश में अधिनिर्णय पारित किया जाना शून्य एवं क्षेत्राधिकार के अभाव का होगा। पक्षकार यदि समुचित सरकार से प्रार्थी की सेवा से हटाने की तिथि बाबत रेफ्रेन्स आदेश में संशोधन करवाकर पेश करें तो प्रकरण में विधि अनुसार निस्तारण की कार्यवाही की जा सकेगी।

संदीप कुमार शर्मा, न्यायाधीश

अधिनिर्णय आज दिनांक 26.11.2024 को खुले न्यायाधिकरण में सुनाया जाकर हस्ताक्षरित किया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

नई दिल्ली, 14 जुलाई, 2025

**का. आ. 1328.**—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, धनबाद-I, के पंचाट (संदर्भ संख्या 52/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/07/2025 को प्राप्त हुआ था।

[सं. एल -20012/103/2007-आई.आर.सी एम-I]

मणिकंदन एन, उप निदेशक

New Delhi, the 14th July, 2025

**S.O. 1328.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I as shown in the Annexure, in the industrial dispute between the Management of BCCL and their workmen received by the Central Government on 14/07/2025.

[No. L-22012/103/2007- IR (CM-I)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

#### Reference Case No. 52/2007

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer



**Appearances:**

For the Employers :- Sri Chandra Prakash, Manager (HR)

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 02/07/2025

**AWARD.**

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/103/2007-(IR(CM-I)) dated 25/10/2007 has been pleased to refer the following dispute between the employer i.e. management of Kusunda Area of M/s. BCCL and their workman through Secretary, Rashtriya Colliery Mazdoor Sangh, Kusunda, Dhanbad for adjudication by this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Dhansar Colliery of M/s. BCCL in dismissing the services of Sh. Dilip Kr. Sao, M/Loader, w.e.f. 3.6.2005 is justified and legal? If not, to what relief is the concerned workman entitled?”**

2. On receiving order no. L-20012/103/2007-(IR(CM-I)) dated 25/10/2007 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 52 of 2007 was registered on 07.11.2007 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice none appeared from either side, the regd. notice was sent to workman/union returned with remarks “Left return to sender” and thereafter no step was taken on behalf of the workman. On 13.06.2025, Sri Chandra Prakash, Manager (HR) of management appeared. The case record shows that this case is of the year 2007 and since then no step has been taken from the side of the workman which shows that he has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

**ORDERED**

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 14 जुलाई, 2025

**का. आ. 1329.—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सीएल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I, के पंचाट (संदर्भ संख्या 31/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/07/2025 को प्राप्त हुआ था।

[सं. एल -20012/41/2005-आई.आर.सी एम-I]

मणिकंदन एन, उप निदेशक

New Delhi, the 14th July, 2025

**S.O. 1329.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 31/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I as shown in the Annexure, in the industrial dispute between the Management of BCCL. and their workmen received by the Central Government on 14/07/2025

[No. L-22012/41/2005-IR (CM-I)]

MANIKANDAN. N, Dy. Director

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

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

**Reference Case No. 31/2007**

Employer in relation to the management of Block-II Area of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

**Appearances:**

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

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 02/07/2025

**AWARD.**

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/41/2005 (IR(CM-I)) dated 21/31.05.2007 has been pleased to refer the following dispute between the employer i.e. management of Block-II Area of M/s. BCCL and their workman through Jt. General Secretary, Rashtriya Colliery Mazdoor Congress, Dhanbad for adjudication by this Tribunal:

**SCHEDULE**

**“Whether the action of management of Block-II Area of M/s BCCL in not paying overtime for 337 hours, D.A. for 32 days and cost of maintenance of vehicle amounting to Rs. 1142.25 to Shri Suresh Chowhan, Driver is justified and legal? If not, to what relief is the concerned workman entitled?”**

2. On receiving order no. L-20012/41/2005 (IR(CM-I)) dated 21/31.05.2007 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 31 of 2007 was registered on 03.07.2007 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of notice, the registered post of union was returned with remarks “Addressee Moved.” and thereafter no further step was taken from the side of the workman whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management and filed his letter of authority but the workman never appeared before the Tribunal since 03.07.2007.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 18 years which shows that the workman has no interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

**ORDERED**

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 14 जुलाई, 2025

**का.आ. 1330.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधन के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह- श्रम न्यायालय, धनबाद-I, के पंचाट (संदर्भ संख्या 04/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/07/2025 को प्राप्त हुआ था।

[सं. एल -20012/213/2003-आई.आर.सीएम-I]

मणिकंदन एन, उप निदेशक

New Delhi, the 14th July, 2025

**S.O. 1330.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2004) of the Central Government Industrial Tribunal-

**cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **ECL. and their workmen** received by the Central Government on 14/07/2025

[No. L-22012/213/2003–IR (CM-I)]

MANIKANDAN. N, Dy. Director

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

#### Reference Case No. 04/2004

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

#### Appearances:

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

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 02/07/2025

#### AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government Of India through the Ministry of Labour, vide its Order No.L-20012/213/2003-IR(C-I) dated 24/12/2003 has been pleased to refer the following dispute between the employer i.e. management of Mugma Area of M/s. ECL and their workman through Secretary, Bihar Colliery Kamgar Union, Hirapur, Dhanbad for adjudication by this Tribunal:

#### SCHEDULE

**“Whether the action of the management of Badjna Colliery under Mugma Area of M/s ECL in dismissing Sri Shambhu Bhuia, U.G. Loader, vide order dated 25/30.11.98 of the General Manager, Mugma Area of M/s Eastern Coalfields Ltd., is justified? If not, to what relief is the concerned workman entitled?”**

2. On receiving order no. L-20012/213/2003-IR(C-I) dated 24/12/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 04 of 2004 was registered on 02.01.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice, written statement has been filed by Sri K. Chakraborty, Ld. Advocate on behalf of the workman. Sri D.K. Verma, Ld. Advocate appeared from the side of the management and filed his letter of authority on 22.03.2005. It further transpires that written statement and rejoinder has been filed by the management but when the case record was put up after a long gap, registered notices were again sent and thereafter no step was taken from the side of the workman. Whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management but the workman never appeared before the Tribunal since 15.02.2006.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 19 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

#### **ORDERED**

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 14 जुलाई, 2025

**का.आ. 1331.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण - सह - श्रम न्यायालय, धनबाद-I, के पंचाट (संदर्भ संख्या 64/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/07/2025 को प्राप्त हुआ था।

[सं. एल -20012/61/2004-आई.आर.सी.एम-I]

मणिकंदन एन, उप निदेशक

New Delhi, the 14th July, 2025

**S.O. 1331.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 64/2004**) of the **Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of **BCCL** and **their workmen** received by the Central Government on 14/07/2025

[No. L-22012/61/2004-IR (CM-I)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

#### Reference Case No. 64/2004

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

#### Appearances:

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

For the workman. :- None.

State : Jharkhand.

Industry:-Coal

Dated 02/07/2025

#### AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour, vide its Order No. L-20012/61/2004-IR(C-I) dated 28/06/2004 has been pleased to refer the following dispute between the employer i.e. management of Kustore Area of M/s. BCCL and their workman through Vice President, Dhanbad Colliery Karamchari Sangh, Hirapur, Dhanbad for adjudication by this Tribunal:

#### SCHEDULE

**“Whether the action of the management of BCCL, Kustore Area in dismissing Sh. Roshan Mahato, Miner Loader from service w.e.f. 25.1.2000 is just, fair and legal? If not, to what relief is the said workman entitled?”**

2. On receiving order no. L-20012/61/2004-IR(C-I) dated 28/06/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 64 of 2004 was registered on 12.07.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice, none appeared from either side though on 13.06.2025, Sri N. Nath O.S. Legal (HQ) of management appeared. The case record shows that after issuance of notice, the workman never appeared before the Tribunal since the year 2004, which makes it clear that the workman has no interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

4. Hence,

#### **ORDERED**

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

SACHINDRA KUMAR PANDEY, Presiding Officer

नई दिल्ली, 14 जुलाई, 2025

**का.आ. 1332.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 32/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14/07/2025 को प्राप्त हुआ था।

[सं. एल-20013/01/2025-आई.आर.सी.एम- II]

मणिकंदन एन, उप निदेशक

New Delhi, the 14th July, 2025

**S.O. 1332.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 32/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **14/07/2025**.

[No. L-22013/01/2025-IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 32/2020

Ref. No. D-826/AB/2020/18/IRDDN dated 03.09.2020/09.09.2020

**BETWEEN**

1. Shri Ashok Kumar, S/o Shri Phool Chandra, Village-Simrawa, Post-Khas Thana, Tehsil-Mitauli, Distt.-Lakhimpur-Kheri (UP).
2. Sh. Rajender Saxena (Representative) M/s Keshav Singh and Ors. T.P.No. 315, Katia Tolla, Shahajanpur (UP).

**AND**

1. The General Manager (Principal Employer) Food Corporation of India, Regional office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow(UP).
2. The Regional Manager (Appointing Authority), Food Corporation of India (FCI), Distt. Office, Shahjahanpur (UP).

**AWARD**

By order No. D-826/AB/2020/18/IRDDN dated 03.09.2020/09.09.202 the present industrial dispute has been referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

*“Whether the termination of the service of Shri Ashok Kumar S/o Shri Phool Chanddra, who was engaged in Roja Depot of FCI, Shahajanpur, (UP) by M/s Keshav Singh, Contractor of FCI, the period 08.07.2008 to 23.04.2010 is proper and justified. If not, to what relief, the workman is entitled to?”*

Accordingly, an industrial dispute No. 32/2020 has been registered on 22.10.2020.

On 04.03.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 24.04.2020.

On behalf of the respondent statement of defense filed on 10.02.2023 in which preliminary objection also taken by the respondent.

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

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

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

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

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

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

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

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

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

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

Award as above.

Lucknow.

09<sup>th</sup> April, 2024

Justice ANIL KUMAR, Presiding Officer

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

नई दिल्ली, 15 जुलाई, 2025

**का.आ. 1333.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़- II के पंचाट (01/2024) प्रकाशित करती है।

[सं. एल -39025/01/2025-आई.आर.(बी-II)-14]

सलोनी, उप निदेशक

New Delhi, the 15th July, 2025

**S.O. 1333.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 01/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-II* as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workmen.**

[No. L-39025/01/2025- IR (B-II)-14]

SALONI, Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH.**

**PRESIDING OFFICER MR. KAMAL KANT**

**ID No.01/2024**

United Forum of We Bankers, New MIG-53, Hemant Vihar, Barra-2, Kanpur-208027

.....Workers Union

Versus

Regional Manager, Bank of Baroda, Regional Office, Amritsar

.....Management

Present: Mr. Kamlesh Chaturvedi, AR for workers union along with Ms. Shaphali Jain.  
None for Management.

**ORDER:21.02.2025**

Workman along with her AR is present since morning, but nobody is present on behalf of the management. It is already 01:45 PM, therefore, management is proceeded ex parte.

In this case, on 12.11.2024, ld. counsel for the management has made a statement, which reads as follow:

*“That the bank is ready to transfer the workman at Jammu subject to the condition she is examined by a medical board constituted by Civil Surgeon, Jammu and Civil Surgeon Jammu further give observation that facility of treatment are not available as required by the workman at Katra.”*

In view of the aforesaid statement of ld. counsel for management, this Tribunal has directed CMO Jammu to constitute a medical board and assess the disability of the workman and report whether the facility of treatment as required by the workman are available at Katra or not and the case was adjourned for 16.12.2024. On 16.12.2024, medical report conducted by the medical board was produced by the workman. However, CMO has not clarified whether the facility to treat the workman is available at Katra or not and this Tribunal has directed Director Health Services, Jammu/Srinagar to examine the matter and report whether the facility, of the treatment of disease for which workman is suffering, is available at Katra or not by next date of hearing and the case was fixed on 03.02.2025.

On 03.02.2025, report of Director, health services was placed on record by the AR for union and in the said report dated 21.12.2024 submitted by the Director, Health Services, Jammu, he has sent the report furnished by Block Medical Board, CHC Katra, which reads as follow:-

*“In compliance to your office letter no.DHS/J/Gen/2132-34 dated 19.12.2024, it is stated that the treatment for ankylosing spondylitis with severe involvement of cervical, dorsal, lumber spine with both sacroiliac X hip joints with gross stiffness with cervical X lumber radiculopathy with both hands poor grip X numbness hands X legs with X requiring cervical lumber support is not available at CHC Katra due to unavailability of Orthopaedic and Neurology Consultants.”*

On 03.02.2025, ld. counsel for the management stated that he would try to get the applicant transferred at Jammu on the basis of the report, if it is in her favour and the case was fixed on 21.02.2025.

In this case, reference was received from the Central Government bearing no.08(55)/2023/RLC/JMU dated 05.04.2024, which reads as follow:

*“Whether the action of the management of the Chief General Manager, HRM, Bank of Baroda, Mumbai, Maharashtra-400051 and the regional manager, Bank of Baroda, Amritsar for not considering transfer request from Katra to Jammu and special leave w.e.f. 20.08.2022 to its workman is legal and justified? If not, then to what relief the concerned workmen are entitled to and from which date?”*

In view of the position explained above and this fact that the Director, Health Services, Jammu has already sent his report as reproduced above that the treatment, which the workman required for her disease, is not available at



Katra, the management is directed to get the workman transferred from Katra to Jammu with immediate effect.

So far as other issues are concerned, workman is directed to lead its evidence on those issues and file affidavit regarding the same on the next date. The case is adjourned for 16.04.2025 for filing affidavit of workmen.

KAMAL KANT, Presiding Officer

नई दिल्ली, 15 जुलाई, 2025

**का.आ. 1334.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार रत्नाकर बैंक लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रमन्यायाल कोल्हापुर के पंचाट **(07/2014)** प्रकाशित करती है।

[सं. एल -12012/74/2014-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 15th July, 2025

**S.O. 1334.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 07/2014) of the *Indus.Tribunal-cum-Labour Court Kolhapur* as shown in the Annexure, in the industrial dispute between the management of Ratnakar Bank Limited and their workmen.

[No. L-12012/74/2014- IR(B-I)]

SALONI, Dy. Director

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL NO.1, AT KOLHAPUR.

Reference(IT) No.07/2014

#### Between :

Ratnakar Bank Limited,

1<sup>st</sup> Lane, Shahupuri, Kolhapur

(Through its Vice-President)

.. First Party.

#### And

Shri Avadhoot Prabhakar Ghorpade

A/p. Khadakewada,

Tal. Kagal, Dist. Kolhapur.

.. Second Party.

**CORAM** : S. S. Khandekar, Presiding Officer.

(J.O. Code :- MH-02957)

#### **IN THE MATTER OF REFERENCE U/S.10 OF THE INDUSTRIAL DISPUTES ACT, 1947.**

**APPEARANCES** : None for First Party.

Shri S. K. Patil, Advocate for Second Party.

#### **AWARD :-**

(Date : 29.03.2025)

1. This is a reference, referred by the appropriate Government, in exercise of its power under clause (d) of Sub-section (1) and sub section (2A) of section 10 of the Industrial Dispute Act, 1947, vide order dated 16.12.2014, to adjudicate the dispute between the parties with following schedule **“Whether the action of the management of Ratnakar Bank Limited in terminating the services of Shri Avdhoot Prabhakar Ghorpade, w.e.f. 05.08.2013, is justified? if not, to what relief the workman is entitled to?”**



2. On reference of this dispute the Second Party workman filed its statement of claim at Exh.U-3. The contentions and submissions of the workman as per statement of claim are summarized as follows:-

- a) The workman was working with the First Party Bank in the capacity of Peon in clause-IV category in its Rukadi Branch.
- b) He was issued with an order of suspension dated 28.07.2009, alleging charges of misappropriation.
- c) Thereafter, after further lapse of 10 months he was issued with the charge-sheet dated 26.05.2010.
- d) The workman submitted his reply to the charge-sheet on 23.03.2011, denying all the charges leveled against him.
- e) The disciplinary proceeding was initiated against the workman by conducting domestic enquiry.
- f) The Enquiry Officer submitted his report and findings, which was replied by the workman on 25.07.2013.
- g) The workman was thereafter issued with an order of dismissal dated 05.08.2013.
- h) The workman preferred an appeal to the appellate authority of the Bank, which was rejected.
- i) The workman submits that the order of dismissal issued upon him is illegal and unjustified. The order of dismissal was proceeded by issuance of charge-sheet and conducting domestic enquiry. The domestic enquiry conducted against him is in total violation and in utter disregard of the principle of natural justice.
- j) It is also submitted that the Bank has not considered the objection of the workman in respect of appointment of new Enquiry Officer in place of the earlier Enquiry Officer.
- k) It is also submitted that the findings of the Enquiry Officer are perverse and not based on evidence before him. The Enquiry Officer has failed to consider the evidence on record and material points. Also the materials admissions by the witness of the management during the cross-examination is ignored.

3. The First Party Bank appeared in the matter and filed its written-statement at Exh.C-2, inter-alia, denying the entire contentions and submissions of the workman in his statement of claim. On behalf of the Bank it is submitted as follows:-

- a) The workman was employee with Bank at its Rukadi Branch as Peon. Being relatively small establishment the workman was responsible for undertaking some additional duties.
- b) In the month of June 2009, the Branch Manager of the concerned Branch received a Complaint in respect of unauthorized withdrawal from saving account of a customer in July 2008.
- c) Upon preliminary, enquiry, it was revealed that there has been multiple withdrawals from May-July 2008 for which withdrawal slips could not be traced.
- d) On questioning the workman did not give satisfactory answer however later on he was voluntarily tendered his confession on 03.06.2009. In the said confession letter the workman has clearly mentioned that from June 2007, onwards he has unlawfully withdrawn money from 25-30 different bank accounts from time to time, by forging signature of the customer amounting to about 3,00,000/-. In the confession letter he agreed to compensate the Bank for the last cause of it.
- e) The Bank submits that domestic enquiry conducted against the workman is by adherence to the principle of natural justice. The employee was given due opportunity to defend himself and participate in the inquiry proceedings.
- f) The Bank further submits that the findings of the Enquiry Officer are based on evidence before him and not perverse.
- g) It is also submitted by the Bank that, the workman did not examine himself in the enquiry although ample opportunity was given to him.

4. Since the workman had assailed the conduct of the enquiry and also the findings of the Enquiry Officer, issues were framed at Exh.O-8 and the same have been decided as preliminary issues vide Part I Award dtd. 04.09.2019. My Ld. Predecessor observed as follows :-

: ORDER :

- 1) *The domestic enquiry conducted against the Second Party Workman is legal and proper.*
- 2) *The findings of the Enquiry Officer are legal and not perverse.*

5. It is observed in Part I Award that the workman was issued with the charge-sheet dated 26.05.2010 and his explanation was called for. Thereafter enquiry was initiated against him by appointing an Enquiry Officer. The workman participated in the enquiry through his defence representative, who was a Advocate. The workman was

supplied with all documents filed during the enquiry. He was also given an opportunity to examine the management witness at length. He was given copy of the enquiry proceedings. The workman was also granted opportunity to examine himself during the enquiry.

After discussing the facts and evidence, it is concluded that though opportunity was granted to the workman to lead evidence on his behalf, he has failed to avail the same.

6. It is also discussed that the charges leveled against the workman as per the charge-sheet dated 26.05.2010 was in respect of the illegal transaction committed by the workman, which amounted to act of misappropriation. The detail of the facts to arrive at such allegations are mentioned clearly in the charge-sheet. It is alleged that on 21.04.2007, the workman debited total amount to Rs.4500/- from the FDR loan account of 3 customers and credited it to his saving account. In similar way on 03.05.2007 he has debited an amount of Rs.3800/- from account of a customer and credited to his own saving account and also intentionally destroyed withdrawal slip from the record. It is further alleged that, similarly, on 01.10.2007, he debited a total amount of Rs.6100/- from account of 4 customers and credited the same to his saving account. Thereafter for a period between 16.01.2008 to 02.07.2008, he has withdrawn amount from time to time from the account of total 16 customers. Further it is alleged that he has not kept the withdrawal slips of about 38 customers on record between the period from 09.06.2008 to 30.07.2009. At the time of transaction, in this account the workman has used the tailor ID of Satish Kulkarni and has misappropriated the amount and also destroyed the related challans.

7. The workman immediately did not submit his explanation to the charge-sheet and vide an application dated 27.10.2010 called for certain documents from the Bank so as to submit his explanation. On 23.03.2011, the workman submitted his explanation. Vide his explanation he has denied the charges which were leveled against him. However the documents filed in the enquiry shows that on 03.06.2009, the workman has submitted in writing, admitting that he has misappropriated the amount. Further the workman has accepted the responsibility and submitted that he is ready to make good the loss caused to the Bank. However the workman in his explanation to the charge-sheet has not made any submission in respect of this application dated 03.06.2009.

8. Even otherwise, during enquiry, the Bank has filed voluminous documents on record to show that the workman has conducted the transactions as alleged against him in the charge-sheet. The Bank has also examined 2 witness on its behalf to substantiate the charges leveled against the workman. Both the witness have stated in support of the charge-sheet as well as documents filed on record. The workman in the cross-examination could not show anything to discard the said contentions of the witness. Also the workman has given a confession letter to the Bank that he is responsible for such unauthorized withdrawals, which he has not retaliated.

9. Thus, it is concluded that there is prudent and probable material before the Enquiry Officer so as to link the workman with the alleged misconduct. It therefore cannot be said that the findings of the Enquiry Officer is perverse.

10. Thus, the remaining issues for adjudication are as follows :-

### ISSUES

### FINDINGS

- |    |                                                                                                                                                                 |                     |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 3. | Whether the second party workman proves that the dismissal order dtd. 5.8.2013 is illegal and arbitrary and deserves to be quash and set aside ?                | In the Negative.    |
| 4. | Whether the second party workman is entitled to the reliefs of reinstatement, continuity of service and full back wages along with all consequential benefits ? | In the Negative.    |
| 5. | What Award ?                                                                                                                                                    | As per final order. |

### REASONS :

#### AS TO ISSUES NO. 3 & 4 :-

11. In a given case if the adjudicating forum has arrived at the conclusion that the enquiry is fair and proper and findings of enquiry officer are not perverse, the initial burden to prove that the punishment is shockingly disproportionate considering the misconduct is upon the employee / workmen. Only when the said burden is satisfactorily discharged, the onus shifts upon the employer to disprove the same.

12. In the present matter, although Part I judgment came to be delivered on 4.9.2019 it required certain time for

its publication and finally the Part I Award came to be published on 15.12.2023. Thereafter also, the litigating parties sought time on various dates. Ultimately, the first party bank remained unrepresented on account of withdrawal of Vakalatnama of its Counsel. Also, the second party workman instead of proceeding with the reference, preferred application Exh.U-13 on 11.12.2024 for amendment. The rejection thereof was challenged by the second party before the Hon'ble Bombay High Court by way of W.P. No. 2489/2025. The Hon'ble Bombay High Court vide judgment dtd.25.2.2025 rejected the same.

13. The second party filed its affidavit on 21.3.2025 vide Exh.U-26. As the either first party remained absent since long no cross order came to be passed on the same day and matter came to be listed for arguments.

14. The Ld. Counsel for the second party filed case laws with list Exh.U-28 and U-29 respectively as follows :-

a) **Sachiv/General Manager, District Co-op. Bank Ltd. vs. The Presiding Officer** 2011 (2) UAD 1

In the said case, the employer failed to prove charges of embezzlement. It is concluded that although workmen committed some irregularities but these were not sufficient for punishment of dismissal. Thus, the facts of said case are distinct from the present matter.

b) **Director, Gangadhar Mishra vs. Director, Textbook Production and Marketing** 2005 (II) OLR 663

In the said case, the duty of the employee was to assist junior Auditor and had no independent responsibility.

c) **Punjab National Bank vs. Kartar Singh** 2023 III CLR 843

In the said case, the employee had tampered with marking his attendance and withdrawing sum from his account without sufficient balance. Also the employer did not decide the appeal for 7 years. Thus, the facts are distinct.

15. The Ld. Counsel for the second party argued in consonance with the pleadings raised through statement of claim. It is argued that u/s. 11A of the Industrial Disputes Act, 1947, this Tribunal has ample powers to grant suitable relief considering the alleged misconduct. It is argued that befitting orders considering the facts of the case be passed as dismissal results in severe and grievous loss of the employee.

16. In the present matter, this Tribunal has already discussed that case laws relied by the second party are not applicable. The misconduct of the second party as can be seen from termination order itself is serious and cannot be handled lightly. My Ld. Predecessor has already concluded that the second party admitted his misconduct and also failed to lead any evidence during enquiry. Trust and faith upon the employee is sine-quo-none for employment in banking industry. Thus, no leniency can be shown in the facts of the case. The employee is required to show that the punishment is shockingly disproportionate to the misconduct.

17. The Hon'ble Supreme Court in the case of Damoh Panna Sagar Rural Regional Bank & Ors. vs. Munna Lal Jain 2005 I CLR 821 was pleased to observe as under ;

*It needs no emphasis that when a Court feels that the punishment is shockingly disproportionate, it must record reasons for coming to such a conclusion. Mere expression that the punishment is shockingly disproportionate would not meet the requirement of law. Right to reason is an indispensable part of a sound judicial system. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out.*

In the present matter, the punishment is befitting the misconduct. Hence, the issues no. 3 & 4 are answered accordingly.

#### **AS TO ISSUES NO. 5 :-**

18. The action of the management of Ratnakar Bank Ltd. in terminating the services of Shri Avdhoot Prabhakar Ghorpade w.e.f. 5.8.2013 is justified. The workman is not entitled for any reliefs. Accordingly the following order is passed :-

#### **: ORDER :**

1. The reference is answered in the negative.
2. No order as to costs.
3. Inform to the Central Government accordingly.

Kolhapur.

S. S. KHANDEKAR, Presiding Officer

Date : 29.03.2025.

Industrial Tribunal No.1, Kolhapur.

Argued on : 25.03.2025  
 Dictated on : 29.03.2025  
 Transcribed on : 01.04.2025  
 Checked and signed on : 01.04.2025

नई दिल्ली, 16 जुलाई, 2025

**का.आ. 1335.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर के पंचाट(एलसी/आर-80/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/07/2025 को प्राप्त हुआ था।

[सं. एल -20012/58/2015-आई.आर.सी एम-II]

मणिकंदन एन, उप निदेशक

New Delhi, the 16th July, 2025

**S.O. 1335.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/80/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of SECL, and their workmen, received by the Central Government on **16/07/2025**.

[No. L-22012/58/2015-IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

**No. CGIT/LC/R/80/2015**

**Present: P.K.Srivastava**

**H.J.S.( Retd.)**

**President**

**South Eastern Koyla Mazdoor Congress  
(INTUC),**

**Jamuna Kotma Region,**

**B-24, Civil Lines, Anuppur (M.P.)-484336**

**Workman**

**Versus**

**Sub-Regional Manager**

**Kotma Gobindas Sub Region, SECL**

**Post Office – Pasaan, Anuppur (M.P.)-484444**

**Management**

#### AWARD

**(Passed on this 18<sup>th</sup> day of June- 2025.)**

As per letter dated 14/09/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/58/2015/IR(CM-II) dt. 14/09/2015. The dispute under reference related to :-

**“क्या प्रमाणित स्थाई आदेश में प्रावधान होने तथा श्री मनीष कुमार त्रिपाठी द्वारा लगातार 1 दर्जा से अधिक कार्य करने के बावजूद उनको सेवा में स्थाई/नियमित न किया जाना उचित है ? यदि नहीं तो कर्मकार क्या अनुतोष पाने का पात्र है ? ”**

Notices were sent to the parties after registering a case on the basis of reference. They appeared and filed their respective statements of claims and defense.

**The case of the workman union**, as taken by them in their statement of claim is mainly that the workman Manish Kumar Tripathi is member of the union and is at present working as Data Entry Operator in Kotma Gobinda Siding of SECL, the union is a registered union and is affiliated INTUC. The workman was appointed as Land Oustee because lands owned by his family were acquired by the management of SECL for Coal Extraction and according to the rehabilitation scheme, one member of the family was to be given a job in the Colliery if his land was acquired under Land Losers Scheme. Under the Implementation Instructions No. 29, dated 27.09.1991, the workman Manish Kumar Tripathi, be a Matriculate and Diploma holder in Computer Education was entitled to be appointed for clerical job but was appointed as Category-1 Mazdoor with assurance by management that after successful training, he will be regularized in Clerical Grade-III but was never complied with by management though vide office order dated 23.06.2011 he was posted in the office for the job of Data Entry Operator (which is of clerical grade) at the Gobinda Siding and has been doing this job of data entry operator till date. It is further alleged that he has yet not been regularize or absorbed on the post of data entry operator under I.I. 29. In spite of the fact that a decision was taken in the coordination meeting held on 25 & 27.04.1978 at Nagpur between the union and management of WCL that in case a workman is officiating on a higher category post and continues to work 190/240 days in service at that post he shall be regularized at that post. The management of SECL has also regularized the services of daily workers who had completed 190/240 days on higher posts. The management refused to regularize the workman on the post of data entry operator inspite of requests, which is unjust and arbitrary on its part. A dispute was raised in this respect by union and after failure of conciliation, this reference. The union has requested that the workman Manish Kumar Tripathi be held entitled to be absorbed and regularized on the post of data entry operator since the date he is working as data entry operator i.e. from 05.04.2012 and be held all back wages and benefits.

Management has taken a case in its written statement of defense that the workman was appointed as a General Mazdoor, Category-I on 28.08.2007. He had submitted a declaration at the time of his appointment. He was transferred from one unit to other unit as per administrative requirement on 05.04.2011 he was transferred from Bhadura Sub Area to Kotma Gobinda Sub Area in his existing capacity as general mazdoor. He was also granted promotion and services linked benefits for the post of general mazdoor from time to time. The post of data entry operator is a selection post of different cadre qualified candidates are appointed on this post after following recruitment process. There is no rule for change of cadre, hence the workman cannot be absorbed or regularized on the post of data entry operator.

The workman union has filed a rejoinder in which they have been mainly reiterated their case.

In evidence, affidavit of the workman has been filed as his examination in chief he has been cross examined by management. The workman union has also filed and proved documents which are photocopy of I.I. 29, appointment order of the workman, office order dated 05.04.2011, photocopy of high school marksheet and computer diploma certificate, also D-notes prepared by him on computer while working as data entry operator, which are Exb. W/1 to W/7.

Management has filed affidavit of its witness Vikas Kumar Singh. He has been cross examined by workman union. Management has also filed and proved photocopy appointment letter of the workman, undertaking signed by him, copy of service book, order dated 05.04.2011, I.I. 22/NCWA-VI, which are Exb. M/1 to M/5.

I have heard argument of learned Counsel Mr. Subodh Agrawal for union and Mr. Neeraj Kewat learned Counsel for management. I have gone through the record as well.

On perusal of record in the light of rival arguments, the reference is issue for determination in the case in hand.

It has been submitted from the side of workman that he was entitled to be appointed as a Clerk because he had the required qualification and was a land oustee but management discriminated him and appointed him as General Mazdoor under the assurance that appointment letter for the post of Clerk shall be issued to him within an year. Workman side has further referred to Clause 9.4.2 and 9.4.3 of NCWA-IV as well I.I. No. 29 issued under this NCWA with respect to land oustees in this respect though it has been submitted from the side of workman that there is some settlement between the management of WCL and union in the coordination meeting held on 25.04.1978 and 27.04.1978 in which it has been agreed that a workman who is officiating on a higher category for 190/ 240 days. His services will be regularized on that post but this understanding is for Western Coal Field and not for the management in case in hand which is South Eastern Coal Field Limited. Hence, the argument from the side of management has force that the workman in present case cannot get benefit of this agreement. Cadre scheme of both the cadres i.e. the cadre of Mazdoor and General Clerical Cadre is on record, which goes to show that these are two different cadres, hence a person from one cadre cannot be absorbed in other cadre. Consequently, the workman in the case in hand cannot claim any right to be absorbed in clerical cadre on the ground that inspite of he being appointed in Genral Mazdoor Cadre, job of clerk was taken from him by management. The union has failed to cite any rule which makes a workman entitled to get salary of higher post when he is officiating at a higher post that too when there is no specific order by competent authority in this respect.

***In the light of above discussion and findings, the reference deserves to be answered against the workman and is answered accordingly.***

*No order as to cost.*

DATE: 18/06/2025

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जुलाई, 2025

**का.आ. 1336.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर केपंचाट(एलसी/आर-23/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/07/2025 को प्राप्त हुआ था।

[सं. एल -22012/146/2018-आई.आर.सी एम-II]

मणिकंदन एन, उप निदेशक

New Delhi, the 16th July, 2025

**S.O. 1336.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/23/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L., and their workmen, received by the Central Government on **16/07/2025**

[No. L-22012/146/2018-IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

**No. CGIT/LC/R/23/2019**

**Present: P.K.Srivastava**

**H.J.S.( Retd.)**

**Nathulal Pandey**

**General Secretary,**

**Koyla Mazdoor Sabha (HMS),**

**South Jhagrakhand Colliery,**

**District Korea (C.G.) - 497449**

**Workman**

**Versus**

**The General Manager**

**S.E.C.L., Bhatgaon Area**

**PO: Bhatgaon, Distt.- Surajpur (C.G.)-497229**

**Management**

#### **AWARD**

**(Passed on this 16<sup>th</sup> day of June-2025.)**

As per letter dated 31/12/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/146/2018/IR(CM-II) dt. 31/12/2018. The dispute under reference related to :-

***“Whether the action on the part of the management i.e. General Manager SECL, Bhatgaon Area in dismissing the services of Shri Devaram Rajwade, Shri Rajkumar Rajwade and Shri Rajdhani Rajwade, all three sons of Karam Sai on fraudulent ground after allowing them to continue in service almost for a period of 13, 15 and 11 years respectively and without conducting proper verification at the time of entry into service in respect of them is appropriate and justified ? If not, whether their claim for reinstatement in service with back wages in respect of the above named three workmen espoused the General Secretary, Koyla Mazdoor Sabha (HMS) Korea is fair and legal ?”***

Notices were sent to the parties after registering a case on the basis of reference. The workman union appeared and filed its statement of claim. The management also filed their written statement of defense.

**The case of the workman union**, as taken by them in their statement of claim, is mainly that these workmen, mentioned in the reference are sons of Karam Sai Rajwade with his three wives namely, Mahesiya, Raniya Devi and Raniya Bai. Dayaram Rajwade is son from Mahesiya, Rajkumar Rajwade is son from Raniya Devi and

Rajdhani Rajwade is son from Raniya Bai. They were employed by the management in the year 2001 as dependants of land oustees, their mothers whose lands were acquired by the management, and were working with the management. Workman Devaram Rajwade got employment in the year of 2001, Rajkumar Rajwade got employment in the year of 1999 and Rajdhani Rajwade got employment in the year of 2002. Also, it is alleged that the land in the Bhatgaon Area were acquired in 1998 by SECL who had acquired 152.131 Hectare lands of Village Jarhi. The Revenue Authorities, after examination of land records, recommended the name of persons for appointment as dependants of land oustees and list was sent by the Collector of the District on 30.05.2001 for issuing appointment letters accordingly.

**According to the workman union**, one Biju Dasan, the then President of Nagar Panchayat Jarhi lodged a false complaint against these workmen alleging that they had got employment by fraudulent manner as dependants of land oustees. They were issued a charge-sheet alleging misconduct under Clause 26.1, 26.9 & 26.22 as well 26.13 of Certified Standing Orders and were placed under suspension by management vide order dated 20.02.2024. They filed reply and stated the above mentioned facts in their reply denying the charges leveled against them. They specifically stated that lands of their mothers was acquired and they got employment as dependants of land oustees on this basis. Management summoned pedigree of Mahesiya D/o. Shobhit Rajwar, Uday Ram S/o. Bhukhan and Mohar Sai S/o. Shankar from Tehsildar vide letter dated 18.02.2024. The Tehsildar sent a wrong pedigree based on the report of the Patwari and Revenue Inspector. The charges were wrongly held proved by the Inquiry Officer on the basis of this wrong pedigree. Management issued show cause notice dated 06.08.2014 on the basis of the inquiry report, the workman submitted their reply dated 09.08.2014 on this show cause notice and the Disciplinary Authority passed order dated 11.08.2014 for their dismissal from service, which is unjust and arbitrary.

It has been further alleged that they filed an application before the Additional District Collector challenging the wrong pedigree dated 21.02.2014 prepared by the Village Patwari and Revenue Inspector and forwarded by Tehsildar to the Inquiry Officer. That pedigree was quashed by the Additional Collector vide his order dated 27.11.2014. A revision against this order of Additional Collector was filed by management of SECL, which was dismissed by him vide his order dated 26.02.2016 and the pedigree order passed by the Additional Collector was confirmed. Furthermore, a case filed by Police with respect to same charges on a First Information Report registered against these workmen was decided by Court of Judicial Magistrate in which these workmen were acquitted after trial. Thereafter, as it is the case of workmen union, they filed a mercy appeal to the Director Personnel with the order of Criminal Court, Additional Collector and Additional Commissioner, which was dismissed by him vide his order dated 12.03.2015. The workmen challenged this order by Hon'ble High Court of M.P. W.P. No. 3848/2015, 3849/2015 & 3119/2015, which was heard and decided vide order dated 13.02.2017. Hon'ble High Court directed the management to decide the representation of these workmen ignoring the wrong pedigree prepared by Patwari, set aside by Revenue Authorities. They further file another representation dated 27.02.2017 with copy of Hon'ble Court which was wrongly rejected by management vide its order dated 26.08.2017 without considering the pedigree affirmed by Higher Revenue Authorities.

According to the workman union, this action of management is unjust, illegal and arbitrary. The union raised a dispute which could not be conciliated, hence this reference.

**The management has taken a case that** the workmen were served a charge-sheet for getting employment to fraudulent means an inquiry was conducted. A pedigree was obtained by from the office of Tehsildar, which did not support the case of workmen. Also, it has been pleaded that since no Hindu can have more than one legal wife, hence atleast two of the workmen are illegitimate sons of their father. According the management, the charges proved in the inquiry and after finding the reply of show cause notice by the workmen on the inquiry report not sufficient, the order with respect to dismissal was passed.

The workman union has filed rejoinder also in which they have reiterated their allegations, taken by them in their statement of claim.

A preliminary issue was framed as follows on the basis of pleadings :-

***Whether the departmental inquiry conducted is legal and proper ?***

This issue was decided after hearing vide order dated 15.05.2024. The departmental inquiry was held vitiated in law. Management was given opportunity to prove charges before this Tribunal. This order is part of this judgement

The management examined its witness Rahul Dahiya who has been cross examined by workman union.

The workman union has examined the three workmen Devaram, Rajkumar & Rajdhani Rajwade. They have been cross examined by management.

Workman union has proved documents Exb. W/1 to W/57, which are mainly the documents relating to the inquiry and punishment, also orders of Hon'ble High Court, Revenue Authorities and Judicial Magistrate, to be referred to as and when required.

Management has filed and proved the documents Exb. M/1 to M/197, referred to as and when required.

I have heard argument of learned Counsel for the workman union Mr. R.C. Shrivastava and learned Senior

Counsel Mr. Anoop Nair for management. Parties have filed written arguments also, which is part of record. I have gone through the written argument and I have gone through the record as well.

As it appears in the inquiry papers and inquiry report, the basis of finding of inquiry report with respect to proof of charges is report of the Tehsildar with respect to pedigree of the workmen prepared by the Village Patwari and Revenue Inspector.

After the management was given opportunity to prove the charge, they have examined Rahul Dahiya in support of the charge. He has stated that a complaint was received from the Chairman of Nagar Panchayat in 2014 that these workmen got appointment by fraudulent manner. Charge-sheet was issued and the matter was inquired into. He has detailed about the documents produced during the inquiry in support of the charge and has further stated that from the records available with management, it was evident that actual name of wife of Karam Sai (father of these three workmen) is Raniya Bai. There is no record available that Karam Sai had three wives. These three workmen are sons of Karam Sai is proved in the inquiry. This is also proved that they got employment as dependant of land oustee. Workmen Devaram was appointed as land oustee against land owner Smt. Mahesiya D/o. Shobhit. Rajkumar got employment as land oustee against Land owner Mohar Sai S/o. Shankar as maternal grandson of Mohar Sai and Rajdhani got employment against land of Uday Ram S/o. Bhukhan as land oustee. He has also stated that the workmen availed LTC in 2004, 2005, 2008 and 2009 in the name of Mahesiya as mother who had expired in 2002, which is established of register of Nagar Panchayat.

He has been cross examined by workman union. He has stated that he has no knowledge that the pedigree issued by Tehsildar has been set aside.

The three workmen have corroborated their case as detailed in their statement of claim. The workman Rajdhani stated in his cross examination that he had got employment as land oustee against land of his mother Raniya Bai. Uday Ram was father of Raniya Bai, the land acquired was firstly in the name of his Nana Udayram the father of Raniya Bai mother. His mother Raniya Bai had got the land acquired in succession as heir of her father Udayram.

Workmen Rajkumar has stated in his cross examination that he had got employment as land oustee against land of his mother Raniya Devi. Mohar Sai was father of Raniya Devi, the land acquired was firstly in the name of his Nana Mohar Sai the father of Raniya Devi mother. His mother Raniya Devi had got the land acquired in succession as heir of her father Mohar Sai.

Workmen Devaram has stated in his cross examination that he had got employment as land oustee against land of his mother Mahesiya Devi. Shobhit was father of Mahesiya Devi, the land acquired was firstly in the name of his Nana Shobhit the father of Mahesiya Devi mother. His mother Mahesiya Devi had got the land acquired in succession as heir of her father Shobhit.

The pedigree approved by the Additional Commissioner which is final between the parties corroborates the statement and case of these workmen. This is also established from evidence on record as well not disputed by management that lands of these three women was acquired and the three workmen were given employment as land oustees.

In this factual background the argument of management that atleast two marriages of the father of these three workmen are void because more than one marriage is not permitted in Hindu Marriage Act 1955. Hence, two of the workmen are illegitimate sons of their father. This argument is totally misplaced. The legitimacy of marriage of father of workmen is not relevant to the case in hand. What is relevant to be seen is whether these workmen are dependant sons of their mothers and whether the land in the name of their mothers was acquired or not ? These facts are established from the final pedigree approved by Additional Commissioner and confirmed in revision as well from the land records available on file. Hence, the charge that these workmen got employment fraudulently by claiming themselves as land oustees is held not proved. Consequently, the action of management in dismissal of services of these three workmen is also liable to be set aside. The workmen are held entitled to be reinstated from the date of the dismissal with back wages and are also held entitled to all in service benefits till date within 30 days from the date of publication of Award in Gazette, failing which interest @ of 6% per annum from the date of Award till payment. The workman union is also held entitled to litigation cost computed at Rs. 50,000/- from management.

Accordingly, the reference is answered as follows :-

#### **AWARD**

**Holding the action of management in dismissal of services of these three workmen unjustified in law, the workmen Devaram Rajwade, Rajdhani Rajwade and Rajkumar Rajwade are held entitled to be reinstated from the date of the dismissal with back wages and are also held entitled to all in service benefits till date within 30 days from the date of publication of Award in Gazette, failing which interest @ of 6% per annum from the date of Award till payment. The workman union is also held entitled to litigation cost computed at Rs.**



50,000/- from management.

DATE: 16/06/2025

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 जुलाई, 2025

**का.आ. 1337.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण - सह - श्रम न्यायालय, जबलपुर केपंचाट(एलसी/आर-91/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/07/2025 को प्राप्त हुआ था।

[सं. एल -22012/125/2011-आई.आर.सी एम-II]

मणिकंदन एन, उप निदेशक

New Delhi, the 16th July, 2025

**S.O. 1337.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC/R/91/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L, and their workmen, received by the Central Government on **16/07/2025**.

[[No. L-22012/125/2011-IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/91/2011

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Kishan S/o Bhaiyalal Kol,  
Ex-Explosive Carrier, Bilious No.-1 Estate,  
Benind Hospital, Ward No-3, PO-Dhanpuri,  
Distt. Shahdol (M.P.),  
Died during the proceedings and  
Represented by his legal representatives.  
1/1. Smt. Janki W/o Late Shri Kishan Lal,  
1/2. Ku. Kajal, D/o Late Shri Kishan Lal,  
1/3. Ku. Sajal, D/o Late Shri Kishan Lal,  
1/4. Ku. Sunayna, D/o Late Shri Kishan Lal.

Workman

Vs

1. The CGM,  
Sohagpur Area of SECL,  
PO : Dhapuri,  
Madhya Pradesh.
2. The Sub-Area Manager,  
Amlai-Bangwar-Damini SA of SECL,  
PO:- Bemhouri, Distt. – Shahdol,  
Madhya Pradesh.

Management

#### (JUDGMENT)

(Passed on this 16<sup>th</sup> day of June- 2025)

As per letter dated 14/09/2011 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-22012/125/2011 (IR(CM-II)) dt. 14/09/2011. The dispute under reference relates to:

***“Whether the action of the management of the Sub-Area Manager, Amlai-Bangwar-Damini Sub-Area of SECL in terminating the services of Shri Kishan S/o Bhaiyalal Kol. Ex. Explosive Carrier, is legal and justified? To what relief the concerned workman is entitled to?”***

**The case of the Workman** side is mainly that, the workman Kishan Lal was first appointed in 1991, and worked till 1998. Thereafter, he became sick and could not attend his job on his workplace. He was issued a charge-sheet and after a Departmental Enquiry, his services were terminated by the Management vide order dated 13.01.2002 for the charge of misconduct by way of habitually and unauthorisedly absenting himself from work-place.

**He died during the proceedings. His legal representatives were substituted.** They filed the statement of claim and took a case that, the Enquiry was not just and proper and charges were not proved and punishment was not proportionate to the charges.

**The case of Management** is mainly that, the Workman was a habitual absentee. He used to remain absent from his workplace unauthorisedly without any intimation, permission or getting any leave sanctioned. His attendance was only 145 days in 1998, 95 days in 1999, 69 days in 2000 and 51 days in 2001. He was issued a charge-sheet alleging misconduct by way of unauthorisedly absenting himself from duty. A Departmental Enquiry was conducted in which the Workman participated. The Workman also produced his evidence. Enquiry Officer submitted his report holding the charges proved. The Workman was issued a show- cause notice on the basis of Enquiry Report and after examination of his reply on show cause, his services were terminated by the Management.

**According to Management**, the Departmental Enquiry was legal and proper, charges were proved and punishment is also not disproportionate to the charges.

**In evidence**, the legal representative of the Workman who happens to be his Widow filed her affidavit as her examination-in-chief but never appeared for cross-examination. Management filed affidavit of its witness, who proved the enquiry papers. None appeared for Workman side to cross-examine the witness.

**I have heard argument** of Learned Counsel for Management Mr. Neeraj Kewat. None appeared for Workman. No written arguments has been filed by any of the parties. I have gone through the record as well.

**As regards the legality of the Departmental Enquiry**, the burden to prove this fact is on the Workman side. Their uncross-examined affidavit as the witness did not turn up for cross-examination cannot be read in evidence. Moreover, the Widow of the Workman is not a party to the Enquiry. From Enquiry Report there appears no illegality or material irregularities with respect to substance or procedure in conducting the Departmental Enquiry. Hence, the Departmental Enquiry is held just legal and proper. From evidence on record, the charges are held rightly proved in the enquiry.

**As regard to punishment**, habitual unauthorized absence is major misconduct in the standing orders which attracts major punishment. Keeping in view the continuous absence in every year, the punishment of dismissal is held proportionate to the charge proved.

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

#### **AWARD**

**Holding the action of Management of SECL in terminating the services of the Workman just, legal and proper, his legal representatives are held not entitled to any relief.**

**No order as to cost.**

**DATE:- 16/06/2025**

P. K. SRIVASTAVA, Presiding Officer