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No. 28] NEW DELHI, JULY 20— JULY 26, 2025, SATURDAY/ASHADHA 29–SHRAVANA 4, 1947

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

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

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

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 21 जुलाई, 2025

का.आ. 1338.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय अप्रत्यक्ष कर एवं सीमाशुल्क बोर्ड के अधीन **मानव संसाधन विकास महानिदेशालय (आई एंड डब्ल्यू/ई.एम.सी.), साकेत, नई दिल्ली** तथा **करदाता सेवा महानिदेशालय, केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क बोर्ड, केंद्रीय राजस्व भवन, इंद्रप्रस्थ एस्टेट, नई दिल्ली,** जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

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

प्रीति सेलारे, उप निदेशक (रा.भा.)

MINISTRY OF FINANCE
(Department of Revenue)

New Delhi, the 21st July, 2025

S.O. 1338.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, **Directorate General of Human Resource Development (I&W/EMC), Saket, New Delhi and Directorate General of Taxpayer Services, Central Board of Indirect Taxes and Customs, Central Revenue Building, Indraprastha Estate, New Delhi** under Central Board of Indirect Taxes and Customs, Department of revenue where more than 80% staff has acquired the working knowledge of Hindi.

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

PREETI SELLARE, Dy. Director (OL)

संचार मंत्रालय

(डाक विभाग)

नई दिल्ली, 21 जुलाई, 2025

का.आ. 1339.—जबकि केन्द्र सरकार की राय है कि श्री के. सुधीर बाबू, तत्कालीन एसएसपीओएस, हैदराबाद सिटी डिवीजन, वर्तमान में एपीएमजी (स्था., एसआर एवं तकनीकी), सीपीएमजी, आंध्र प्रदेश सर्कल का कार्यालय, विजयवाड़ा से संबंधित विभागीय जांच के प्रयोजनों के लिए श्रीमती जी. रेवथी और श्री डी. सथैया को साक्षियों के रूप में समन किया जाना आवश्यक है।

अब इसलिए, विभागीय जांच (साक्षियों को हाजिर कराना तथा दस्तावेज पेश कराना) अधिनियम, 1972 (1972 का 18) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार श्री शुभेन्दु कुमार स्वाई, मुख्य पोस्टमास्टर जनरल, छत्तीसगढ़ सर्कल, रायपुर (आईपीओएस: 1990) साक्षियों, नामतः श्रीमती जी. रेवथी और श्री डी. सथैया के संबंध में उक्त अधिनियम की धारा 5 में विनिर्दिष्ट शक्ति का प्रयोग करते हुए जांच प्राधिकारी के रूप में प्राधिकृत करती है।

[फा. सं. 08-01/2018-सतर्कता]

बिन्ती चौधरी, निदेशक

MINISTRY OF COMMUNICATIONS

(Department of Posts)

New Delhi, the 21st July, 2025

S.O. 1339.—WHEREAS the Central Government is of opinion that for the purposes of the departmental inquiry relating to Shri. K. Sudheer Babu, the then SSPOs, Hyderabad City Division, now APMG(Est., SR & Technical), O/o CPMG, Andhra Pradesh Circle, Vijayawada it is necessary to summon as witnesses, namely, Smt. G. Revathi and Shri D. Sathaiah.

NOW THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 4 of the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (18 of 1972), the Central Government hereby authorizes Shri. Suvendu Kumar Swain, Chief Postmaster General, Chhattisgarh Circle, Raipur (IPoS:1990) as the inquiry authority to exercise the power specified in Section 5 of the said Act in relation to witness, namely, Smt. G. Revathi and Shri D. Sathaiah.

[F.No. 08-01/2018-Vig.]

BINTI CHOUDHURY, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

(दंत शिक्षा अनुभाग)

नई दिल्ली, 16 जून, 2025

का.आ. 1340.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

"दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में दर्शाई गई क्रम संख्या 157 के पश्चात, निम्नलिखित क्रम संख्या 158 को जो "**बाबू दिनेश सिंह विश्वविद्यालय, फरठिया, गढ़वा" द्वारा प्रदान की गई दंत चिकित्सा उपाधियों की मान्यता से संबंधित है,जोड़ा जाएगा।"**

2. यह अधिसूचना भारत संघ/भारतीय दंत परिषद द्वारा दायर की जाने वाली विशेष अनुमति याचिका के परिणाम के अध्यधीन है। यह अधिसूचना छात्रों के हितों की रक्षा के लिए एक विशेष उपाय के तौर पर प्रकाशित की गई है, जिसे पूर्व निर्णय के रूप में नहीं माना जाएगा। इससे संस्था को कोई विधिक अधिकार प्राप्त नहीं होता, न ही कोई बाध्यकारी निर्णय प्रदत्त होता है।

[फा. सं. वी.12025/62/2023-डीई]

अमित कुमार, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

(Dental Education Section)

New Delhi, the 16th June, 2025

S.O. 1340.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

"In Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) after the serial No. 157, the following serial no.158 shall be inserted, pertaining to recognition of Dental Degrees awarded by **Babu Dinesh Singh University, Farathiya, Garhwa**."

2. This notification is subject to the outcome of the Special Leave Petition to be filed by the Union of India/ Dental Council of India. This notification has been published as a special measure not to be treated as a precedent to protect the interests of the students. This does not confer any legal right on the institution or create a binding precedent.

[F. No. V.12025/62/2023-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 17 जून, 2025

का.आ. 1341.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त प्रथम अनुसूची में, क्रमांक 60 के सामने कॉलम 2, संख्या (xxi) की विद्यमान प्रविष्टि के अंतर्गत, "**वीएसपीएम डेंटल कॉलेज एंड रिसर्च सेंटर, नागपुर" शब्दों के स्थान पर "रणजीत देशमुख डेंटल कॉलेज एंड रिसर्च सेंटर, नागपुर**" शब्द रखे जाएंगे।

[फा. सं. वी.12025/181/2023-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 17th June, 2025

S.O. 1341.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the said First Schedule under the existing entry of column 2, number (xxi) against Serial No. 60, the words **"VSPM Dental College & Research Centre, Nagpur**" shall be substituted with words **"Ranjeet Deshmukh Dental College and Research Centre, Nagpur".**

[F. No. V.12025/181/2023-DE]

AMIT KUMAR**,** Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1342.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

पं. दीनदयाल उपाध्याय स्मृति स्वास्थ्य विज्ञान एवं आयुष विश्वविद्यालय छत्तीसगढ़, रायपुर, छत्तीसगढ़ द्वारा **गवर्नमेंट डेंटल कॉलेज, रायपुर** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 143 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी. अर्थात्:

गवर्नमेंट डेंटल कॉलेज, रायपुर	
ओरल मेडीसिन एंड रेडियोलॉजी` (2 सीटों के साथ, यदि दिनांक 26/10/2024 को या उसके बाद स्वीकृत की जाती हैं।)	एमडीएस (ओरल मेडीसिन एंड रेडियोलॉजी) **पं. दीनदयाल उपाध्याय स्मृति स्वास्थ्य विज्ञान एवं आयुष विश्वविद्यालय छत्तीसगढ़, रायपुर, छत्तीसगढ़**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1342.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Pt. Deendayal Upadhyay Memorial Health Schemes and Ayush University of Chhattisgarh, Raipur, Chhattisgarh** in respect of MDS students of Government **Dental College, Raipur** the following entries shall be instered namely:

Government Dental College, Raipur	
Oral Medicine and Radiology (with 2 seats, if granted on or after 26.10.2024)	MDS (Oral Medicine and Radiology) **Pt. Deendayal Upadhyay Memorial Health Sciences and Ayush University of Chhattisgarh, Raipur, Chhattisgarh**

[F. No. V.12017/17/2025-DE]

AMIT KUMAR**,** Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1343.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश द्वारा **एचपी गवर्नमेंट डेंटल कॉलेज एंड हॉस्पिटल, शिमला** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 155 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थातः

एचपी गवर्नमेंट डेंटल कॉलेज एंड हॉस्पिटल, शिमला	
ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (2 सीटों के साथ, यदि 19.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ओरल मेडिसिन एंड रेडियोलॉजी (2 सीटों के साथ, यदि 14.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ओरल मेडिसिन एंड रेडियोलॉजी) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ओरल एंड मैक्सिलोफेशियल सर्जरी (2 सीटों के साथ, यदि 12.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ओरल एंड मैक्सिलोफेशियल सर्जरी) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
पीडियाट्रिक एंड प्रिवेंटिव डेंटिस्ट्री (3 सीटों के साथ, यदि 19.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीडियाट्रिक एंड प्रिवेंटिव डेंटिस्ट्री) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
पीरियोडोंटोलॉजी (2 सीटों के साथ, यदि 22.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीरियोडोंटोलॉजी) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
पब्लिक हेल्थ डेंटिस्ट्री (2 सीटों के साथ, यदि 22.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पब्लिक हेल्थ डेंटिस्ट्री) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स (3 सीटों के साथ, यदि 19.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1343.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Medical & Research University, Himachal Pradesh** in respect of MDS students of **H.P Government Dental College & Hospital, Shimla** the following entries shall be inserted, namely:

H.P Government Dental College & Hospital, Shimla	
Orthodontics and Dentofacial Orthopedics (with 2 seats, if granted on or after 19.11.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Medical & Research University, Himachal Pradesh**
Oral Medicine and Radiology (with 2 seats, if granted on or after 14.11.2024)	MDS (Oral Medicine and Radiology) **Atal Medical & Research University, Himachal Pradesh**
Oral & Maxillofacial Surgery (with 2 seats, if granted on or after 12.11.2024)	MDS (Oral & Maxillofacial Surgery) **Atal Medical & Research University, Himachal Pradesh**
Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 19.11.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Medical & Research University, Himachal Pradesh**
Periodontology (with 2 seats, if granted on or after 22.11.2024)	MDS (Periodontology) **Atal Medical & Research University, Himachal Pradesh**
Public Health Dentistry (with 2 seats, if granted on or after 22.11.2024)	MDS (Public Health Dentistry) **Atal Medical & Research University, Himachal Pradesh**
Conservative Dentistry and Endodontics (with 3 seats, if granted on or after 19.11.2024)	MDS (Conservative Dentistry and Endodontics) **Atal Medical & Research University, Himachal Pradesh**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1344.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा(2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश द्वारा **हिमाचल डेंटल कॉलेज, सुंदर नगर, हिमाचल प्रदेश** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 155 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

हिमाचल डेंटल कॉलेज, सुंदर नगर, हिमाचल प्रदेश	
प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज (6 सीटों के साथ, यदि 14.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स (5 सीटों के साथ, यदि 12.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (5 सीटों के साथ, यदि 14.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**

पीरियोडोंटोलॉजी (5 सीटों के साथ, यदि 12.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीरियोडोंटोलॉजी) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
पीडियाट्रिक एंड प्रिवेंटिव डेंटिस्ट्री (6 सीटों के साथ, यदि 14.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीडियाट्रिक एंड प्रिवेंटिव डेंटिस्ट्री) **अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1344.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Medical & Research University, Himachal Pradesh** in respect of MDS students of **Himachal Dental College, Sunder Nagar, Himachal Pradesh** the following entries shall be inserted, namely:

Himachal Dental College, Sunder Nagar, Himachal Pradesh	
Prosthodontics and Crown & Bridge (with 6 seats, if granted on or after 14.11.2024)	MDS (Prosthodontics and Crown & Bridge) **Atal Medical & Research University, Himachal Pradesh**
Conservative Dentistry and Endodontics (with 5 seats, if granted on or after 12.11.2024)	MDS (Conservative Dentistry and Endodontics) **Atal Medical & Research University, Himachal Pradesh**
Orthodontics and Dentofacial Orthopedics (with 5 seats, if granted on or after 14.11.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Medical & Research University, Himachal Pradesh**
Periodontology (with 5 seats, if granted on or after 12.11.2024)	MDS (Periodontology) **Atal Medical & Research University, Himachal Pradesh**
Pediatric and Preventive Dentistry (with 6 seats, if granted on or after 14.11.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Medical & Research University, Himachal Pradesh**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1345.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साईंसेज,बैंगलोर, कर्नाटक द्वारा **एस.बी. पाटिल इंस्टीट्यूट फॉर डेंटल साईंसेज एंड रिसर्च, बीदर, कर्नाटक** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 49 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी. अर्थात्:

एस.बी. पाटिल इंस्टीट्यूट फॉर डेंटल साईंसेज एंड रिसर्च, बीदर, कर्नाटक	
पीरियोडोंटोलॉजी (3 सीटों के साथ, यदि 06.12.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीरियोडोंटोलॉजी) **राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साईंसेज,बैंगलोर, कर्नाटक**
कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स (3 सीटों के साथ, यदि 06.12.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स) **राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साईंसेज,बैंगलोर, कर्नाटक**
ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (2 सीटों के साथ, यदि 06.12.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साईंसेज,बैंगलोर, कर्नाटक**
प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज (2 सीटों के साथ, यदि 06.12.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज) **राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साईंसेज,बैंगलोर, कर्नाटक**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1345.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 49, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka** in respect of MDS students of **S.B. Patil Institute for Dental Sciences & Research, Bidar, Karnataka** the following entries shall be inserted, namely:

S.B. Patil Institute for Dental Sciences & Research, Bidar, Karnataka	
Periodontology (with 3 seats, if granted on or after 06.12.2024)	MDS (Periodontology) **Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka**
Conservative Dentistry and Endodontics (with 3 seats, if granted on or after 06.12.2024)	MDS (Conservative Dentistry and Endodontics) **Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka**
Orthodontics and Dentofacial Orthopedics (with 2 seats, if granted on or after 06.12.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka**
Prosthodontics and Crown & Bridge (with 2 seats, if granted on or after 06.12.2024)	MDS (Prosthodontics and Crown & Bridge) **Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1346.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ द्वारा **इंद्रप्रस्थ डेंटल कॉलेज एंड हॉस्पिटल, गाजियाबाद** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

इंद्रप्रस्थ डेंटल कॉलेज एंड हॉस्पिटल, गाजियाबाद	
कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स (6 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (6 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
पीडियाट्रिक एंड प्रिवेंटिव डेंटिस्ट्री (3 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीडियाट्रिक एंड प्रिवेंटिव डेंटिस्ट्री) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज (5 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज) **अटल बिहारी वाजपेयी मेंडिकल यूनिवर्सिटी, लखनऊ**
पीरियोडोंटोलॉजी (3 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (पीरियोडोंटोलॉजी) **अटल बिहारी वाजपेयी मेंडिकल यूनिवर्सिटी, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1346.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **Inderprastha Dental College & Hospital, Ghaziabad** the following entries shall be inserted, namely:

Inderprastha Dental College & Hospital, Ghaziabad	
Conservative Dentistry and Endodontics (with 6 seats, if granted on or after 15.10.2024)	MDS (Conservative Dentistry and Endodontics) **Atal Bihari Vajpayee Medical University, Lucknow**
Orthodontics and Dentofacial Orthopedics (with 6 seats, if granted on or after 15.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Bihari Vajpayee Medical University, Lucknow**
Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 15.10.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Bihari Vajpayee Medical University, Lucknow**
Prosthodontics and Crown & Bridge (with 5 seats, if granted on or after 15.10.2024)	MDS (Prosthodontics and Crown & Bridge) **Atal Bihari Vajpayee Medical University, Lucknow**
Periodontology (with 3 seats, if granted on or after 15.10.2024)	MDS (Periodontology) **Atal Bihari Vajpayee Medical University, Lucknow**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1347.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

महाराष्ट्र आरोग्य विज्ञान विद्यापीठ, नाशिक द्वारा **डॉ. राजेश रामदासजी कांबे डेंटल कॉलेज एंड हॉस्पिटल, अकोला** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 60 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत:स्थापित की जाएंगी. अर्थात्:

डॉ. राजेश रामदासजी कांबे डेंटल कॉलेज एंड हॉस्पिटल, अकोला	
प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज (2 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज) **महाराष्ट्र आरोग्य विज्ञान विद्यापीठ, नाशिक**
ओरल एंड मैक्सिलोफेशियल सर्जरी (2 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ओरल एंड मैक्सिलोफेशियल सर्जरी) **महाराष्ट्र आरोग्य विज्ञान विद्यापीठ, नाशिक**
कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स (3 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स) **महाराष्ट्र आरोग्य विज्ञान विद्यापीठ, नाशिक**
ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (3 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **महाराष्ट्र आरोग्य विज्ञान विद्यापीठ, नाशिक**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1347.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 60, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Maharashtra University of Health Sciences, Nashik** in respect of MDS students of **Dr. Rajesh Ramdasji Kambe Dental College & Hospital, Akola** the following entries shall be inserted, namely:

Dr. Rajesh Ramdasji Kambe Dental College & Hospital, Akola	
Prosthodontics and Crown & Bridge (with 2 seats, if granted on or after 25.10.2024)	MDS (Prosthodontics and Crown & Bridge) **Maharashtra University of Health Sciences, Nashik**
Oral & Maxillofacial Surgery (with 2 seats, if granted on or after 25.10.2024)	MDS (Oral & Maxillofacial Surgery) **Maharashtra University of Health Sciences, Nashik**
Conservative Dentistry and Endodontics (with 3 seats, if granted on or after 25.10.2024)	MDS (Conservative Dentistry and Endodontics) **Maharashtra University of Health Sciences, Nashik**
Orthodontics and Dentofacial Orthopedics (with 3 seats, if granted on or after 25.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Maharashtra University of Health Sciences, Nashik**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1348.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

उत्कल यूनिवर्सिटी, भुवनेश्वर द्वारा **हाई-टेक डेंटल कॉलेज एंड हॉस्पिटल, भुवनेश्वर** के एमडीएस छात्रों को प्रदान की गई डेंटल डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 36 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

हाई-टेक डेंटल कॉलेज एंड हॉस्पिटल, भुवनेश्वर	
ओरल एंड मैक्सिलोफेशियल सर्जरी (3 सीटों के साथ, यदि 12.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (ओरल एंड मैक्सिलोफेशियल सर्जरी) **उत्कल यूनिवर्सिटी, भुवनेश्वर**
कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स (3 सीटों के साथ, यदि 12.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (कंज़र्वेटिव डेंटिस्ट्री एंड एंडोडोंटिक्स) **उत्कल यूनिवर्सिटी, भुवनेश्वर**
प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज (2 सीटों के साथ, यदि 12.11.2024 को या उसके बाद स्वीकृत की जाती हैं)	एमडीएस (प्रोस्थोडोन्टिक्स एंड क्राउन एंड ब्रिज) **उत्कल यूनिवर्सिटी, भुवनेश्वर**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1348.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 36, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Utkal University, Bhubaneswar** in respect of MDS students of **Hi-Tech Dental College & Hospital, Bhubaneswar** the following entries shall be inserted, namely:

Hi-Tech Dental College & Hospital, Bhubaneswar	
Oral & Maxillofacial Surgery (with 3 seats, if granted on or after 12.11.2024)	MDS (Oral & Maxillofacial Surgery) **Utkal University, Bhubaneswar**
Conservative Dentistry and Endodontics (with 3 seats, if granted on or after 12.11.2024)	MDS (Conservative Dentistry and Endodontics) **Utkal University, Bhubaneswar**
Prosthodontics and Crown & Bridge (with 2 seats, if granted on or after 12.11.2024)	MDS (Prosthodontics and Crown & Bridge) **Utkal University, Bhubaneswar**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1349.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ द्वारा **इंस्टीट्यूट ऑफ डेंटल स्टडीज एंड टेक्नोलॉजीज, कादराबाद, गाजियाबाद** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत: स्थापित की जाएंगी, अर्थात्:

इंस्टीट्यूट ऑफ डेंटल स्टडीज एंड टेक्नोलॉजीज, कादराबाद, गाजियाबाद	
पीरियोडोंटोलॉजी (5 सीटों के साथ, यदि 23.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (पीरियडोंटोलॉजी) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
बाल चिकित्सा और निवारक दंत चिकित्सा (3 सीटों के साथ, यदि 26.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
प्रोस्थोडोन्टिक्स और क्राउन एवं ब्रिज (5 सीटों के साथ, यदि 23.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (प्रोस्थोडॉन्टिक्स एण्ड क्राउन एंड ब्रिज) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
ऑर्थोडोंटिक्स और डेंटोफेशियल ऑर्थोपेडिक्स (5 सीटों के साथ, यदि 24.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडॉन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
ओरल और मैक्सिलोफेशियल सर्जरी (2 सीटों के साथ, यदि 17.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एण्ड मैक्सिलोफेशियल सर्जरी) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
कंजर्वेटिव डेंटिस्ट्री और एंडोडोंटिक्स (5 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (कंजर्वेटिव डेंटिस्ट्री एण्ड एंडोडोंटिक्स) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1349.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156 in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **Institute of Dental Studies & Technologies, Kadrabad, Ghaziabad** the following entries shall be inserted, namely:

Institute of Dental Studies & Technologies, Kadrabad, Ghaziabad	
Periodontology (with 5 seats, if granted on or after 23.10.2024)	MDS (Periodontology) **Atal Bihari Vajpayee Medical University, Lucknow**
Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 26.10.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Bihari Vajpayee Medical University, Lucknow**
Prosthodontics and Crown & Bridge (with 5 seats, if granted on or after 23.10.2024)	MDS (Prosthodontics and Crown & Bridge) **Atal Bihari Vajpayee Medical University, Lucknow**
Orthodontics and Dentofacial Orthopedics (with 5 seats, if granted on or after 24.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Bihari Vajpayee Medical University, Lucknow**
Oral & Maxillofacial Surgery (with 2 seats, if granted on or after 17.10.2024)	MDS (Oral & Maxillofacial Surgery) **Atal Bihari Vajpayee Medical University, Lucknow**
Conservative Dentistry and Endodontics (with 5 seats, if granted on or after 25.10.2024)	MDS (Conservative Dentistry and Endodontics) **Atal Bihari Vajpayee Medical University, Lucknow**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1350.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ द्वारा **सरस्वती डेंटल कॉलेज एण्ड हॉस्पिटल, लखनऊ** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत: स्थापित की जाएंगी, अर्थात्:

सरस्वती डेंटल कॉलेज एण्ड हॉस्पिटल, लखनऊ	
प्रोस्थोडोन्टिक्स और क्राउन एण्ड ब्रिज (6 सीटों के साथ, यदि 16.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (प्रोस्थोडोन्टिक्स और क्राउन एण्ड ब्रिज) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स (6 सीटों के साथ, यदि 11.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1350.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **Saraswati Dental College & Hospital, Lucknow** the following entries shall be inserted, namely:

Saraswati Dental College & Hospital, Lucknow	
Prosthodontics and Crown & Bridge (with 6 seats, if granted on or after 16.10.2024)	MDS (Prosthodontics and Crown & Bridge) **Atal Bihari Vajpayee Medical University, Lucknow**
Orthodontics and Dentofacial Orthopedics (with 6 seats, if granted on or after 11.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Bihari Vajpayee Medical University, Lucknow**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1351.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी बाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ द्वारा **कांति देवी डेंटल कॉलेज एंड हॉस्पिटल, मथुरा** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग- I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में, निम्नलिखित प्रविष्टियाँ अंत: स्थापित की जाएंगी, अर्थात्:

कांति देवी डेंटल कॉलेज एंड हॉस्पिटल, मथुरा	
ओरल एण्ड मैक्सिलोफेशियल सर्जरी (3 सीटों के साथ, यदि 22.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एण्ड मैक्सिलोफेशियल सर्जरी) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
ओरल मेडिसिन एण्ड रेडियोलॉजी (3 सीटों के साथ, यदि 22.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल मेडिसिन एण्ड रेडियोलॉजी) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स (6 सीटों के साथ, यदि 22.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**
बाल चिकित्सा और निवारक दंत चिकित्सा (6 सीटों के साथ, यदि 22.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **अटल बिहारी वाजपेयी चिकित्सा विश्वविद्यालय, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1351.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical**

University, Lucknow in respect of MDS students of **Kanti Devi Dental College & Hospital, Mathura** the following entries shall be inserted, namely:

Kanti Devi Dental College & Hospital, Mathura	
Oral & Maxillofacial Surgery (with 3 seats, if granted on or after 22.10.2024)	MDS (Oral & Maxillofacial Surgery) **Atal Bihari Vajpayee Medical University, Lucknow**
Oral Medicine and Radiology (with 3 seats, if granted on or after 22.10.2024)	MDS (Oral Medicine and Radiology) **Atal Bihari Vajpayee Medical University, Lucknow**
Orthodontics and Dentofacial Orthopedics (with 6 seats, if granted on or after 22.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Bihari Vajpayee Medical University, Lucknow**
Pediatric and Preventive Dentistry (with 6 seats, if granted on or after 22.10.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Bihari Vajpayee Medical University, Lucknow**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1352.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश द्वारा **भोजिया डेंटल कॉलेज एण्ड हॉस्पिटल, सोलन, हिमाचल प्रदेश** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 155 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत: स्थापित की जाएंगी, अर्थात्:

भोजिया डेंटल कॉलेज एण्ड हॉस्पिटल, सोलन, हिमाचल प्रदेश	
प्रोस्थोडोन्टिक्स एण्ड क्राउन एण्ड ब्रिज (5 सीटों के साथ, यदि 30.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (प्रोस्थोडोन्टिक्स एण्ड क्राउन एण्ड ब्रिज) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
बाल चिकित्सा और निवारक दंत चिकित्सा (2 सीटों के साथ, यदि 27.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ओरल एवं मैक्सिलोफेशियल पैथोलॉजी और ओरल माइक्रोबायोलॉजी (2 सीटों के साथ, यदि 30.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एण्ड मैक्सिलोफेशियल पैथोलॉजी एण्ड ओरल माइक्रोबायोलॉजी) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ऑर्थोडोंटिक्स और डेंटोफेशियल ऑर्थोपेडिक्स (5 सीटों के साथ, यदि 27.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**

कंजर्वेटिव डेंटिस्ट्री और एंडोडोंटिक्स (5 सीटों के साथ, यदि 27.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (कंजर्वेटिव डेंटिस्ट्री एण्ड एंडोडोंटिक्स) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
पीरियोडोन्टोलॉजी (2 सीटों के साथ, यदि 30.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (पीरियोडोन्टोलॉजी) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1352.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Medical & Research University, Himachal Pradesh** in respect of MDS students of **Bhojia Dental College & Hospital, Solan, Himachal Pradesh** the following entries shall be inserted, namely:

Bhojia Dental College & Hospital, Solan, Himachal Pradesh	
Prosthodontics and Crown & Bridge (with 5 seats, if granted on or after 30.11.2024)	MDS (Prosthodontics and Crown & Bridge) **Atal Medical & Research University, Himachal Pradesh**
Pediatric and Preventive Dentistry (with 2 seats, if granted on or after 27.11.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Medical & Research University, Himachal Pradesh**
Oral & Maxillofacial Pathology and Oral Microbiology (with 2 seats, if granted on or after 30.11.2024)	MDS (Oral & Maxillofacial Pathology and Oral Microbiology) **Atal Medical & Research University, Himachal Pradesh**
Orthodontics and Dentofacial Orthopedics (with 5 seats, if granted on or after 27.11.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Medical & Research University, Himachal Pradesh**
Conservative Dentistry and Endodontics (with 5 seats, if granted on or after 27.11.2024)	MDS (Conservative Dentistry and Endodontics) **Atal Medical & Research University, Himachal Pradesh**
Periodontology (with 2 seats, if granted on or after 30.11.2024)	MDS (Periodontology) **Atal Medical & Research University, Himachal Pradesh**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1353.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश द्वारा **हिमाचल दंत चिकित्सा विज्ञान संस्थान, पांवटा साहिब हिमाचल प्रदेश** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 155 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत: स्थापित की जाएंगी, अर्थात्:

हिमाचल दंत चिकित्सा विज्ञान संस्थान, पांवटा साहिब, हिमाचल प्रदेश	
ओरल एण्ड मैक्सिलोफेशियल पैथोलॉजी एण्ड ओरल माइक्रोबायोलॉजी (3 सीटों के साथ, यदि 23.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एण्ड मैक्सिलोफेशियल पैथोलॉजी एण्ड ओरल माइक्रोबायोलॉजी) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
पीरियोडोन्टोलॉजी (5 सीटों के साथ, यदि 23.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (पीरियोडोन्टोलॉजी) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
प्रोस्थोडोन्टिक्स एण्ड क्राउन एवं ब्रिज (5 सीटों के साथ, यदि 23.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (प्रोस्थोडोन्टिक्स और क्राउन एवं ब्रिज) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
कंजर्वेटिव डेंटिस्ट्री एण्ड एंडोडोंटिक्स (5 सीटों के साथ, यदि 26.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (कंजर्वेटिव डेंटिस्ट्री और एंडोडोंटिक्स) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
बाल चिकित्सा और निवारक दंत चिकित्सा (3 सीटों के साथ, यदि 23.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ऑर्थोडोंटिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स (5 सीटों के साथ, यदि 26.11.2024 को या उसके बा द स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स और डेंटोफेशियल ऑर्थोपेडिक्स) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**
ओरल एण्ड मैक्सिलोफेशियल सर्जरी (3 सीटों के साथ, यदि 26.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एवं मैक्सिलोफेशियल सर्जरी) **अटल मेडिकल एण्ड रिसर्च यूनिवर्सिटी, हिमाचल प्रदेश**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1353.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No.155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Medical & Research University, Himachal Pradesh** in respect of MDS students of **Himachal Institute of Dental Sciences, Paonta Sahib, Himachal Pradesh** the following entries shall be inserted, namely:

Himachal Institute of Dental Sciences, Paonta Sahib, Himachal Pradesh	
Oral & Maxillofacial Pathology and Oral Microbiology (with 3 seats, if granted on or after 23.11.2024)	MDS (Oral & Maxillofacial Pathology and Oral Microbiology) **Atal Medical & Research University, Himachal Pradesh**
Periodontology (with 5 seats, if granted on or after 23.11.2024)	MDS (Periodontology) **Atal Medical & Research University, Himachal Pradesh**
Prosthodontics and Crown & Bridge (with 5 seats, if granted on or after 23.11.2024)	MDS (Prosthodontics and Crown & Bridge) **Atal Medical & Research University, Himachal Pradesh**
Conservative Dentistry and Endodontics (with 5 seats, if granted on or after 26.11.2024)	MDS (Conservative Dentistry and Endodontics) **Atal Medical & Research University, Himachal Pradesh**

Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 23.11.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Medical & Research University, Himachal Pradesh**
Orthodontics and Dentofacial Orthopedics (with 5 seats, if granted on or after 26.11.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Medical & Research University, Himachal Pradesh**
Oral & Maxillofacial Surgery (with 3 seats, if granted on or after 26.11.2024)	MDS (Oral & Maxillofacial Surgery) **Atal Medical & Research University, Himachal Pradesh**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1354.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

केरल स्वास्थ्य विज्ञान विश्वविद्यालय, केरल द्वारा **श्री अंजनेय इंस्टीट्यूट ऑफ डेंटल साइंसेज, कोझीकोड** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में क्रम संख्या 97 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ अंत:स्थापित की जाएंगी, अर्थात्:

श्री अंजनेय इंस्टीट्यूट ऑफ डेंटल साइंसेज, कोझीकोड	
ओरल एण्ड मैक्सिलोफेशियल सर्जरी (3 सीटों के साथ, यदि 08.01.2025 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एण्ड मैक्सिलोफेशियल सर्जरी) **केरल स्वास्थ्य विज्ञान विश्वविद्यालय, केरल**
ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स (3 सीटों के साथ, यदि 08.01.2025 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स एण्ड डेंटोफेशियल ऑर्थोपेडिक्स) **केरल स्वास्थ्य विज्ञान विश्वविद्यालय, केरल**
कंजर्वेटिव डेंटिस्ट्री एण्ड एंडोडोंटिक्स (3 सीटों के साथ, यदि 08.01.2025 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (कंजर्वेटिव डेंटिस्ट्री एण्ड एंडोडोंटिक्स) **केरल स्वास्थ्य विज्ञान विश्वविद्यालय, केरल**
बाल चिकित्सा और निवारक दंत चिकित्सा (3 सीटों के साथ, यदि 08.01.2025 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **केरल स्वास्थ्य विज्ञान विश्वविद्यालय, केरल**
प्रोस्थोडोन्टिक्स एण्ड क्राउन एण्ड ब्रिज (3 सीटों के साथ, यदि 07.01.2025 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (प्रोस्थोडोन्टिक्स एण्ड क्राउन एण्ड ब्रिज) **केरल स्वास्थ्य विज्ञान विश्वविद्यालय, केरल**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1354.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 97, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Kerala University of Health Sciences, Kerala** in respect of MDS students of **Sree Anjaneya Institute of Dental Sciences, Kozhikode** the following entries shall be inserted, namely:

Sree Anjaneya Institute of Dental Sciences, Kozhikode	
Oral & Maxillofacial Surgery (with 3 seats, if granted on or after 08.01.2025)	MDS (Oral & Maxillofacial Surgery) **Kerala University of Health Sciences, Kerala**
Orthodontics and Dentofacial Orthopedics (with 3 seats, if granted on or after 08.01.2025)	MDS (Orthodontics and Dentofacial Orthopedics) **Kerala University of Health Sciences, Kerala**
Conservative Dentistry and Endodontics (with 3 seats, if granted on or after 08.01.2025)	MDS (Conservative Dentistry and Endodontics) **Kerala University of Health Sciences, Kerala**
Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 08.01.2025)	MDS (Pediatric and Preventive Dentistry) **Kerala University of Health Sciences, Kerala**
Prosthodontics and Crown & Bridge (with 3 seats, if granted on or after 07.01.2025)	MDS (Prosthodontics and Crown & Bridge) **Kerala University of Health Sciences, Kerala**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1355.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के बाद, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

कालोजी नारायण राव यूनिवर्सिटी ऑफ हेल्थ साइंसेज, वारंगल, तेलंगाना द्वारा **मेघना इंस्टीट्यूट ऑफ डेंटल साइंसेज, निजामाबाद, तेलंगाना** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 141 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत: स्थापित की जाएंगी, अर्थात्:

मेघना इंस्टिट्यूट ऑफ डेंटल साइंसेज, निजामाबाद, तेलंगाना	
बाल चिकित्सा और निवारक दंत चिकित्सा (3 सीटों के साथ, यदि 26.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **कालोजी नारायण राव यूनिवर्सिटी ऑफ हेल्थ साइंसेज, वारंगल, तेलंगाना**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1355.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 141, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana** in respect of MDS students of **Meghna Institute of Dental Sciences, Nizamabad, Telangana** the following entries shall be inserted, namely:

Meghna Institute of Dental Sciences, Nizamabad, Telangana	
Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 26.11.2024)	MDS (Pediatric and Preventive Dentistry) **Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1356.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

द तमिलनाडु डॉ. एम.जी.आर मेडिकल यूनिवर्सिटी, चेन्नई, तमिलनाडु द्वारा **आरवीएस डेंटल कॉलेज एंड हॉस्पिटल, कोयंबटूर** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 34 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

आरवीएस डेंटल कॉलेज एण्ड हॉस्पटल, कोयंबटूर	
पीरियोडोंटोलॉजी (3 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (पीरियोडोंटोलॉजी) **द तमिलनाडु डॉ. एम.जी.आर मेडिकल यूनिवर्सिटी, चेन्नई, तमिलनाडु**
ओरल एण्ड मैक्सिलोफेशियल सर्जरी (2 सीटों के साथ, यदि 23.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एण्ड मैक्सिलोफेशियल सर्जरी) **द तमिलनाडु डॉ. एम.जी.आर मेडिकल यूनिवर्सिटी, चेन्नई, तमिलनाडु**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1356.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 34, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **The Tamil Nadu Dr. M.G.R Medical University, Chennai, Tamil Nadu** in respect of MDS students of **RVS Dental College & Hospital, Coimbatore** the following entries shall be inserted, namely:

RVS Dental College & Hospital, Coimbatore	
Periodontology (with 3 seats, if granted on or after 25.10.2024)	MDS (Periodontology) **The Tamil Nadu Dr. M.G.R Medical University, Chennai, Tamil Nadu**

Oral & Maxillofacial Surgery (with 2 seats, if granted on or after 23.10.2024)	MDS (Oral & Maxillofacial Surgery) **The Tamil Nadu Dr. M.G.R Medical University, Chennai, Tamil Nadu**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1357.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा, निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ द्वारा **डीजे कॉलेज ऑफ डेंटल साइंसेज एंड रिसर्च, मोदी नगर** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंत:स्थापित की जाएंगी, अर्थात्:

डीजे कॉलेज ऑफ डेंटल साइंसेज एंड रिसर्च, मोदी नगर	
पीरियोडोंटोलॉजी (6 सीटों के साथ, यदि 26.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (पीरियोडोंटोलॉजी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
ऑर्थोडोंटिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (6 सीटों के साथ, यदि 26.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
जन स्वास्थ्य दंत चिकित्सा (3 सीटों के साथ, यदि 26.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (जन स्वास्थ्य दंत चिकित्सा) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
ओरल मेडिसिन एंड रेडियोलॉजी (3 सीटों के साथ, यदि 09.11.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल मेडिसिन एंड रेडियोलॉजी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
ओरल एंड मैक्सिलोफेशियल सर्जरी (3 सीटों के साथ, यदि 26.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एंड मैक्सिलोफेशियल सर्जरी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1357.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **D.J. College of Dental Sciences & Research, Modi Nagar** the following entries shall be inserted, namely:

D.J. College of Dental Sciences & Research, Modi Nagar	
Periodontology (with 6 seats, if granted on or after 26.10.2024)	MDS (Periodontology) **Atal Bihari Vajpayee Medical University, Lucknow**
Orthodontics and Dentofacial Orthopedics (with 6 seats, if granted on or after 26.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Bihari Vajpayee Medical University, Lucknow**
Public Health Dentistry (with 3 seats, if granted on or after 26.10.2024)	MDS (Public Health Dentistry) **Atal Bihari Vajpayee Medical University, Lucknow**
Oral Medicine and Radiology (with 3 seats, if granted on or after 09.11.2024)	MDS (Oral Medicine and Radiology) **Atal Bihari Vajpayee Medical University, Lucknow**
Oral & Maxillofacial Surgery (with 3 seats, if granted on or after 26.10.2024)	MDS (Oral & Maxillofacial Surgery) **Atal Bihari Vajpayee Medical University, Lucknow**

[F. No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1358.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात् :-

अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ द्वारा **कालका डेंटल कॉलेज, मेरठ के** एमडीएस छात्रों के संबंध में प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

कालका डेंटल कॉलेज, मेरठ	
बाल चिकित्सा और निवारक दंत चिकित्सा (2 सीटों के साथ, यदि 08.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1358.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **Kalka Dental College, Meerut** the following entries shall be inserted, namely:

Kalka Dental College, Meerut	
Pediatric and Preventive Dentistry (with 2 seats, if granted on or after 08.10.2024)	MDS (Pediatric and Preventive Dentistry) **Atal Bihari Vajpayee Medical University, Lucknow**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1359.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ द्वारा **श्री बांके बिहारी डेंटल कॉलेज एंड रिसर्च सेंटर, गाजियाबाद** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

श्री बांके बिहारी डेंटल कॉलेज एंड रिसर्च सेंटर, गाजियाबाद	
ओरल एंड मैक्सिलोफेशियल सर्जरी (3 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल एंड मैक्सिलोफेशियल सर्जरी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
बाल चिकित्सा और निवारक दंत चिकित्सा (3 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
ओरल मेडिसिन एंड रेडियोलॉजी (3 सीटों के साथ, यदि 15.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल मेडिसिन एंड रेडियोलॉजी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
पीरियोडोंटोलॉजी (3 सीटों के साथ, यदि 10.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (पीरियोडोंटोलॉजी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**
ऑर्थोडोंटिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स (3 सीटों के साथ, यदि 18.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ऑर्थोडोन्टिक्स एंड डेंटोफेशियल ऑर्थोपेडिक्स) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1359.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **Shree Bankey Bihari Dental College & Research Centre, Ghaziabad** the following entries shall be inserted, namely:

Shree Bankey Bihari Dental College & Research Centre, Ghaziabad	
Oral & Maxillofacial Surgery (with 3 seats, if granted on or after 15.10.2024)	MDS (Oral & Maxillofacial Surgery) **Atal Bihari Vajpayee Medical University, Lucknow**
Pediatric and Preventive Dentistry	MDS (Pediatric and Preventive Dentistry)

(with 3 seats, if granted on or after 15.10.2024)	**Atal Bihari Vajpayee Medical University, Lucknow**
Oral Medicine and Radiology (with 3 seats, if granted on or after 15.10.2024)	MDS (Oral Medicine and Radiology) **Atal Bihari Vajpayee Medical University, Lucknow**
Periodontology (with 3 seats, if granted on or after 10.10.2024)	MDS (Periodontology) **Atal Bihari Vajpayee Medical University, Lucknow**
Orthodontics and Dentofacial Orthopedics (with 3 seats, if granted on or after 18.10.2024)	MDS (Orthodontics and Dentofacial Orthopedics) **Atal Bihari Vajpayee Medical University, Lucknow**

[F. No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1360.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

द तमिलनाडु डॉ एमजीआर मेडिकल यूनिवर्सिटी, चेन्नई, तमिलनाडु द्वारा **माधा डेंटल कॉलेज एंड हॉस्पिटल, चेन्नई** के एमडीएस छात्रों को प्रदान की गई दंत डिग्री की मान्यता के संबंध में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 34 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

माधा डेंटल कॉलेज एंड हॉस्पिटल, चेन्नई	
बाल चिकित्सा और निवारक दंत चिकित्सा (3 सीटों के साथ, यदि 25.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (बाल चिकित्सा और निवारक दंत चिकित्सा) **द तमिलनाडु डॉ. एमजीआर मेडिकल यूनिवर्सिटी, चेन्नई, तमिलनाडु**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1360.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 34, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **The Tamil Nadu Dr. M.G.R. Medical University, Chennai, Tamil Nadu** in respect of MDS students of **Madha Dental College & Hospital, Chennai** the following entries shall be inserted, namely:

Madha Dental College & Hospital, Chennai	
Pediatric and Preventive Dentistry (with 3 seats, if granted on or after 25.10.2024)	MDS (Pediatric and Preventive Dentistry) **The Tamil Nadu Dr. M.G.R. Medical University Chennai, Tamil Nadu**

[F. No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 20 जून, 2025

का.आ. 1361.—केंद्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दंत परिषद के परामर्श के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्:-

अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ द्वारा **आईटीएस डेंटल कॉलेज, हॉस्पिटल एंड रिसर्च सेंटर, ग्रेटर नोएडा, उत्तर प्रदेश** एमडीएस छात्रों के संबंध में प्रदान की गई दंत डिग्री को मान्यता प्रदान करने से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 156 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अत: स्थापित जाएंगी, अर्थात्:

आईटीएस डेंटल कॉलेज, हॉस्पिटल एंड रिसर्च सेंटर, ग्रेटर नोएडा, उत्तर प्रदेश	
ओरल मेडिसिन एंड रेडियोलॉजी (2 सीटों के साथ, यदि 18.10.2024 को या उसके बाद स्वीकृत की जाती है)	एमडीएस (ओरल मेडिसिन एंड रेडियोलॉजी) **अटल बिहारी वाजपेयी मेडिकल यूनिवर्सिटी, लखनऊ**

[फा. सं. वी.12017/17/2025-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 20th June, 2025

S.O. 1361.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 156, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Bihari Vajpayee Medical University, Lucknow** in respect of MDS students of **I.T.S Dental College, Hospital & Research Centre, Greater Noida, U.P** the following entries shall be inserted, namely:

I.T.S Dental College, Hospital & Research Centre, Greater Noida, U.P	
Oral Medicine and Radiology (with 2 seats, if granted on or after 18.10.2024)	MDS (Oral Medicine and Radiology) **Atal Bihari Vajpayee Medical University, Lucknow**

[F.No. V.12017/17/2025-DE]

AMIT KUMAR, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 2 जुलाई, 2025

का.आ. 1362.—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 38/2011)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **30/06/2025** को प्राप्त हुआ था।

[सं. एल-20012/86/2010 आई.आर. (सीएम-I)]

मणिकंदन.एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 2nd July, 2025

S.O. 1362.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 38/2011*)*** of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I** as shown in the Annexure, in the industrial dispute between the Management of B.**C.C.L.** and **their workmen** received by the Central Government on 30***/06/2025.***

[No. L-20012/86/2010– 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. 38/2011

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Ranjeet Kumar Jha, (Legal Inspector)

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 10/06/2025

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-20012/86/2010 (IR(CM-I)) dated 14/07/2011 has been pleased to refer the following dispute between the employer i.e. management of Bhagabandh Colliery, P.B. Area of M/s. BCCL and their workman through Vice-President, Janta Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Bhagabandh Colliery of M/s BCCL in not providing employment to Sh. Rajkumari Devi dependent w/o. Late. Sitaram Dusadh under the provisions of NCWA is legal and justified? To what relief the applicant claimant is entitled to?"

2. On receiving order no. L-20012/86/2010 (IR(CM-I)) dated 14/07/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 38 of 2011 was registered on 28.07.2011 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. Even after issuance of regd. notice, none appeared from either side previously, though on 12.01.2024 and 06.06.2025, Sri Ranjeet Kumar Jha, Legal Inspector of management appeared. The case record shows that after issuance of notice, the workman never appeared before the Tribunal since the year 2011 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, 3 जुलाई, 2025

का.आ. 1363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरी कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, हैदराबाद के पंचाट (पहचान **संख्या 192/2014**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **03/07/2025** को प्राप्त हुआ था।

[सं. एल-20012/48/2014 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 3rd July, 2025

S.O. 1363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(ID. No. 192/2014*)*** of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Colliery Company Ltd.** and their workmen, received by the Central Government on **03*/07/2023.***

[No. L-20012/48/2014– 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 17th day of June, 2025

INDUSTRIAL DISPUTE No. 192/2014

Between:

The President (Bandari Satyanarayana).

Rashtriya Collieries Mazdoor Sangh (RCMS)

Rajkumar Complex, Saibaba Temple Road,

Jaffar Nagar, Mancherial – 504 208. ….. Petitioner/Union

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Mandamarri Area, Mandamarri – 504 231. …. Respondent

Appearances:

For the Petitioner : M/s. S. Bhagwanth Rao & S.V. Ramadevi, Advocates

For the Respondent: Sri Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L- 22012/48/2014-IR(CM-II) dated 8.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

SCHEDULE

"Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri Adilabad Distt., in terminating the services of Sri Eskuri Rayalingu, Ex. Coal Filler, KK 5 incline, Mandamarri Area with effect from 28.2.2000 is justified or not? If not to what relief the applicant is entitled to?

The reference is numbered in this Tribunal as I.D. No. 192/2014 and notices were issued to the parties concerned.

2. **The averments made is the claim statement are as follows**:-

It is submitted that the Petitioner workman was appointed as an employee on 10.10.1996 and he become permanent Employee during the course of service in the Company. The Service conditions of the Workman are governed by various standing orders of Company. It is submitted that the workman could not attend to his duties during the year 1999 due to his ill health, while so the Respondent issued show cause notice dated 20.8.1999 and the workman submitted reply on 11.10.1999, but that could not be considered by the Respondent Company and Respondent dismissed the workman from service through proceedings No.KK5/2000/5/883 dated 28.2.2000. It is further submitted that the workman preferred an appeal to the Higher authorities that went in vein, and the authority mechanically upheld the orders of Chief General Manager, Mandamarri Division. It is submitted that the Workman has put in 3 years of service without any red remark and the workman has got still 20 years of service for superannuation. The removal from service of the workman, person who has rendered more than 2 years of qualified service is arbitrary, illegal and against to the principles of natural justice and also against to the provisions of the Standing Orders of the Company. It is submitted that the "Award And Settlements" both are Decrees in terms of Industrial Disputes Act. There was a Settlement before the Regional Labour Commissioner at Hyderabad, that those who were removed from 1-1-2000 to 31-12-2010, cases can be considered by the Management as per the Circular P40/5911/IR/33, dated 10.3.2000, the workman was called for Interview and the Petitioner workman attended the Interview, but the case of the Petitioner workman was not considered for re-employment as per the Settlement. If the Petitioner workman was given employment he would have been put in more than 20 years of additional service. Therefore, the non-consideration of Settlement by the Company is very bad and against the law. It is submitted that the Respondent did not conduct enquiry properly and no documents were given to the Petitioner workman and no subsisting allowance was paid to him. The Respondent obtained thumb impressions on enquiry report and conducted enquiry. It is submitted that workman do not know the English language and enquiry conducted by the Respondent without mentioning contents therein is arbitrary, illegal and against to the principles of natural justice. It is submitted that after removal from the service by the Respondent to the Petitioner workman dt: 28.2.2000 the workman and children of Petitioner workman are fallen on roads with untold sufferings. The relationship between the Petitioner workman and Respondent is still continuing and workman has not reached the age of superannuation. Therefore, the workman has raised a conciliation before the Assistant Labour Commissioner (Central) thereby the matter has come to this Hon'ble court. It is prayed to reinstate the Petitioner workman into service with continuity of service and other attendant benefits and with full back wages by setting aside dismissal order dated 28.2.2000.

3. **Respondent filed counter denying the averments of the Petitioner/ Union as under**:

It is submitted that the present petition has been filed by the Workman Sri Eskuri Rayalingu, to direct the Respondent to reinstate the Workman into service with continuity of service and other attendant benefits and with full back wages, by setting aside the dismissal order bearing No.KK5/2000/5/883, dated 28.02.2000. It is submitted that the Workman was dismissed from the services of the Company on proved charge of absenteeism vide letter No.P/MM/7/2/00/799, dated 20.02.2000 with effect from 28.02.2000. It is apparently clear that there is an abnormal delay of about 14 years in raising the dispute by the Workman; therefore, the petition is liable to be dismissed on the ground of delay and latches. It is prayed that this Hon'ble Tribunal may be pleased to decide the delay in raising the dispute as a preliminary issue. It is submitted that the delinquent workman was dismissed on proved charge after conducting a detailed domestic enquiry duly following the principles of natural justice. It is submitted that the Workman Sri Eskuri Rayalingu, Badli Filler, K.K.5 Incline, Mandamarri Area of the Respondent Company, was initially appointed in the Company on 25.01.1997 as Badli Filler and continued to be in the same designation without getting his services regularised as Coal Filler till the date of his dismissal. While he was working at KK.5 Mine, Mandamarri Area and not at RK.5 Incline as mentioned in the cause title, he had put in just 048 musters during the calendar year 1998 and remained absent to duties unauthorisedly on all other days in the year, which constituted misconduct under Company's Standing Orders No.25.25. Hence, he was issued with a charge sheet bearing No. K5/99/13CS/64, dated 06.03.1999 under Company's Standing Orders No. 25.25 for the misconduct committed by him, which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."

The Workman acknowledged the receipt of the charge sheet and submitted his written explanation dated 09.06.1999 wherein he submitted that he has put in less musters during the year 1998 purely due to ill-health; that he remained absent to duties in the year 1998 due to new dependent employment in place of his father and requested to provide him one chance and assured to be careful and will not repeat the same mistake and put in every month full musters. His explanation was examined and found to be not satisfactory, hence an enquiry was ordered. An enquiry notice No. K5/99/13CS/2417, dated 25.06.1999 was issued advising the Workman to attend enquiry on 01.07.1999, along with witnesses, if any, to defend his case. It is submitted that the enquiry was conducted on 01.07.1999 adhering to the principles of Natural Justice. The Workman attended and fully participated in the enquiry and he was given full and fair opportunity to defend his case. Before commencing the enquiry proceedings, the Enquiry Officer had explained the enquiry procedure. The Workman having understood the procedure and at his free will took part in the enquiry proceedings. The Enquiry Officer had offered the opportunity of availing the services of defence assistant but the Workman did not avail the same. The Presenting Officer and the management witnesses deposed their evidence in

the presence of the Workman which was duly recorded by the Enquiry Officer and explained to the charge sheeted workmen in Telugu. Further, the documentary evidence was produced by the management in the presence of the Workman to substantiate the charge leveled against him in the enquiry and explained in Telugu by the Enquiry Officer. The Workman did not cross examine the management witnesses when the opportunity was afforded to him and voluntarily pleaded guilty of charge leveled against him. In his deposition during the course of enquiry, the Workman submitted that he was new to the job; attended his duties from native place which is 12 Kms away; that he could not be regular to duties during the years 1997 and 1998 due to personal problems and ill- health and accepted that he remained absent from duty on all the dates covered in the charge sheet. He further submitted that he fell sick frequently and that his mother expired in Feb'1998 and so he was not regular to duties. In the cross examination the Workman stated that he got no record to establish his sickness and pleaded guilty .of the charge leveled. Inspite of giving opportunity, he failed to establish the causes cited by him for his unauthorized absence from duty by submitting relevant documentary evidence. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the Workman was held to be guilty of the charge leveled against him under Company's Standing Order No.25.25. It is submitted that the Workman was supplied copy of the Enquiry report and proceedings vide letter No.P/MM/7/2/99/ 3769, dated 26.09.1999 wherein he was advised to submit his representation if any, against the findings of the enquiry officer within seven days of receipt of the letter. The Workman acknowledged receipt of the letter dated 26.09.1999 along with its enclosures and submitted his representation dated 30.09.1999 stating that he got no other source of earning and assured to be regular to duties. He did not dispute the enquiry proceedings and the findings of the Enquiry Officer. Keeping in view the assurance of the Workman, he was given 2 months time from 1.11.1999 vide letter No.P/MM/7/2/99/4239, dated 28.10.1999 to enable him to put in 20 musters per month and fill two and more tubs per muster. As he had put in 09 musters only against 26 working days in Nov' 1999, he was advised to improve his attendance and No.P/MM/n/2/99/4904, dated 17.12.1999 and in December, performance vide letter 1999 he had put in 15 musters only against 26 working days. Though he failed to improve his attendance and though he had put in 24 musters against 52 working days he was given one more month time to enable him to improve himself, vide letter No.P/MM/7/2/00/121, dated 05.01.2000. In the three months observation period the Workman had put in 43 musters against 75 working days and remained absent on 27 days. It is submitted that the Disciplinary Authority after going through the entire enquiry proceedings, explanation letter dated 09.06.1999 of the Workman and after evaluating all the evidence on record concurred with the findings of the enquiry officer. Since the charge framed and proved in the enquiry was grave and serious in nature warranting punishment of dismissal and after considering his attendance over 3 calendar years viz., 1997 - 104 musters; 1998-048 musters and 1999-066 musters, and after finding that there was no improvement in his attendance during the observation period as promised by him and as there was no extenuating circumstance to take a lenient view, the Workman was dismissed from Company's Services with effect from 28.02.2000 vide letter No.P/MM/7/2/00/799, dated 20.02.2000. It is to mention here that the Workman was a chronic and habitual absentee and did not put in at least 190 attendances as expected from an underground workman in any of the year since 1997. His average attendance over 3 calendar years is 72 musters per year which is far below the bench mark of 190 musters. Further, he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the unit authorities about his inability to attend to duties. Further, the Workman assured that he will be regular to his duties and attend at least 20 days in a month on filling job. However, the Workman did not keep his promise to improve his attendance and put in only 43 musters during the observation period from November, 1999 to January, 2000 and continued to absent from duty unauthorisedly without sanctioned leave or sufficient cause. He did not at least inform or communicate the reasons of his absence to the mine authorities at any point of time, which clearly establish the fact that he was not interested in his job. The Respondent Company has been operating Dispensaries, Area Hospitals and Main Hospital to extend medical facilities/aid to its employees, their dependent family members. The Workman, if really was suffering from health problems, he ought to have reported sick in Colliery Hospital; he ought to have requested for sanction of leave to his credit or for sanction of loss of pay leave, but without availing these channels, he chose to remain absent from duties unauthorisedly. Therefore, the management was compelled to dismiss the Workman, from the service of the Company with effect from 28.02.2000 on proved charge. It is to submit that the averment of the Workman that giving employment to the Workman is subject to availability of vacancy of work and that whenever Workman used to go for job there was no work but there appears to be contributory negligence is denied as there exists no truth. The Workman was never regular to duties and as such the question of returning him after coming for duty does not arise. It is to submit that in the Respondent Company, in a Mine in each shift 400 to 500 employees will work. Naturally among such quantum of employees, few will surely go on authorised leave or report sick and in their places management provides employment to Badlies and never the management returns an employee after booking his IN muster at the Mine but provides him job. The Workman in his explanation dated 09.06.1999 had categorically admitted that he had put in less musters during the year 1998 and assured to be regular to duties: before the Enquiry Officer at the time of enquiry the Workman submitted that as he attended his duties from his village which is 12 Kms away from the Mine; that due to personal family problems and as he suffered from ill health he was not regular to duties and pleaded guilty of the charge levelled and when he was supplied copy of enquiry report he submitted representation dated 30.09.1999 wherein also he submitted that he participated in the enquiry, he was given full and fair opportunity to conduct his defence and requested to excuse him for his mistake, but now makes false allegations that he was not shown work and

was returned whenever he went to mine for job. The Respondent company will never have a predetermined notion against any of its employee and if at all excess manpower is found it has other legal measures to over- come such crisis. It has already introduced Voluntary Retirement Scheme (Golden Handshake); Special Female Voluntary Retirement Scheme; Voluntary Retirement Scheme (Low Productive Employees) but never used the disciplinary action of dismissal to eliminate surplus manpower. The Respondent company never indulged in unfair labour practice and victimization as alleged by the Workman and he is put to strict proof of the same. The Workman failed utterly and also failed to keep up his promise of being regular to duties. In order to cover up his mistake the Workman is trying to fire against the Respondent company terming the action of Respondent as "Hire and Fire" and the same is denied strongly. It is to submit that the Enquiry Officer had held the enquiry proceedings duly following the principles of natural justice and giving every opportunity to the Workman to defend his case. This was admitted by the Workman himself in his representation dated 30.09.1999, If the enquiry proceedings were not conducted properly, the Workman could have registered his objections, protest and not affixed his signature on the enquiry proceedings at the time of participating in the enquiry or when he was supplied the copy of enquiry proceedings and report. Without doing so all these years, now after a lapse of 14 years the Workman is claiming that enquiry was not conducted properly which is an afterthought and hence the same is denied. The Enquiry Officer did not obtain the thumb impressions of the Workman on the enquiry proceedings, but the Enquiry Officer explained the recorded proceedings in Telugu to the Workman and the Workman after satisfying that the same was recorded correctly then only affixed his signature on the proceedings without any protest or objections. As regards the contention that the enquiry was conducted by the Respondent without mentioning the contents there it is to submit that the Enquiry Officer though recorded the proceedings in English had explained the enquiry procedure to the Workman in Telugu and started the proceedings only when the Workman was ready to take part in the proceedings; further he, at every stage, explained the recorded proceedings, in Telugu to the Workman and the Workman also without any objection and protest and without raising any doubts affixed his signature on the proceedings since he was satisfied that the proceedings were correctly recorded in his presence. Further, the proceedings were recorded in English but in fact entire proceedings were conducted in presence of the Workman in Telugu only and hence the averment of the Workman that this is arbitrary, illegal and against Principles of Natural Justice is not correct and hence denied. Further, Respondent contended that Workman has not satisfied now stipulation stipulated and condition reemployment in view of the memorandum of settlement dated 9.8.2011. Therefore, his case was not considered afresh as badli filler. He submitted that the Workman should have been more careful and conscious of his responsibilities towards his family members and towards his job. He failed to realise his mistake inspite of giving opportunities and paid no heed to the advice of his higher authorities in regard to be regular to duties. For the fault and mistakes of the Workman he cannot hold the Respondent company responsible. It is the Workman himself who has to be blamed for this situation which is the result of his negligent behaviour and careless attitude towards his job. As such the elevations of the Workman are holy untenable and divided of any merits hence denied. Therefore, prayed to dismiss the claim petition as devoid of merits.

4. Workman didn't file any documents in support of his claim in evidence. Whereas Respondent has filed many documents of enquiry proceeding through list dated 13.7.2017. Despite sufficient opportunity Workman did not adduce any arguments. However, Respondent has filed written arguments.

5. **On the basis of rival pleadings of both the parties, following issues emerge for determination**:-

I Whether the departmental enquiry held against the Workman is legal and valid?

II. Whether the claim petition filed by the Workman is bad due to delay and latches?

III. Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri Adilabad Distt., in terminating the services of Sri Eskuri Rayalingu, Ex. Coal Filler, KK 5 incline, Mandamarri Area with effect from 28.2.2000 is justified or not?

IV. To what relief the Workman is entitled?

Findings:-

6. **Issue No.I**: -The legality and validity of departmental enquiry has been held legal and valid by the Tribunal vide order dated 31.7.2023.

Thus, Issue No.1 is decided accordingly.

7. **Issue No.II**:- This issue pertains to the question whether the industrial dispute raised by the Workman is barred by delay and laches. In this context the Learned Counsel for Respondent submitted that the Workman was dismissed from the service of the company on the proved charges of absenteeism vide letter No.KK5/2000/5/883 dated 20.2.2000 with effect from 28.2.2000. Therefore, it is apparently clear that there is an abnormal delay of 14 years in raising the dispute by the Workman. Therefore, the petition is liable to be dismissed on the ground of delay and latches. Further, it is contended that as per provision contained under section 2A(2) the applicant feeling aggrieved by the order of employer terminating the services of the individual Workman for discharging, dismissing or retrenching he will make an application to the Labour Court or Tribunal before the expiry of 3 years from the date

of discharge or dismissal, retrenchment or otherwise termination of services. Whereas in the present case the Workman has raised the industrial dispute with an inordinate delay of 14 years from the date of termination from service i.e., 20.2.2000. Therefore, in view of the above the claim petition is barred by delay and latches.

8. Perused the record. Undisputedly, Workman in the present case has been terminated from service vide order dated 20.2.2000 with effect from 28.2.2000 passed by Disciplinary Authority of the Respondent. Whereas the industrial dispute has been raised in the year 2014 against the said termination order whereas it has been referred for adjudication vide letter dated 8.8.2014 of Government of India Ministry of Labour, New Delhi. Thus, there is an inordinate delay of about 14 years in raising the industrial dispute in the present matter. However, Workman has not furnished any explanation regarding inordinate delay in raising the dispute against his termination order from the service by the Respondent.

In this context, reference of few decisions of Hon'ble Supreme Court are relevant as discussed hereunder:-

In **K R Reddy Vs. Industrial Tribunal-II, Hyderabad, Hon'ble Court held**:-

"The Supreme Court extensively considered the scope of relevant provisions and precedent decisions and held that there was inordinate, unexplained delay in referring the dispute."

In the case of Assistant Engineer, CAD, Kota and Dhan Kumwar, CA No.6473, 2006 III LLJ, the Hon'ble Apex Court have held:

"workman raising the dispute eight years after termination of service –therefore relief by Labour Court should not have been granted to workman."

In Haryana State Co-operative Land Development Bank and Neelam, 2005 I LLJ, the Apex Court held:

"Though no time limit prescribed for raising industrial dispute, but stale claim, could not be entertained – approaching Labour Court after delay of more than 7 years. Held:- justified refusal of relief in this case."

In the case of **Sri Prabhakar Vs. Joint Director Sericulture Department in Civil Appeal decision dated 7.9.15 Hon'ble Apex Court have held:-**

"*40) On the basis of aforesaid discussion, we summarise the legal position as under:*

"An industrial dispute has to be referred by the appropriate Government for adjudication and the workman cannot approach the Labour Court or Industrial Tribunal directly, except in those cases which are covered by Section 2A of the Act. Reference is made under Section 10 of the Act in those cases where the appropriate Government forms an opinion that 'any industrial dispute exists or is apprehended'. The words 'industrial dispute exists' are of paramount importance unless there is an existence of an industrial dispute (or the dispute is apprehended or it is apprehended such a dispute may arise in near future), no reference is to be made. Thus, existence or apprehension of an industrial dispute is a sine qua non for making the reference. No doubt, at the time of taking a decision whether a reference is to be made or not, the appropriate Government is not to go into the merits of the dispute. Making of reference is only an administrative function. At the same time, on the basis of material on record, satisfaction of the existence of the industrial dispute or the apprehension of an industrial dispute is necessary. Such existence/apprehension of industrial dispute, thus, becomes a condition precedent, though it will be only subjective satisfaction based on material on record. Since, we are not concerned with the satisfaction dealing with cases where there is apprehended industrial dispute, discussion that follows would confine to existence of an industrial dispute. Dispute or difference arises when one party make a demand and other party rejects the same. It is held by this Court in number of cases that before raising the industrial dispute making of demand is a necessary pre-condition. In such a scenario, if the services of a workman are terminated and he does not make the demand and/or raise the issue alleging wrongful termination immediately thereafter or within reasonable time and raises the same after considerable lapse of period, whether it can be said that industrial dispute still exist. Since there is no period of limitation, it gives right to the workman to raise the dispute even belatedly. However, if the dispute is raised after a long period, it has to be seen as to whether such a dispute still exists? Thus, notwithstanding the fact that law of limitation does not apply, it is to be shown by the workman that there is a dispute in praesenti. For this purpose, he has to demonstrate that even if considerable period has lapsed and there are laches and delays, such delay has not resulted into making the industrial dispute seized to exist. Therefore, if the workman is able to give satisfactory explanation for these laches and delays and demonstrate that the circumstances discloses that issue is still alive, delay would not come in his way because of the reason that law of limitation has no application. On the other hand, if because of such delay dispute no longer remains alive and is to be treated as "dead", then it would be non-existent dispute which cannot be referred. Take, for example, a case where the workman issues notice after his termination, questioning the termination and demanding reinstatement. He is able to show that there were discussions from time to time and the parties were trying to sort out the matter amicably. Or he is able to show that there were assurances by the Management to the effect that he would be taken back in service and because of these reasons, he did not immediately raise the dispute by approaching the labour authorities seeking

reference or did not invoke the remedy under Section 2A of the Act. In such a scenario, it can be treated that the dispute was live and existing as the workman never abandoned his right. However, in this very example, even if the notice of demand was sent but it did not evoke any positive response or there was specific rejection by the Management of his demand contained in the notice and thereafter he sleeps over the matter for number of years, it can be treated that he accepted the factum of his termination and rejection thereof by the Management and acquiesced into the said rejection. Take another example. A workman approaches the Civil Court by filing a suit against his termination which was pending for number of years and was ultimately dismissed on the ground that Civil Court did not have jurisdiction to enforce the contract of personal service and does not grant any reinstatement. At that stage, when the suit is dismissed or he withdraws that suit and then involves the machinery under the Act, it can lead to the conclusion that dispute is still alive as the workman had not accepted the termination but was agitating the same; albeit in a wrong forum. In contrast, in those cases where there was no agitation by the workman against his termination and the dispute is raised belatedly and the delay or laches remain unexplained, it would be presumed that he had waived his right or acquiesced into the act of termination and, therefore, at the time when the dispute is raised it had become stale and was not an 'existing dispute'. In such circumstances, the appropriate Government can refuse to make reference. In the alternative, the Labour Court/Industrial Court can also hold that there is no "industrial dispute" within the meaning of Section 2(k) of the Act and, therefore, no relief can be granted.

41) We may hasten to clarify that in those cases where the Court finds that dispute still existed, though raised belatedly, it is always permissible for the Court to take the aspect of delay into consideration and mould the relief. In such cases, it is still open for the Court to either grant reinstatement without back wages or lesser back wages or grant compensation instead of reinstatement. We are of the opinion that the law on this issue has to be applied in the aforesaid perspective in such matters."

Moreover, in the case of Chief Engineer (Construction) Vs. Keshav Rao, 2005 JCR 96, Hon'ble Supreme Court have held that, the delay of a one year and five months in issuing a notice appears to us to be significant. Here, in the present matter workman has not issued any notice or raised dispute against his termination in any forum for a long period of about fourteen years and his claim against dismissal has become stale due to inordinate delay and latches.

9. Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court in the instant case industrial dispute raised by Workman against his termination order dated 20.2.2000 with effect from 28.2.2000 after a lapse of 14 years from the date of his termination without any reasonable explanation or notice has become stale and not maintainable. Therefore, the petition filed by the Workman is not maintainable due to inordinate delay and latches and such a dispute has become stale and not maintainable.

This issue is decided against the Workman.

10. **Issue No.III**:- This issue pertains to question whether the action of Respondent management in terminating the services of the Petitioner Workman Sri Eskuri Railingu, Ex. Coal Filler, KK 5 incline Mandamarri area with effect from 28.2.2000 is justified or not. In this context, Respondent contended that the delinquent Workman was dismissed from the services of the company on proved charges of absenteeism vide letter No.KK5/2000/5/883 dated 20.2.2000 with effect from 28.2.2000. The delinquent Workman was dismissed on proved charge after conducting departmental enquiry duly following the principles of natural justice. Further, it is submitted that the Workman Sri Railingu, badli filler was initially appointed in the company on 25.1.1997 as badli filler and continued to be in the same designation without getting his service regularised as coal filler till the date of his dismissal. Further, it is submitted that while he was working at KK 5 mine, Mandamarri area and not at RK 5 incline as mentioned in the cause title, he had put in just 48 musters during the current calendar year 1998 and remained absent from the date unauthorisedly and on all other dates which constituted misconduct under Company's Standing Order No. 25.25. Hence, he was issued with the chargesheet dated 6.3.1999 under Company's Standing Order No.25.25 for habitual absence from duty without sufficient cause. Further, it is submitted that Workman acknowledged the receipt of the chargesheet and submitted his explanation dated 9.6.1999 wherein he has submitted that he has put in less musters during the year 1998 purely due to ill-health, and he remained absent from duty in the year 1998 due to new dependent employment in place of his father and requested to provide him one chance and assured to be careful and will not repeat the same mistake and put in every month full musters. His explanation was examined and found to be not satisfactory hence an enquiry was ordered.

11. Further, it is submitted that enquiry was conducted on 1.7.1999 adhering to the principles of natural justice. Petitioner workman attended and fully participated in the enquiry and he was given full and fair opportunity to defend his case. before commencing the enquiry proceedings the Enquiry Officer had explained the enquiry procedure to workman and he was offered the opportunity of availing the services of defence assistant but the Workman did not avail the same. The management witnesses deposed their evidence in the presence of the Workman which was duly recorded by the Enquiry Officer and explained to the charge sheeted Workman in Telugu. Further, documentary evidence produced by the management in the presence of the Workman to substantiate the charge levelled against him in the enquiry and explained in Telugu by the Enquiry Officer. Workman did not cross examine the management witnesses despite opportunity was accorded to him and Workman voluntarily pleaded guilty of

charge levelled against him. Further Respondents submitted that the Workman in his deposition during the course of enquiry has admitted the charge levelled against him. In cross examination Workman stated that he got no record to establish his sickness and pleaded guilty of the charge levelled. Inspite of giving opportunity he failed to establish the causes cited by him for his unauthorised absence from duty by submitting relevant documentary evidence regarding his illness. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the record of evidence, submitted his report in which the Workman was held to be guilty of the charge levelled against him under Company's Standing Order No.25.25. Workman acknowledged the receipt of the enquiry report by letter dated 26.9.1999 along with an enclosure and submitted his representation in detail dated 30.9.1999 stating that he got no other source of earning and assured to be regular to duties. Moreover, workman did not dispute the enquiry proceedings and findings of the Enquiry Officer. Further, it is submitted that keeping in view the assurance of the Workman he was given time vide letter dated 28.10.1999 to enable him to put in 20 musters per month and to fill 2 and more tubs per muster. As he has put in 9 musters only against 26 working days in November 1999 he was advised to improve his attendance and performance vide letter dated 17.12.1999 and in December 1999 he had put in 15 musters only against 26 working days. Though he failed to improve his attendance and he had put in 24 musters against 52 working days he was given one more month time to enable him to improve himself. In 3 months observation period the Workman has put in only 43 musters against 75 working days and remained absent on 27 days. The Disciplinary Authority after going through the entire enquiry proceedings, explanation letter dated 9.6.1999 of the Workman and after evaluating all the evidence on record confirmed the findings of the Enquiry Officer since the charge framed and proved in enquiry was grave and serious in nature warranting punishment of dismissal and also considered attendance of workman over 3 calendar years i.e., 1997- 104 musters, 1998 -48 musters and 1996-66 musters and after finding that there was no improvement in his attendance during the observation period as promised by him and as also there was no extenuating circumstances to take a lenient view, the Workman was dismissed from service with effect from 28.2.2000 vide letter dated 20.2.2000. Further, Respondent submitted that the Workman was a chronic and habitual absentee and didn't put in at least 190 attendances as expected from an underground Workman in any of the year, since 1997 his average attendance over 3 calendar years is 72 musters per year which is far below the benchmark of 190 musters. Further, it is submitted that he remained absent from duty without sanctioned leave, sufficient cause and did not bother to communicate to the unit authorities about his inability to attend to duties.

12. In view of the submission made by the Respondent, perused the record of enquiry proceeding. The record of enquiry proceeding goes to reveal that the delinquent Workman was chargesheeted vide chargesheet dated 6.3.1999 under Company's Standing Order No.25.25 for habitual absence from duty without sufficient cause. The workman was chargesheeted for absence from duty without sanctioned leave or sufficient cause during the year 1998. The charge sheet was served upon workman. The delinquent Workman submitted his explanation to the charge sheet and enquiry was conducted and during the enquiry in support of charge two witnesses were examined by the Respondent, i.e., Sri N. Narasinga Rao, Special Grade Clerk, and Sri V Ramaswamy Special Grade Clerk. Sri V. Ramaswamy has stated that during the year 1998 January to December the delinquent Workman remained absent from duty without any sanctioned leave or sufficient cause. Despite opportunity to cross examine Workman did not cross examine. Thus, statement of the management witnesses remained uncontraverted regarding the allegation of the charges against the Workman that he remained absent from duties without sanctioned leave or sufficient cause during the year 1998. Further, delinquent Workman has also examined himself in evidence as witness and in his statement workman Sri Eskuri Rayalingu has stated admitting the charge levelled against him that he had remained absent from duty on the dates and period mentioned in the charge sheet and he was not granted any leave for these days. Further, he stated that he has not given any intimation to the company about his absence from duty and he has no record to show about his sickness. Further, the CSE was cross examined and was asked whether he pleads guilty of the charge levelled against him. In reply Workman stated that he pleads guilty of the charge levelled against him and requested to excuse him for this time. Thus, on going through the evidence recorded during the enquiry it is established that the Workman remained absent from duty unauthorisedly without sanction of leave during the year 1998 on the dates as mentioned in the chargesheet. Moreover, he was served with the copy of the documents and enquiry report and he submitted his explanation and did not dispute the findings of the enquiry proceedings and legality of the order of Disciplinary Authority. Thus, keeping in view of the facts and circumstances and evidence available on record and in view of the seriousness of the charge levelled against the delinquent Workman, Disciplinary Authority has passed the order to dismiss the Workman from service of the company with effect from 28.2.2000. Therefore, in view of the above the order of dismissal of the Workman from service does not suffer from any procedural infirmity or illegality or perversity.

13. The Workman has taken the plea that his termination order is illegal and against the principles of natural justice and against the Standing Orders of the Company. The perusal of the petition filed by the Workman under Section 2A(2) of the I.D. Act, 1947 goes to show that Workman has nowhere challenged the chargesheet dated 6.3.1999 issued to him in his pleading for absenteeism from duty during the year 1998. In his petition the workman has nowhere furnished any explanation regarding his unauthorised absence from duty during the year 1998 and did not question the legality of charge sheet dated 6.3.1999 and enquiry conducted in pursuance of charge sheet. He has taken the plea that he could not attend his duty during the year 1998 due to ill-health. Whereas the chargesheet dated

6.3.1999 was issued to the Workman for conducting the enquiry for unauthorized absence from duty during the year 1998. His petition is found silent about the unauthorized absence from duty during the year 1998 for which charge sheet was issued to him for his unauthorized absence from duty. Thus, the said plea of Workman is not tenable.

14. In this context, the reference of decisions of Hon'ble Supreme Court are relevant wherein Hon'ble Supreme Court have held that, the misconduct of habitual absence from duty unauthorisedly by the employee is a serious and grave nature.

In State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Apex Court had held:-

"Having notices the fact that the first respondent has absented himself from duty without level on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."

In the case of **North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 wherein, the Apex Court had held:-**

"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorisedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly.

3. **In Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held-**:

"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."

4. **State of U.P. v. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276],**

it was opined that, "the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating: "It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."

5. The Hon'ble Apex Court in the case of **Management Coal India Ltd. v. Mukul Kumar Choudhary Civil Appeal 5762-5763 of 2009 decided on 24.08.2009 laid down the test of proportionality of punishment and held**:-

"One of the test to be applied while dealing with the question of punishment would be: would any reasonable employer have imposed such punishment in like circumstances? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment."

6. In the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhay, the 2022 LLR page 126, wherein the Hon'ble Apex Court held:-**

"*once the enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."*

Therefore, in view of the fore gone discussion and a law laid down by the Hon'ble Apex Court I am of the considered opinion that the dismissal order passed by the Respondent management was proportionate with the gravity of the charges hence deserves to be upheld. There is no illegality or impropriety or perversity in the impugned order.

This issue is decided against the Workman and in favour of the Respondent.

15. **Issue No.IV**:- In view of the finding given at Issue Nos. I , II and III the Workman is not entitled for any relief, hence the petition is liable to be dismissed. However, Workman has taken the plea that the Respondent

management refused to reengage him in the employment, whereas he was eligible as per settlement. In this context, it is noteworthy to notice that in the present matter the reference has been made to the Tribunal to examine the legality and justification of the termination order of the Workman from the employment of the Respondent. It is settled law that the jurisdiction of the Labour Court/Tribunal is limited to the point specifically referred and matter incidental thereto. Since the scope of its jurisdiction and power is circumscribed by the order of reference, it is not permissible for him to go beyond the terms of the reference. Therefore, the plea of the Workman in this respective is not tenable.

This issue is answered accordingly.

AWARD

In view of discussion and finding arrived at Issues No. I, II & III, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri Adilabad Distt., in terminating the services of Sri Eskuri Rayalingu, Ex. Coal Filler, KK 5 incline, Mandamarri Area with effect from 28.2.2000 is held justified. The workman is not entitled to any relief as prayed for. Therefore, the claim petition is dismissed as devoid of merits. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 17th day of June, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **44/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/81/2022 आई.आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D. No. 44/2022)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-22012/81/2022– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 44 OF 2022

PARTIES: 1. Bhadu Bouri (dependent wife of Late Ganesh Bouri),

2. Manoj Bouri (dependent son of Late Ganesh Bouri).

Vs.

Management of Lachipur Colliery, ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 28.05.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/81/2022-IR(CM-II)** dated 05.09.2022 has been pleased to refer the scheduled dispute between the employer, that is the Management of Lachipur Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Lachipur Colliery, Kajora Area of M/s. E.C. Ltd. for delay in providing employment under the provisions of NCWA to the dependent of Shri Ganesh Bouri, UG Loader, Lachipur Colliery, Kajora Area of M/s E.C. Ltd., who was expired on 24.12.2000 (copy enclosed) while in service, in spite of appeal for employment dated 25/05/2001 (copy enclosed) of Smt. Bhadu Bouri wife of Late Ganesh Bouri and appeal for employment dated 29.11.2011 (copy enclosed) of Sri Manoj Bouri son of Late Ganesh Bouri, is fair, legal and justified? If not, what relief the dependent of deceased workman is entitled to? "

1. On receiving Order **No. L-22012/81/2022-IR(CM-II)** dated 05.09.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 08.09.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Dependents of the deceased employee in support of their claims filed written statement on 14.02.2023 through the President of Koyala Mazdoor Congress. Management of Eastern Coalfields Limited (hereinafter referred to as ECL) contested their case by filing their written statement on the same date i.e., 14.02.2023. The fact of the case, in brief, as disclosed in the written statement of the union is that Ganesh Bouri was a permanent employee of ECL and was posted at Lachipur Colliery under Kajora Area of ECL, having U.M. No. 058887. Ganesh Bouri died in harness on 24.12.2000. Bhadu Bouri the widow of Late Ganesh Bouri submitted an application before the management of ECL, claiming employment as a dependent as per the provisions of National Coal Wage Agreement (hereinafter referred to as NCWA). Initially a date was fixed for screening of Bhadu Bouri, which was communicated through letter dated 16.07.2001 but the date for screening was cancelled. According to the union Screening test and Initial Medical Examination (hereinafter referred to as IME) of Bhadu Bouri was done at Area level and her age was assessed as above forty-five years. Management deliberately did not process the claim for employment of Bhadu Bouri though she was below forty-five years of age at the time of death of her husband. No monetary compensation was provided to her according to Clause 9.5.0 (iii) of NCWA-VI. Subsequently, Bhadu Bouri applied for employment of Manoj Bouri her son on his attaining the age of eighteen years. The management held screening of Manoj Bouri and the proposal for employment was sent to the Area Office. Management of ECL also referred the case of Manoj Bouri to Police for verifying his relationship with Ganesh Bouri. After receiving necessary Police Verification Report, establishing the relationship between Manoj Bouri and Ganesh Bouri, the management referred the dependent son for his medical examination by IME Board, which declared Manoj Bouri medically fit for job. The General Manager of the Area recommended the proposal for employment and forwarded the same to ECL Headquarters for approval. After retaining the file for a long period ECL Headquarters regretted the prayer for employment of the dependent son on the ground that the application for employment was submitted very late. It is asserted that Manoj Bouri, the dependent son is entitled for employment in place of his father but the management deliberately refused to provide employment to the son, violating the guidelines of NCWA. It is urged that in similar cases dependent sons of Late Sitaram Singh of Chapui Khas Colliery and Late Puran Gope of Parascole Colliery were provided with employment and monetary compensation was paid to the widows. It has been prayed that Manoj Bouri, the dependent

son should be provided with employment and wife of the deceased employee should be provided with monetary compensation from the date of death of the employee i.e., 24.12.2000 till the dependent son is provided employment along with all other consequential benefits.

3. Management of ECL in their written statement contended that Bhadu Bouri claimed employment in place of her deceased husband Ganesh Bouri by submitting an application on 27.04.2001. Screening of Bhadu Bouri was held on 02.06.2001 and her file was forwarded for further examination at the Area level. The employment proposal could not be finalized as Bhadu Bouri failed to submit relevant documents. After eleven years from the date of death of her husband Bhadu Bouri changed her nomination in favour of Manoj Bouri for employment, as dependent son. The employment proposal of Manoj Bouri was considered, processed and finally regretted by letter No. ECL/CMD/C-6B/EMPL/ED-2875/18/641 dated 10.12.2018. According to the management, instant Industrial Dispute is raised before the Assistant Labour Commissioner (Central) after lapse of more than twenty years and referred to this Tribunal twenty-two years after death of Ganesh Bouri. Management urged that employment on compassionate ground cannot be claimed after long lapse of time as it has become stale and is fit to be dismissed. Management in support of such plea referred a decision of the Hon'ble Supreme Court of India in the case of **Eastern Coalfields Limited Vs. Anil Badyakar and Others [Civil Appeal No. 359 of 2009]**. It is urged that the compassionate employment is not a vested right and cannot be exercised at any time after a long lapse of time and after the crisis is over. Management claimed that the petitioners are not entitled to any relief in this case.

4. In support of their claim union examined Manoj Bouri as Workman Witness No. 1. He filed his affidavit-in-chief and produced several documents which have been adduced in the evidence as follows :

(i) Copy of the Identity Card of Ganesh Bouri issued by the management of ECL has been produced as Exhibit W-1.

(ii) Copy of the Death Certificate of Ganesh Bouri, issued by Central Hospital at Kalla of ECL, as Exhibit W-2.

(iii) Copy of the Death Certificate of Ganesh Bouri, issued by Government of West Bengal, as Exhibit W-3.

(iv) Copy of the Application dated 25.05.2001 submitted by Bhadu Bouri for employment against death of her husband, as Exhibit W-4.

(v) Copy of the Letter dated 19.07.2001 issued by the Senior Personnel Officer, Lachipur Colliery for Screening of Bhadu Bouri, as Exhibit W-5.

(vi) Copy of the Office Order dated 26.07.2001 issued by the Manager, Lachipur Colliery for Screening of Bhadu Bouri, as Exhibit W- 6.

(vii) Copy of the Letter dated 07/08.08.2001 issued by the Manager, Lachipur Colliery for IME of Bhadu Bouri, as Exhibit W-7.

(viii) Copy of the Application dated 29.11.2011 of Manoj Bouri seeking employment against death of his father, as Exhibit W-8.

(ix) Copy of the Application indicating submission of various documents by Manoj Bouri before the Agent, as Exhibit W-9.

(x) Copy of the Letter dated 01/02.03.2012 issued by the Senior Manager (M), Lachipur Colliery asking Manoj Bouri to submit some documents, as Exhibit W-10.

(xi) Copy of the Letter dated 07.01.2013 issued by the Sr. Manager (M), Lachipur Colliery to Manoj Bouri for his screening, as Exhibit W-11.

(xii) Copy of Letter dated 30.04.2013 / 16.05.2013 of Manager, Lachipur Colliery, submitting screening report and all relevant document before the Chief Manager (P), Kajora Area, as Exhibit W-12.

(xiii) Copy of Letter dated 13.08.2013 issued by Assistant Manager (Personnel), referring Manoj Bouri for medical examination on 23.08.2013, as Exhibit W-13.

(xiv) Copy of Letter dated 12.09.2012 of the Sr. Manager, Lachipur Colliery, seeking police verification, as Exhibit W-14.

(xv) Copy of Letter dated 20.10.2014 of the Manager (P&A), Kajora Area, seeking clarification from the Agent, Lachipur Colliery, as Exhibit W-15.

(xvi) Copy of reply of the Assistant Manager (Personnel), Lachipur Colliery against letter dated 20.10.2014, as Exhibit W-16.

(xvii) Copy of No Objection letter from the dependents of Ganesh Bouri for providing employment to Manoj Bouri, as Exhibit W-17.

(xviii) Copy of the Legal heirship Certificate dated 27.04.1992 issued by Madanpur Gram Panchayat, as Exhibit W-18.

5. Witness was cross-examined by the learned advocate for the management. It appears from the cross-examination that Manoj Bouri that he did not attend any School for his education and was unable to sign. It transpires from his testimony that Bhadu Bouri, his mother is still alive. According to the witness Bhadu Bouri applied for employment as the dependent wife of Ganesh Bouri but management never informed her that she was disentitled to employment. The witness admitted that his mother did not submit any application before the management of ECL for maintaining his name in the Live Roster for providing employment to him on attaining the age of 18 years. The witness denied that management of the employer company informed him that due to delayed submission of application, the management of the ECL was not in a position to provide employment to him.

6. Mr. Proloy Dasgupta, Manager (Personnel), Lachipur Colliery has adduced evidence on behalf of the management of ECL. He has filed an affidavit-in-chief and has been examined as Management Witness No. 1. In his affidavit-in-chief the witness stated that Bhadu Bouri claimed employment as wife of Late Ganesh Bouri by submitting application dated 27.04.2001. The proposal for employment was processed but the name of Bhadu Bouri did not appear in the Service Record of Ganesh Bouri. It is further stated that the proposal for employment of Bhadu Bouri could not be finalized as she failed to file relevant documents. She also did not apply before the management to maintain the name of Manoj Bouri in the Live Roster. After lapse of 11 years, she nominated Manoj Bouri for employment, as son of Late Ganesh Bouri. The application was submitted on 29.11.2011 without assigning any reason for such change of mind. The proposal for employment of Manoj Bouri was forwarded to the Competent Authority and after observing all formalities the prayer was regretted by management's letter dated 10.12.2018. The management witness has produced the following documents :

(i) Copy of the Death Certificate of Ganesh Bouri, issued by Central Hospital at Kalla of ECL has been marked as Exhibit M-1.

(ii) Copy of the Death Certificate of Ganesh Bouri, issued by Government of West Bengal, as Exhibit M-2.

(iii) Copy of the Application dated 27.04.2001 of Bhadu Bouri for employment against death of her husband, as Exhibit M-3.

(iv) Copy of the Application dated 29.11.2011 of Bhadu Bouri seeking employment for her son Manoj Bouri, as Exhibit M-4.

(v) Copy of Report of Pre-employment Medical Examination of Manoj Bouri, as Exhibit M-5.

(vi) Copy of Report of the Screening Committee dated 12.01.2013, as Exhibit M-6.

(vii) Copy of the Letter dated 02/03.07.2014 issued by the Chief Manager (P) IC, Kajora Area, forwarding employment proposal of Manoj Bouri to the Sr. Manager (P) EMPL/ED, ECL Headquarters, Sanctoria, as Exhibit M-7.

7. In course of cross-examination the management witness deposed that after submission of application by Bhadu Bouri on 27.04.2001 for her employment, management did not take any step to process her employment petition. The witness was called upon to provide Screening Report of Bhadu Bouri, which he failed. Witness further admitted that he is unable to produce any IME Report of Bhadu Bouri and he could not state that if any IME was ever held. Witness admitted that management did not take any final decision regarding claim for employment of Bhadu Bouri and further admitted that no monetary compensation was paid to the wife of the deceased workman. Witness in the same breath stated that management committed no illegality by not providing employment or monetary compensation to Bhadu Bouri after the death of her husband. Management witness also denied that management committed any illegality by not providing employment to Manoj Bouri after founding him fit for employment.

8. The crux in issue in this case is whether Manoj Bouri, son of Late Ganesh Bouri is entitled to employment in place of his deceased father and if Bhadu Bouri is entitled to any monetary compensation till employment is provided to the dependent son?

9. Mr. Rakesh Kumar, Union representative arguing the case on behalf of the dependent wife and son of the deceased employee submitted that Ganesh Bouri died on 24.12.2000 at the age of 42 years. On 27.04.2001 his wife submitted an application claiming employment for herself (Exhibit M-3). The wife was asked to appear before the Screening Committee and for her medical examination but the management took no action and did not communicate anything to her for a very long period. Since the management of ECL did not finalize her prayer for employment and Manoj Bouri, the minor son of the deceased employee attained majority in the meantime, a separate application was filed by Manoj Bouri on 29.11.2011 praying for his employment (Exhibit W-8). Traversing me through the evidence

adduced by the parties Mr. Rakesh Kumar summitted that screening test of Manoj Bouri was held on 12.01.2013 (Exhibit M-6) where the other dependents of the deceased employee also appeared and expressed that they have no objection, if employment is provided to Manoj Bouri. Pre-employment medical examination of the dependent son was held on 23.08.2013 and the IME report (Exhibit M-5) reveals that the candidate was found fit for job. The IME Board assessed the age of the son as 25 years to 30 years, which implies that at the time of his father's death on 24.12.2000 the age of the son was between 13 to 14 years. At the relevant time NCWA-VI was applicable and it provided that if a dependent son was above 12 years, his name would be maintained in the Live Roster of the company for his employment on attaining majority. It is argued on behalf of the dependent son that according to the provision of NCWA he is entitled to be considered for employment, but the management without communicating anything to the dependent son, in their internal letter dated 10.12.2018 regretted the proposal for employment of Manoj Bouri on the ground that ex-employee expired on 24.12.2000 and his Service Book is not available. Bhadu Bouri stated to be wife of the ex-employee was the first claimant and the second claimant was Manoj Bouri, son of the ex-employee who applied for employment in the 2011. Mr. Rakesh Kumar vehemently argued that management of the employer company without any communication to the dependent candidate, in their internal letter expressed their decision, regretting the proposal for employment on the ground that application for employment was submitted after 11 years from the date of death. It is argued that the cause of action of the Industrial Dispute arose only after such confidential letter dated 10.12.2018 was issued to the Sr. Manager (Personnel), Kajora Area. It is further argued that the management has deliberately delayed in finalizing the proposal for employment though they have found Manoj Bouri fit for employment in course of pre-employment medical examination. Contention of the union is that after death of the ex-employee at the Central Hospital at Kalla of ECL, management ought to have maintained the name of the dependent son in the Live Roster of the company and consider his proposal for employment after he attained majority. In the instant case the management admitted that the Service Record of the ex-employee could not be found and they did not consider the case for employment of Bhadu Bouri, the wife of Ganesh Bouri. In the case of the dependent son management sought for police verification to ascertain the relationship of Manoj Bouri with the ex-employee and admittedly the relationship was established through Police Verification Report. In the instant case the age of the Manoj Bouri as assessed by the IME Board on 23.08.2013 was 27 years and 6 months. Accordingly, he was 25 years and 10 months on 29.11.2011, which is well within the stipulated age of a dependent provided in Clause 9.3.4 of NCWA-VI and Circular dated 25.07.2003 for reckoning age on the date of his application. It is argued that delay in providing employment can be attributed to the negligence of the management, firstly, as they have misplaced the Service Record of the ex-employee due to which police verification had to be conducted to verify the relationship between claimant and the deceased employee and secondly, by non-communication of the final decision of the management. It is urged that this a fit case where the dependent son should be provided employment and the wife of the deceased employee should be paid monetary compensation from the date of death of the employee till the dependent son is provided employment.

10. Mr. P. K. Das, learned advocate for the ECL, in reply, argued that the first application for employment was submitted by the wife of the deceased on 27.04.2001. Before the same was processed, after 11 years from the date of death of Ganesh Bouri his son submitted another application for his employment on 29.11.2011. It is argued on behalf of the management that the claim for employment is stale one and compassionate employment cannot be claim after any length of time from the date of death of the employee.

11. I have considered the argument advanced on behalf of the union and management. I have also considered the facts and circumstances of this case disclosed in their pleadings and evidence adduced by the parties. The admitted position in the case is that Ganesh Bouri was a permanent employee of ECL and he died in harness at Central Hospital, Kalla of ECL on 24.12.2000. The management was fully aware about the death of their employee and as per the provision of Clause 9.3.2 of NCWA-VI management was dutybound to provide employment to one dependent of the worker, who died while in service and also provide monetary compensation to the female dependent of the deceased employee as per provision of Clause 9.5.0. In the present case the wife submitted an application for her employment within a very short period from the date of death of her husband but the management failed to consider her prayer for employment in 10 years and did not communicate anything to her regarding finality of her claim which is a glaring deficiency of ECL. Management of ECL had fixed up date for screening and medical test of Bhadu Bouri for her employment but failed to produce any document to prove that such proceedings were carried out. It is gathered from paragraph no. 3 (three) of the affidavit-in-chief filed by the Management Witness No. 1 that the name of Bhadu Bouri was not present in any of the Service Records of Ganesh Bouri. Management of ECL did not seek any police verification to verify the relationship between Bhadu Bouri and Ganesh Bouri. The cross-examination of Management Witness reveals that he was unable to produce Screening and IME Report of Bhadu Bouri. He was also unable to state if any medical examination of Bhadu Bouri was ever held. The witness admitted that no final decision was taken regarding claim for employment made by Bhadu Bouri. From the facts and circumstances, it is clear that the management of ECL deliberately kept the matter pending without verifying particulars of the dependents and its office is liable for its negligence for not producing the Service Record of the deceased employee. Manoj Bouri, son of Ganesh Bouri, was a minor and 14 years of age at the time of death of his father. After attaining majority when the proposal for employment for his mother was pending before the management of ECL and no finality was reached, Manoj Bouri submitted his application for his employment on 29.11.2011. The management having considered the

application did not reject it at the threshold but decided to process the same. A screening for employment of Manoj Bouri was held on 12.01.2013 where statements of other dependents of Late Ganesh Bouri i.e., Sujata Bouri, Mamta Bouri, the two married daughters, and Guria Bouri, unmarried daughter, and Bhadu Bouri, the widow were also recorded. In the paragraph no. 3 of Employment Screening Report, it is stated that the name of Manoj Bouri was not recorded as the dependent son of Ganesh Bouri in the Service Record Excerpt and they did not find any Service Record Excerpt of Ganesh Bouri, as such police verification was made only where relationship was confirmed as genuine. From Exhibit M-6, Screening Report it is revealed that the management did not maintaining the Service Record of the employee for the purpose of Screening, as such considerable delay was caused in finding genuineness of relationship between the claimant and the deceased employee for which the dependents are not liable. The report of Pre-employment Medical Examination disclosed that the age of the candidate was between 25 to 30 years on the date of examination and he was found fit for examination. The report dated 23.08.2013 has been produced as Exhibit M-5. The management thereafter remained silent for five years after finding Manoj Bouri fit for employment and issued an internal letter on 10.12.2018, regretting the prayer for employment on the ground that the application for employment was submitted after 11 years from the date of death of his father. In my view the delay in processing the claim for employment of the widow and thereafter the son can be attributed to the negligence of management company for not maintaining the Service Record of the deceased employee, not disposing the prayer for employment of the wife of the deceased employee within reasonable time and not informing the right of the minor son under NCWA who is entitled to employment on attaining majority.

12. It would be pertinent to refer to the decision of the Learned Special Bench of the Hon'ble High Court at Calcutta in the case of **Smt. Putul Rabidas Vs. Eastern Coalfields Limited and Others [2017 Volume 6 West Bengal Law Reporter (Cal) 255]**, wherein it was held that since NCWA is a settlement arrived at between the parties after protracted deliberations, the same is binding on the parties governed thereby in view of section 18 of the Industrial Disputes Act, 1947. No departure from whatever is provided in NCWA is warranted and that, various terms of the NCWA have to be read and the meaning of the words used herein gathered from the context. It has also held that, employer cannot repudiate a claim for compassionate appointment or monetary compensation on the ground that the family having received substantial death benefits, is not in need thereof.

13. In the case of **Sukumoni Hembram alias Sukumoni Mejhan Vs. The Union of India and Others [MAT 27 of 2024]**, the Hon'ble High Court at Calcutta held that once a right stand vested it can be taken away by a process approved by law. The High Court further held that none of the clauses 9.3.0 to 9.5.0 of NCWA provide any time limit for applying or prescribe any financial solvency of the family as a disqualification. It does not allow the employer to choose between the dependents as to who it would grant the employment or the MMCC.

14. The case of **Eastern Coalfields Limited Vs. Anil Badyakar and Others [Civil Appeal No. 3597 of 2009]**, relied upon by the management is distinguishable from the facts and circumstances of the present case where the delay in completing the employment procedure is due to the lapse on the part of the management. Under such circumstances the ratio of the decision of the Hon'ble Supreme Court of India in the case of **Anil Badyakar and Others (Supra.)** is not found applicable to the present case.

15. In the instant case I find and hold that Manoj Bouri was around 25 years and 10 months of age at the time of submitting his application for employment in the year 2011 and he was well within the stipulated age for being considered for employment. The management appears to have acted in an arbitrary and illegal manner by not granting employment to the dependent son. Evidently, the delay has been caused due to the latches on the part of the management for not acting promptly on the claim for employment by Bhadu Bouri, widow of Late Ganesh Bouri. As the application of the dependent son was admitted and processed by holding screening and medical test, the management is estopped from questioning delayed submission of the claim for employment of the dependent son.

16. In the instant case Manoj Bouri, the dependent son of Late Ganesh Bouri is entitled to be considered for employment as per provisions of NCWA, which is strictly applicable to parties. Management is therefore directed to provide employment to Manoj Bouri by completing necessary procedures within 3 (three) months from the date of communication of the Award. Bhadu Bouri, the wife of the deceased employee shall be entitled to monetary compensation as per Clause 9.5.0 of NCWA-VI from the date of death of her husband Ganesh Bouri i.e., 24.12.2000 till employment is provided to her son or her attaining the age of 60 years, whichever is earlier.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest against the management of Eastern Coalfields Limited. Management of Lachipur Colliery under Kajora Area of Eastern Coalfields Limited is directed to provide employment to Manoj Bouri, son of Late Ganesh Bouri, the ex-employee of Eastern Coalfields Limited on completing all procedures within three (3) months from the date of communication of the Award. Management shall also pay monetary compensation to Bhadu Bouri, the wife of the deceased employee according to the prevailing rate from 24.12.2000, till employment is provided to Manoj Bouri or she attained 60 years of age, whichever is earlier. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **16/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/41/2022 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1365.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No.16/2022)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-22012/41/2022– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 16 OF 2022

PARTIES: 1. Jaibindra Pandit (dependent son of Late Rambachan Pandit),
2. Kunti Devi (dependent wife of Late Rambachan Pandit)

Vs.

Management of Lachipur Colliery, ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 27.05.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/41/2022-IR(CM-II)** dated 29.04.2022 has been pleased to refer the following dispute between the employer, that is the Management of Lachipur Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the Management of Lachipur Colliery, Kajora Area of M/s. E.C.Ltd. not providing employment to Sri Jainbindra Pandit son of Late Rambachan Pandit and not giving monetary compensation to Smt. Kunti devi wife of Late Rambachan Pandit is justified or not, what relief the workman is entitled to?

1. On receiving Order **No. L-22012/41/2022-IR(CM-II)** dated 29.04.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 10.05.2022 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. President, Koyala Mazdoor Congress filed written statement on 15.11.2022 on behalf of the dependent son and widow of the deceased employee Rambachan Pandit. Management filed their written statement on 31.01.2023. The facts disclosed in the written statement of the workman is that Rambachan Pandit was posted as a Driller at Lachipur Colliery under Kajora Area of Eastern Coalfields Limited, having U.M. No. 57609. He died in harness on 04.11.2001. Kunti Devi, the widow submitted an application before the management well within time from the death of her husband for providing employment to her son after attaining the age of 18 years and for payment of monthly compensation to her. Jaibindra Pandit submitted necessary documents and claimed employment on compassionate ground on 29.05.2002. According to the workman date of birth of the dependent son was recorded as 11.02.1986. On the date of death of his father, Jaibindra Pandit, the minor son was 15 years 8 months and 23 days old. According to the provisions of National Coal Wage Agreement (hereinafter referred to as NCWA) it was agreed that the name of the minor son would be maintained in the Live Roster of the company and on his attaining 18 years of age employment would be provided to him. The management of the colliery initiated the process for keeping the name of the minor son in the Live Roster of the company and payment of monetary compensation to the widow of the deceased employee according to the provisions of Clause 9.5.0 of NCWA. The management of the Area Office made some queries and returned the file to the Colliery Office vide Letter No. KA/PM/C-6/35/1985/5340 dated 29.10.2002. The dependent son, in reply, submitted necessary documents and the file was sent to the Area Office. Kunti Devi was asked to appear before the Initial Medical Examination Board (hereinafter referred to as IME Board) at Kajora Area vide letter No. ECL/LAC/P&IR/C-6/2003/627 dated 29.05.2003. The minor son in the meantime attained majority and the wife applied for employment of the son once again on 23.04.2004 along with documents. The management of ECL directed the son to appear before the IME Board vide letter KA/PM/C-6/35/1604/8701 dated 28.09.2004. Jaibindra Pandit appeared before the IME Board. He was found fit for duty and the file was sent to ECL Headquarters for approval. It is contended by the union that management did not keep the name of the dependent son in the Live Roster and no monetary compensation has been paid to the wife till date. It is prayed that management be directed to provide employment to the son under the provision of Clause 9.5.0 of NCWA and to pay monetary compensation to the wife from the date of death of the employee till employment was granted to the dependent son.

3. Management contested the Industrial Dispute by filing their written statement wherein it is stated that Jaibindra Pandit applied for employment on 29.05.2002 but was a minor at the relevant time and according to the Service Record Excerpt of Rambachan Pandit the date of birth of Jaibindra Pandit is 11.02.1986. Subsequently, the claim for employment of Jaibindra Pandit was processed and the Competent Authority approved payment of monetary compensation to Kunti Devi, the widow of Rambachan Pandit till the age of 60 years / re-marriage / death, whichever is earlier. However, Kunti Devi did not submit any claim for monetary compensation. Further case of the management is that the Industrial Dispute has been raised before the Assistant Labour Commissioner (Central) in the year 2019, after passage of more than 17 years from the date of death of Rambachan Pandit. Hence, the Industrial Dispute referred before this Tribunal is a stale one. Referring to the decision of the Hon'ble Supreme Court of India in the case of **Eastern Coalfields Limited Vs. Anil Badyakar and Others [Civil Appeal No. 3597 of 2009]**, it is contended that the employment on compassionate ground was disapproved by the Apex Court due to passage of long period. According to the management compassionate employment is not a vested right as such cannot be agitated at any point of time. Management prayed for dismissal of the Industrial Dispute.

4. In support of their case union has examined Jaibindra Pandit as Workman Witness No. 1 and Kunti Devi as Workman Witness No. 2. Both the witnesses have supported the case disclosed by the union in the written statement.

5. Jaibindra Pandit, the son of the deceased employee in his affidavit-in-chief stated that as per provisions of Clause 9.5.0 the name of the dependent son had to be kept in the Live Roster of the company and the wife of the deceased employee was entitled to monetary compensation till the son attained the age of 18 year or was provided with employment. The witness averred that Kunti Devi informed the management that her son was below 18 years of age on the date of death of her husband and monetary compensation should be provided to her till employment was granted to the son. Screening of both, Kunti Devi and the Jaibindra Pandit was held and thereafter medical examination of Kunti Devi was held by IME Board. The age of the son as well as his fitness was decided by the IME Board. After completing all formalities, the General Manager of the Area recommended the proposal for keeping name of Jaibindra Pandit in the Live Roster and to pay monetary compensation to the wife of the deceased employee, but the management only approved payment of monetary compensation to the wife and the name of the minor son was not kept in the Live Roster as per NCWA. The witness challenged the decision of the management on the ground that it was contrary to Clause 9.5.0 of NCWA and the management acted in an illegal and unjust manner by not providing employment and not paying monetary compensation. The witness stated that he claimed employment on 29.05.2002, after the death of his father. In course of examination-in-chief the witness produced the following documents :

(i) Copy of Identity Card of Rambachan Pandit issued by the management has been marked as Exhibit W-1.

(ii) Copy of Service Record Excerpt of Rambachan Pandit, as Exhibit W-2.

(iii) Copy of Death Certificate of Rambachan Pandit, as Exhibit W-3.

(iv) Copy of Application submitted by Kunti Devi seeking monetary compensation and requesting to maintain the name of the dependent son in the Live Roaster for his employment after attaining majority, as Exhibit W-4.

(v) Copy of Letter dated 29.10.2002 of the Personnel Manager, Kajora Area addressed to the Agent, Lachipur Colliery pointing some irregularities, as Exhibit W-5.

(vi) Copy of Letter dated 29.05.2003 issued by the Senior Personnel Officer, Lachipur Colliery asking Kunti Devi to appear for her medical examination, as Exhibit W-6.

(vii) Copy of Letter dated 06.06.2003 of the Area Medical Officer, Kajora Area for audiometry test of Kunti Devi, as Exhibit W-7

(viii) Copy of the Application of Kunti Devi dated 23.04.2004 seeking employment for her son and monetary compensation for herself, as Exhibit W-8.

(ix) Copies of the documents seeking employment of Jaibindra Pandit have been marked as Exhibit W-9 series.

(x) Copy of Reply dated 02.04.2010 in response to R.T.I. Application of Kunti Devi, as Exhibit W-10.

(xi) Copy of the Birth Certificate of Jaibindra Pandit, as Exhibit W-11.

(xii) Copy of the Aadhaar Card of Jaibindra Pandit, as Exhibit W-12.

(xiii) Copy of the 'No Objection' Certificate in favour of Jaibindra Pandit issued by the other legal heirs of Rambachan Pandit, as Exhibit W-13 and W-14.

6. In cross-examination witness denied the suggestion that his mother had submitted application only for monetary compensation. Witness admitted that he did not have any document to show that his mother submitted any application for keeping his name in the Live Roster of the company.

7. In the affidavit-in-chief of Kunti Devi (Workman Witness No. 2), it is stated that Rambachan Pandit, ex-employee of ECL died due to Train accident at Dhanbad (Jharkhand) in the year 2001 while he was in the service of the company. She applied for monetary compensation for herself till her son Jaibindra Pandit attained the age of 18 years and for keeping the name of the son in the Live Roster of the company for providing employment. The proposal was processed by the colliery management. Screening was done at the Colliery and Area level and documents were submitted replying all the queries raised. Jaibindra Pandit also appeared before the IME Board for his medical examination. It is gathered from the affidavit-in-chief that he management instead of recording name of the dependent son in the Live Roster only offered to pay monetary compensation to the wife of the deceased employee. Kunti Devi objected against the proposal of the company to pay monetary compensation only and not to consider the case employment for her son. Kunti Devi claimed that all conditions under Clause 9.5.0 of NCWA have been fulfilled on their part and at the time of death of her husband, her son was 16 years old. She also stated that she has no source of income to maintain her livelihood.

8. During cross-examination Kunti Devi deposed that she did not remember when the application for employment was submitted by her son. She also stated that the company has rejected the proposal for employment of the son and in the year 2003 her son attained the age of 18 years. After becoming major the dependent son filed application for employment against the death of his father. In reply to the suggestion on behalf of the management, she replied that there has been no delay in filing application before the Regional Labour Commissioner (Central) regarding this dispute.

9. Management examined Mr. Proloy Dasgupta, Manager (Personnel), Lachipur Colliery as Management Witness No. 1. He filed his affidavit-in-chief. In paragraph no. 4 of his affidavit-in-chief the witness has averred that when Jaibindra Pandit applied for employment his age was under 18 years and according to the Service Record Excerpt of Rambachan Pandit, date of birth of Jaibindra Pandit is 11.02.1986. The witness further stated that the Competent Authority approved monetary compensation to Kunti Devi, wife of Rambachan Pandit till she attained 60 years of age but Kunti Devi did not submitted her claim for monetary compensation. Witness further stated that the action of the management is justified in not providing employment to the dependent son of the deceased employee and he is not entitled to any relief. During his examination-in-chief the witness produced the following documents :

(i) Copy of Application of Kunti Devi seeking monetary compensation and requesting to maintain the name of the dependent son in the Live Roaster for his employment after attaining majority has been marked as Exhibit M-1.

(ii) Copy of Application of Jaibindra Pandit seeking employment against death of his father, as Exhibit M-2.

(iii) Copy of Service Record Excerpt of Rambachan Pandit, as Exhibit M-3.

(iv) Copy of the Death Certificate of Rambachan Pandit, as Exhibit M-4.

(v) Copy of Reply dated 02.04.2010 in response to R.T.I. Application of Kunti Devi, as Exhibit M-5.

10. During cross-examination the witness stated that Kunti Devi was medically examined by the IME Board but no medical examination of Jaibindra Pandit was held. Witness also stated that at the time of death of the employee, the dependent son was minor and according to the provision of Clause 9.5.0 of NCWA his name was required to be maintained in the Live Roster of the company till he attained majority for providing employment. The witness further deposed that the letter dated 02.04.2010 (Exhibit M-5) was issued to Kunti Devi on the basis of her application under R.T.I. Act, 2005, informing her that she was entitled to monetary compensation and that the Competent Authority did not approve the proposal for employment of the dependent son.

11. Mr. Rakesh Kumar, Union representative argued that the terms and conditions laid down in NCWA bind the employer and employee as it is a settlement enforceable under Section 18(3) of the Industrial Disputes Act, 1947. It is argued that the terms for providing employment to the dependent of the deceased employee and providing monetary compensation to the spouse or female dependent are strictly based upon collective decision of the employer and employees and the management has no option but to follow the same. It is argued that in the case of **Smt. Putul Rabidas Vs. Eastern Coalfields Limited and Others [WP 4290 (W) of 2016]**, the learned Special Bench of the Hon'ble High Court at Calcutta has held that since NCWA is a settlement arrived at between the parties after protected deliberations, the same is binding on the parties governed thereby in view of Section 18 of the I.D. Act, 1947. He argued that no departure from such provisions of NCWA is warranted. It is argued that at the time of death of the employee on 04.11.2001 Jaibindra Pandit was a minor. The wife of the deceased had submitted an application claiming monetary compensation for herself and to provide employment to her son, when the son attained 18 years of age. Kunti Devi submitted another application dated 23.04.2004 (Exhibit W-8) addressed to the Agent, Lachipur Colliery for employment of her son as well as providing monetary compensation to her. In their letter dated 29.09.2004 (Exhibit W-9) the Senior Personnel Officer, Lachipur Colliery, referring to letter dated 25/30.08.2004 and 20.09.2004 observed that the file has been processed by the Deputy Personnel Manager, Kajora Area vide his letter dated 20.08.2003 for payment of maintenance allowance till her son Jaibindra Pandit attained the age of 18 years. It was stated in the letter that the proposal was sent for keeping the name of the son in the Live Roster. Mr. Rakesh Kumar argued that from the very beginning, soon after the death of the employee management was fully aware about the claim for monetary compensation of the wife of the deceased till employment was granted to the dependent son but for reasons best known to the management things were delayed and the lawful claim of the dependants of the deceased employee were frustrated by not reaching any finality on the issue of employment. Mr. Kumar argued that necessary order may be passed directing the management of employer company to provide employment to the son and monetary compensation to the witness.

12. Mr. P. K. Das, learned advocate admitted that at the time of death of employee the dependent son was minor but his name was not maintained in the Live Roster of the company and till date the wife of the deceased employee has not been paid any monetary compensation. Only argument advanced on behalf of the management is that the Industrial Dispute has been raised before Assistant Labour Commissioner (Central) in the year 2019, after lapse of 17 years from the time of death of the employee. Due to delay in raising the Industrial Dispute, the claim of the dependants through the concerned union has turned stale and the same is liable to be dismissed.

13. I have considered the argument advanced on behalf of the union and management in the light of the facts and circumstances of the case and evidence adduced by the parties. The short question which needs to be considered is whether the claim for employment of the dependent son and monetary compensation of the wife are within the ambit of the provision of NCWA. It is a settled principle of law that the dispute of this nature is fully governed by the provisions of NCWA which has been agreed between the parties and has taken the shape of a settlement. It transpired form Exhibit M-1 that Kunti Devi, the wife of the deceased employee applied for monetary compensation and it is gathered from paragraph no. 3 of the affidavit-in-chief of the management witness that Jaibindra Pandit, the son submitted his claim for employment against the death of his father, in his application for employment dated 29.05.2002 before the Agent, Lachipur Colliery. The employee expired on 04.11.2001. It goes without saying that the application claiming employment was submitted within reasonable time, which is less than one year from the date of death. The management of ECL is duty bound to maintain the name of the dependent son in the Live Roster as per clause 9.5.0 (iii) of NCWA-VII and process the proposal for his employment on his attaining majority. The wife of the deceased employee is also entitled to monetary compensation at the rate of Rupees three thousand (Rs. 3,000/-) per month, till employment was granted to her son.

14. It is well settled that NCWA is an agreement arrived at between employer and employee and it has the force of settlement under Section 2(p) of the I.D. Act, 1947 having a binding effect on the parties under Section 18(3) of the I.D. Act, 1947. It appears from Exhibit W-9 a document of the management of Lachipur Colliery dated 29.09.2004 that while considering the employment proposal of the dependent of Rambachan Pandit, it was observed by the Senior Personnel Officer, Lachipur Colliery that the Deputy Personnel Manager, Kajora Area had processed a file for payment of maintenance allowance to Kunti Devi till her son Jaibindra Pandit turned 18 years of age. A proposal was also made for keeping the name of her son in the Live Roster. It appears from available evidence that management did not maintain the name of minor son in the Live Roster and acted contrary to their communication in letter dated 29.09.2004 (Exhibit W-9). It is only on 02.04.2010 the Deputy Chief Personnel Manager, Kajora Area in his letter

addressed to Kunti Devi in reply to the R.T.I. application informed that as per Letter No. ECL/CMD/C-6B/Empl/3/890 dated 11/14.04.2006 of the Personnel Manager (Empl), ECL Headquarters, monetary compensation had been approved only without keeping the name of her son in the Live Roster. It is evident from such facts and circumstances and communication made to Kunti Devi (Exhibit M-5) that the management having full knowledge and opportunity to consider the case for employment and monetary compensation, did not act in terms of the provisions of NCWA and thereby acted in an arbitrary and illegal manner with an object to deprive the dependent son of his employment and the widow of the deceased from monetary compensation. It transpires from the evidence on record that the management did not communicate their final decision of not maintaining the name of the dependent son in the Live Roster of the company and their intention of not providing employment to him on compassionate ground, until an application under R.T.I. Act was submitted by Kunti Devi. The reply dated 02.04.2010, disclosing their stand came to light after eight years from the date of death of the employee. The delay and negligence in not processing the prayer for employment of the dependent son and not paying monetary compensation in time is attributable to the inaction of the management of ECL. I have no reason to hold that the claim made by the dependants of the deceased employee is stale or the same has no merit. The ratio of the decision in the case of **Eastern Coalfields Limited Vs. Anil Badyakar and Others (Supra.)**, relied upon by ECL, is distinguishable from the present case and is not in pari materia with the facts of the present case. In view of my above discussion, I hold that the management of ECL is dutybound to grant employment to Jaibindra Pandit, the son of deceased employee after completing necessary formalities within a period of 3 (three) months. Management is also directed to pay monetary compensation to Kunti Devi, the wife of the deceased employee from the date of death of the employment (MMCC) till employee is granted to the dependent son or she attains 60 years of age, whichever is earlier.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest. The management of Lachipur Colliery under Kajora Area of Eastern Coalfields Limited is directed to grant employment to Jaibindra Pandit, the son of Late Rambachan Pandit within a period of 3 (three) months from the date of communication of the Award, on completing necessary formalities within specified time. Management is further directed to pay monetary compensation to Kunti Devi, the wife of Late Rambachan Pandit at the prevailing rate, as may be applicable to her, from the date of death of her husband till employment is granted to the son or she reached 60 years of age. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **13/2011**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/75/2011 आई.आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 13/2011)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-22012/75/2011– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 13 OF 2011

PARTIES: Dipak Karmakar

Vs.

Management of Bejdih Colliery of M/s. ECL

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 23.05.2025

AWARD

On failure of conciliation proceeding, the Government of India through the Ministry of Labour, in exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), vide its Order **No. L-22012/75/2011-IR(CM-II)** dated 11.07.2011 has been pleased to refer the following dispute between the employer, that is the Management of Bejdih Colliery of Eastern Coalfields Limited (hereinafter referred as ECL) and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Bejdih Colliery of M/s. ECL in discontinuation of HRA to Shri Dipak Karmakar, Mech. Fitter is legal and justified? To what relief the workman concerned is entitled to? "

1. On receiving Order **No. L-22012/75/2011-IR(CM-II)** dated 11.07.2011 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 13 of 2011** was registered on 25.07.2011/09.12.2011 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. The workman was initially represented by Chief Organising Secretary, Koyala Mazdoor Congress and written statement was filed on 28.03.2012. Management contested the case by filing their written statement on 02.11.2016. In a nutshell, the fact of the case disclosed by the union is that Dipak Karmakar, Mechanical Fitter is a permanent employee of ECL and is posted at Bejdih Colliery. Qtr. No. NHS/36/359 was initially allotted to Dipak Karmakar. After he surrendered the quarters, the same was allotted to one Mustafa Mia, Haulage Khalasi under Office Order No. Bej/C-6/23/07/188 dated 15.02.2007. The workman having vacated the quarters is entitled to House Rent Allowance but the management of ECL has not paid him any House Rent Allowance. In the beginning, the management paid Rs. 100/- as House Rent Allowance for three months and thereafter stopped paying House Rent Allowance in an illegal manner. It is stated that management has issued an internal circular bearing number ECL/CMD/C-6/WBE-1/498 dated 28.06.2006 which is extraneous to the decision of JBCCI, reflected in the National Coal Wages Agreement (NCWA) between the union and the management. It is contended that there is no settlement between the union and management regarding stoppage of House Rent Allowance to the employees on vacating their quarters. It is prayed that the management of Bejdih Colliery under Sodepur Area may be directed to make payment of 10% of basic as House Rent Allowance to the employees w.e.f. March 2007 as he is not occupying any quarters of the company since 15.02.2007.

3. The management denying the claim of the workman has contended in the written statement that a notification relating to payment of House Rent Allowance to non-executive @ 10% of basic pay has been circulated by letter No. ECL/CMD/C-6/WBE-1/498 dated 28.06.2006 with certain guidelines which clearly laid down that in the event of vacation of standard quarters by the employees concerned, they will not be entitled to House Rent Allowance. It is further stated that such circular was issued with the due consideration of the provisions of NCWA-VII and for proper utilization of a large number of company's quarters and further to discourage vacating of allotted quarters by the employees for getting 10% House Rent Allowance. It is inter alia contended that no employee of BMP Group has been granted 10% House Rent Allowance after vacating their standard quarter. Management further stated that due to clerical mistake, Rs. 100/- per month was paid to Dipak Karmakar which has been subsequently recovered. Management accordingly prayed for dismissing the Industrial Dispute raised on behalf of the workman.

4. The point for consideration before this Tribunal is whether discontinuation of House Rent Allowance to Dipak Karmakar is justified and whether the workman is entitled to any relief.

5. In support of his case, Dipak Karmakar is examined as Workman Witness-1 (WW-1). He has filed an affidavit-in-chief reiterating his case in the pleading. The workman has been cross-examined. In course of his evidence, the workman has produced the following documents:

(i) A copy of allotment letter of quarters in favour of one Mustafa Mia is produced as Exhibit W-1.

(ii) A copy of Memorandum of Settlement dated 05.07.2016 relating to terms of payment of House Rent Allowance to another employee namely Purnendu Sarkar has been produced as Exhibit W-2.

(iii) Copies of five pay slips from April, 2007 to December, 2008 whereby the workman received Rs. 100/- per month as House Rent Allowance are collectively produced as Exhibit W-3.

6. Management in support of the case has examined Mr. Rahul Panwar as Management Witness-1 (MW-1). The witness filed his affidavit-in-chief and faced cross-examination by the union representative. In course of his evidence, management witness produced a copy of circular No. ECL/CMD/C-6/WBE-1/498 dated 28.06.2006 issued by Dy. Chief Personnel Manager (Estd./MP) as Exhibit M-1. In his cross-examination, the witness deposed that a provision has been made for payment of House Rent Allowance in the NCWA. He also admitted that the circular dated 28.06.2006 is a unilateral decision of employer company. It transpires from his cross-examination that the circular is not an outcome of a collective decision or an agreement. According to the witness, the said circular is applicable only to the employees of Kulti and Jamuria municipalities. It transpires from his cross-examination that this circular was issued to debar non-executive employees of three areas namely Sodepur, Sripur and Satgram from getting House Rent Allowance and the circular is not applicable to entire workforce of ECL. In his further cross-examination, the witness stated that there is no mention in NCWA VI that a workman will be disentitled to House Rent Allowance even on vacating the accommodation of the company.

7. Mr. Rakesh Kumar, union representative arguing the case on behalf of the workman submitted that Dipak Karmakar, who had been allotted quarter no. NHS-36/339 at Ranisayer surrendered the same and the quarter was reallotted to Mustafa Mia on 15.02.2007. It is argued that the circular dated 28.06.2006 relating to the payment of House Rent Allowance to non-executive employees @ 10% of basic has been issued by Dy. Chief Personnel Manager (Estd./MP) only with the object of depriving payment of House Rent Allowance to non-executives by setting certain terms and conditions whereupon they would be disentitled to House Rent Allowance. It is pointed out in clause (1) of the circular it is stated the employees who are living in the company's accommodation shall not be granted /sanctioned House Rent Allowance even in the event of vacating of company's accommodation. Mr. Kumar argued that this condition is arbitrary in nature and it is contrary to the provisions of NCWA. The union representative asserted that the concerned workman is entitled to receive House Rent Allowance from March 2007.

.8. Mr. P.K. Das, learned advocate for the management of ECL argued that the non-executive employees of ECL were vacating their official accommodation only for the purpose of claiming large amount of House Rent Allowance in the urban areas. In order to stop the trend of surrendering the company quarters for House Rent Allowance, after due deliberation, the management issued circular No. ECL/CMD/C-6/WBE-1/498 dated 28.06.2006. On the strength of such circular, the concerned workman is not entitled to any House Rent Allowance as he vacated the quarters after the same was allotted to him.

9. I have considered the arguments advanced on behalf of union and management in the light of pleadings of the parties and evidence on record. Dipak Karmakar, the aggrieved workman is admittedly an employee of ECL at Bejdih Colliery. Quarter No. NHS-36/339 was allotted to him which was subsequently vacated and same quarter was allotted to on Mustafa Mia on 15.02.2007. A copy of the allotment order has been produced as Exhibit W-1. Clause 8.1.3 of NCWA-VII provides that House Rent Allowance shall be paid to the employees in urban areas as per Government notification/clarification on the subject as followed in the previous agreement and other related issues would be discussed and decided in the standardization committee. The provisions clearly disclose that payment of House Rent Allowance to an employee of the company is his basic right. He is entitled to exercise his right if the management in any manner withholds the payment of House Rent Allowance without arriving at any understanding or agreement affecting such right. Learned advocate for the management denying the right to house rent allowance argued that on strength of Circular No. ECL/CMD/C-6/WBE-1/498 dated 28.06.2006, the workman is not entitled to receive House Rent Allowance if the employee who was living in the company's accommodation vacates the quarters. In this context, it may be pointed out that rights and liabilities of employees working under ECL flows from the decision taken in the Joint Bipartite agreement between the representative of management and the union. In the clause 8.1.1 of chapter VIII in NCWA, it is provided that HRA would be paid to the employees who have not been provided with any residential accommodation. Clause 8.1.3 lays down that House Rent Allowance to the employees in urban areas shall be paid as per Government notification/clarification as provided in earlier agreements and shall be applicable from 01.01.2009 on revised basic. In the present case, the workman after allotment of quarters in his favour surrendered the same. The circular issued by the management on 28.06.2006 amounts to recession and alteration of the terms of the previous agreement for the Coal Industry (JBCCI), which is contrary to the terms laid down in such bipartite agreement. The decision taken by the management and reflected in their circular is a unilateral decision and cannot be said to have any binding force on the employees unless such terms are introduced as a result of a collective decision of union representative as well as management.

10. It would be pertinent to consider Exhibit W-2 which is a Memorandum of Settlement in Form 'H' dated 05.07.2016 wherein Purnendu Sarkar, an employee of Bejdih Colliery was extended the benefits of House Rent Allowance as per company's rules applicable to other employees of ECL Headquarters. This settlement has taken place after issuance of circular dated 28.06.2006 and the benefit of House Rent Allowance has been extended to Purnendu Sarkar. Dipak Karmakar who was posted at Bejdih Colliery at the relevant time is therefore entitled to House Rent Allowance according to the company's rule and it may be clarified that the circular issued by the company unilaterally will not have any adverse effect on his right for House Rent Allowance from March 2007 till his superannuation. Management of ECL is directed to assess the amount of House Rent Allowance payable to the

aggrieved employee within a period of three months from the communication of the Award. The Industrial Dispute is accordingly allowed on contest in favour of the workman.

Hence,

ORDERED

The Industrial Dispute is allowed on contest in favour of Dipak Karmakar, the aggrieved workman. The management of Bejdih Colliery, Sodepur Area, ECL is directed to pay House Rent Allowance to the workman from 01.03.2007 till his superannuation. The arrears of House Rent Allowance shall be paid within three months from communication of the Award. Let an Award be drawn up on the basis of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1367.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **32/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/66/2022 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 32/2022)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-22012/66/2022– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 32 OF 2022

PARTIES: Brijbihari Prasad and Forty-one others

Vs.

Management of Patmohana Colliery, ECL

REPRESENTATIVES:

For the Union/Workmen: None.

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 09.06.2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/66/2022-IR(CM-II)** dated 13.07.2022 has been pleased to refer the following dispute between the employer, that is the Management of Patmohana Colliery under Sodepur Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Patmohna Colliery over deduction of House Rent Allowance from the month of December 2020 in respect of Shri Brijbihari

Prasad, (Man No. 141183) and 41- other workmen of Patmohna Colliery (list attached as submitted by the Union Annexure-U-III) under the provisions of NCWA is proper, legal and justified? If not, to what relief the workmen concerned are entitled? **"**

1. On receiving Order **No. L-22012/66/2022-IR(CM-II)** dated 13.07.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the scheduled dispute, a Reference case was registered on 19.07.2022 / 01.08.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. On second call at 11.25 AM, Mr. P.K. Das, learned advocate appeared for the management of Eastern Coalfields Limited along with Mr. G. Giridhar Kumar, Deputy Manager (HR), Patmohana Colliery as management representative. Perused the record. None of the 42 workmen appeared before this Tribunal. No union representative is present. Record reveals that case was fixed up for evidence of workman on 21.02.2024, 15.07.2024, 04.11.2024 and finally today i.e., 09.06.2025. Workmen are found absent without steps. They have not sought any accommodation.

3. It appears to me that this Industrial Dispute has been raised for deduction of House Rent Allowance from the month of December 2020. Union has not taken any step to substantiate their contention. It appears to me that reasonable opportunity has been granted to the aggrieved workmen to prove their case but they are not inclined to take any step. Accordingly, the case is dismissed for non-prosecution. Let a No dispute Award be drawn up.

Hence,

ORDERED

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

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **96/2006**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/177/2006 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No.96/2006)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025***

[No. L-22012/177/2006 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

ASANSOL.

PRESENT: Shri Ananda Kumar Mukherjee,

Presiding Officer,

C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 96 OF 2006

PARTIES: Lakhiram Majhi

Vs.

Management of Nimcha Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: None.

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 05.06.2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/177/2006-IR(CM-II)** dated 29.11.2006 has been pleased to refer the following dispute between the employer, that is the Management of Nimcha Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Nimcha Colliery, Satgram Area under ECL in dismissing Sh. Lakhiram Majhi, from service w.e.f. 29.10.2003 is legal and justified? If not, to what relief the workman is entitled to? "

1. On receiving Order **No. L-22012/177/2006-IR(CM-II)** dated 29.11.2006 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. On repeated calls at 1.05 PM none appeared for the aggrieved workman. On a perusal of record, I find that an identical Reference was made before this Tribunal in respect of dismissal of Lakhiram Majhi, Underground Loader w.e.f. 29.10.2003 for adjudication as to whether his dismissal was legal and justified. Reference case No. 27 of 2006 was registered on the basis of order No. L-22012/163/2005-IR(CM-II) dated 18.07.2006. Question of dispute are same in both the cases. Record reveals that the earlier case was registered on 14.08.2006. Same was disposed of in the form of a No Dispute Award on the basis of settlement in Form 'H' dated 23.11.2018 duly signed by the representative of the employer company and the workman. On the basis of such fact and circumstances present case is also disposed of in terms of the Memorandum of Settlement in Form 'H' dated 23.11.2018, whereby Lakhiram Majhi, Ex-Underground Loader of Nimcha (R) Colliery was reinstated in service in Category-I, General Mazdoor with initial basic. Period from his dismissal till reinstatement in service be treated as diesnon and that the workman will not be entitled to get any back wages. Let Memorandum of Settlement in Form 'H' be made a part of Award.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case in the light of my above observations treating the Memorandum of Settlement in Form 'H' dated 23.11.2018 as part of Award. Copies of Award be sent to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **02/2021**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/10/2021 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 02/2021)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-22012/10/2021– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT : Sri Ananda Kumar Mukherjee,
Presiding Officer, CGIT-cum-L.C., Asansol

REFERENCE NO. 02 OF 2021

PARTIES : The Management of J. K. Nagar Ropeways of M/s. ECL

v/s

Kali Bouri, wife of Late Baijnath Bouri

REPRESENTATIVES :

For the Management : Mr. P. K. Das, Learned Advocate

For the Union (Workman): Mr. Rakesh Kumar, Union representative

INDUSTRY : COAL

STATE : WEST BENGAL

Dated : 09.06.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), the Govt. of India through the Ministry of Labour and Employment, New Delhi vide its Letter **NO. L-22012/10/2021–IR(CM-II)** dated 19.04.2021 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of M/s. Eastern Coalfields Ltd. In relation to its J.K. Ropeways (under J K Ropeways Area) in denying/regretting the claim of Kali Bouri, dependent wife of Late Baijnath Bouri, Ex-B/H-H/A, UM No. 101990 vide their letter dated 10-07-2019 is just and legal? If not, to what relief Kali Bouri is entitled to? "

1. On receiving Order **NO. L-22012/10/2021–IR(CM-II)** dated 19.04.2021 from the Govt. of India, Ministry of Labour and Employment, New Delhi for adjudication of the Industrial Dispute, a Reference Case No.**02 of 2021** was registered on 17.06.2021 and an order was passed issuing notice to the parties through registered post, directing them to file written statements along with documents and list of witnesses.

2. Mr. Rakesh Kumar, President Koyala Mazdoor Congress, filed written statement on behalf of the dependents of the deceased workman on 12.04.2023. The management contested the case by filing their written statement on 27.01.2023. Brief fact of the case of the union is that Baijnath Bouri was a permanent employee at J K Nagar Ropeways of M/s. ECL. He died in harness on 23.03.2013. Kali Bouri, wife of Late Baijnath Bouri, applied before the management for her employment as per provisions of NCWA. Kali Bouri appeared before the screening committee, she was referred for her initial medical examination by the Initial Medical Examination (IME) Board on 26.11.2024. Management verified their relationship between Kali Bouri and Late Baijnath Bouri whereby the police confirmed the relationship vide report bearing number Ref.1329/GEN/2014 dated 19.08.2014. Management forwarded the proposal for employment of Kali Bouri before three men committee. The proposal was recommended by the General Manager of the Area and was sent to the Headquarters of ECL for approval. Due to difference of age of Kali Bouri recorded in the Service Record and the declaration given by her at the time of claiming employment, some discrepancies arose. In the Service Excerpts of the deceased employee, the age of Kali Bouri was recorded as 25 years as an 01.04.1987 and she declared her age as 25 years on 01.04.2000 and thereby her date of birth was considered as 01.04.1975.

3. Union pleaded that Kali Bouri is not a matriculate and according to the guidelines issued by JBCCI in Implementation Instruction number 76, the management referred Kali Bouri before the IME Board for assessment of her age and her medical fitness. The IME Board assessed the age of Kali Bouri as 37 to 42 years. Therefore, her age had to be computed as thirty nine and half years on the date of holding IME i.e. on 19.11.2014. It is claimed by the union that the findings of the IME Board has to be treated as final and the age of Kali Bouri as decided by the IME Board should be accepted as final as no further reference was made for re-assessment.

In the instant case the Competent Authority of ECL regretted the claim for employment on a plea that there was difference in her age as recorded in the Service Record Excerpts and the age assessed by the IME Board. The union therefore raised protest against such decision and initiated this industrial dispute seeking employment of Kali Bouri as per provision of NCWA with all other consequential benefits, including monetary compensation from 23.03.13, the date of death of Late Baijnath Bouri, till employment is provided to her.

4. Management of ECL in their written statement refuted the claim for employment of Kali Bouri against the death of her husband. It is stated that Baijnath Bouri died in harness on 23.03.2013 at Central Hospital Kalla, ECL. On 31.07.2013 Kali Bouri, dependent wife, applied before ECL for her employment. The management of ECL found discrepancy in the age of Kali Bouri, appearing in the Service Record Except prepared in 1987, where her age was recorded as 25 years as on 01.04.1987 and her claim before the IME Board that she was 25 years of age as on 01.04.2000. The claim for her employment was processed by the Headquarter of ECL but did not approve the employment and issued letter bearing number ECL/CMD/6-6B/Empl/19/160 dated 10.07.2019 which was communicated to the claimant in due course. Management urged that in the Voter Identity Card, Kali Bouri's date of birth was recorded as 01.01.1985 and as per report of IME Board dated 20.11.2014 her date of birth is 20.05.1975. Management of ECL contended that Kali Bouri has furnished false information by suppressing facts due to which the candidate is ineligible for employment. It is urged that the prayer for compassionate employment of Kali Bouri is liable to be dismissed.

5. The core issue in this case as described in the schedule of the reference is "Whether management has acted in a lawful manner by denying employment to Kali Bouri and what to relief the dependent wife is entitled?"

6. In order to prove their case Union has examined Kali Bouri, wife of Late Baijnath Bouri, as WW-1. She has filed an Affidavit-in-Chief, reiterating the facts as disclosed in that written statement of the Union. The witness further averred in the Affidavit that her son, Sh. Amit Bouri, has attained the age of 20 years and he may be provided employment in place of her deceased husband. She also claimed that as per circular of Director Personnel ECL, the age of dependant should be taken into consideration on the date of application for providing employment.

7. In course of her evidence, Kali Bouri has produced the following documents:-

i. Copy of application for employment dated 31.07.2013, is produced as Exhibit- W-I

ii. Copy of Employee's Identity Card, is produced as Exhibit-W-2

iii. Copy of Service Excerpts in two pages, is produced as Exhibit-W-3

iv. Copy of Family particulars, is produced as Exhibit-W-4

v. Copy of Nomination Form PS-4, is produced as Exhibit-W-5

vi. Copy of Death Registration Certificate of Late Baijnath Bouri, is produced as Exhibit-W-6

vii. Copy of Dependant certificate of Kali Bouri certified by Pradhan, Madanpur Gram Panchayat, is produced as Exhibit-W-7

viii. Copy of Election Commission's Identity Card in the name of Kali Bouri, is produced as Exhibit-W-8

ix. Copy of Aadhar card of Kali Bouri, is produced as

Exhibit-W-9

x. Copy of Ration Card of Kali Bouri, is produced as

Exhibit-W-10

xi. Copy of letter dated 22.10.2013 issued to Kali Bouri by management seeking clarification regarding difference of age, is produced as Exhibit-W-11

xii. Copy of reply submitted by Kali Bouri to management's letter, is produced as Exhibit-W-12

xiii. Copy of letter dated 27.07.2019 issued to Kali Bouri regretting her prayer for employment, is produced as Exhibit W-13

8. Management examined Sh. Navnit Raj Verma as MW-1. Affidavit-in- Chief filed by the witness where the main contention is that due to difference of age of Kali Bouri appearing in SRE and other documents, the management is unable to provide her employment. The witness produced the following documents:-

i. Copy of Service Record of Late Baijnath Bouri, is produced as Exhibit M-1

ii. Copy of Death Registration Certificate of Late Baijnath Bouri, is produced as Exhibit M-2

iii. Copy of Certificate issued by the Medical Officer, Central Hospital, Kalla, is produced as Exhibit M-3

iv. Copy of Formal application submitted by Kali Bouri addressed to Manager, J K Nagar Ropeways, is produced as Exhibit M-4

v. Copy of application claiming employment, addressed to manager J K Nagar Ropeways, is produced as Exhibit M-5

vi. Copy of Report of Initial Medical Examination of Kali Bouri, is marked as Exhibit M-6

vii. Copy of Form-B of Late Baijnath Bouri, is marked as Exhibit M-7

viii. Copy of Regret Letter dated 27.07.2019 issued to Kali Bouri, is marked as Exhibit M-8

ix. Copy of letter dated 10.07.2019 issued by General Manager, Personnel Employment, addressed to Area Personal Manager Kajora Area, where

the claim for employment of Kali Bouri regretted, is marked as Exhibit M-9

9. Mr. Rakesh Kumar advancing his argument on behalf of the dependent of the deceased workman submitted that Baijnath Bouri died in harness on 23.03.2013 and within a very short period, on 31.07.2013 Kali Bouri, his dependent wife, submitted an application addressed to the Manager of J K Nagar Ropeways, ECL claiming employment in place of her deceased husband. In her application, she has clearly stated her age as 25 years as on 01.04.2000. She also submitted relevant documents in support of her claim. The management of ECL processed the prayer for employment and the dependent wife was called upon to appear before the IME Board for medical examination. Relying upon the report of pre-employment medical examination of Kali Bouri held on 19.11.2014, is produced by management as Exhibit M-6, Mr. Kumar submitted that the Medical Board recorded the age of Kali Bouri as 35 years and by appearance assessed her age as 37 to 42 years as on 19.11.2014. It is argued that management did not refer Kali Bouri for any radiological examination for reassessment of her age. Since dependent wife is not a literate person, she has no Matriculation Certificate bearing her date of birth. It is contended that in such circumstances, Implementation Instruction number 76, provides that the age of the candidate has to be decided by medical examination. In the instant case the age of Kali Bouri was decided by the IME Board as thirty nine and half years as on 19.11.2014 and she was found fit for job. Mr. Kumar argued that the age of Kali Bouri recorded as 25 years as on 01.04.1987 in the service record of her husband is not to be considered as such entries have been made by the officials of the employer company without consulting any document or the candidate herself. Mr. Kumar vehemently argued that the management of ECL has acted illegal and in an arbitrary manner by regretting the prayer for employment of Kali Bouri in their letter dated 27.07.2019. According to the Union, the female dependant is entitled to employment as per Clause 9.5.0 (ii) of NCWA VI and the employer company can not deny such vested right.

10. Mr. P. K. Das, Learned Advocate for ECL, urged that the prayer of Kali Bouri for compassionate employment against the death of her husband was considered and the Competent Authority in the Headquarter of ECL has denied to provide employment to Kali Bouri on finding that her age was recorded as 25 years as on 01.04.1987 in the Service Record of her husband and she has already crossed 45 years of age at the time of death of her husband on 23.03.2013. Therefore, she is not entitled to any employment as per provision of Clause 9.5.0 (ii) of NCWA. It is submitted that at best the widow of the deceased employee is entitled to monetary compensation.

11. I have considered the rival contension of the parties in their pleadings, arguments advanced on behalf of the Union and Management of the employer company and also the evidence adduced by the respective parties. In their written statements Union has stated that proposal for employment of Kali Bouri was processed and her relationship with Late Baijnath Bouri was verified through Police Authority. The management of ECL has not denied such fact. Therefore, there is no dispute regarding identity of Kali Bouri, who is seeking employment on compassionate ground. It is an established principle of law that the provisions of NCWA is a settlement arrived at between the parties after protracted deliberations and the same is binding on the parties as per Section 18 (3) of Industrial Disputes Act, 1947. Therefore, there can be no departure from the agreed provissions of NCWA relating to grant of employment to male and female dependent of the deceased employee as well as providing monetary compensation.

12. It is an axiomatric truth that compassionate appointment is an exception to the general rule of merit based recruitment under Article 14 of the constitutionof of India. It is provided to the family of the deceased employee in order to tide over immediate financial penury that the family would confront. Compassionate employment is governed

by the terms of employment of the deceased employee. It is a contingency provided in the context of employment of the employee, the happening of which triggers rights to receive employment on fulfilment of specified criteria. Under circumstances, the terms of compassionate appointment have to be strictly construed. The employer and employee are bound by the terms and conditions governing the employment of the deceased employee, at the time of his death. In the instant case the terms of employment of the deceased employee are governed by clause 9.3.0 to 9.5.0 of NCWA.

13. Kali Bouri claimed for employment by submitting her application within four months and eight days from the date of death of her husband, which is marked as Exhibit W-1/M-5. There has been no delay on the part of her dependent wife in opting for employment and monetary compensation. The management of ECL started processing her claim and and referred her for the Initial Medical Examination. I find from the report of IME (Exhibit M-6) that Kali Bouri was found fit for the job by the Medical Board. In Para number 6 of the report, the members of the board assessed her age as 37 to 42 years. It is further stated in Para number 6 that the finding in respect of the age of the candidate could be confirmed by radiology, x-ray, if there was any doubt. In the instant case management of the employer company did not take any further action nor expressed any doubt about the finding of IME. It was open to the management to refer Kali Bouri for assessment of her age by holding ossification test. It is only after lapse of four years and eight months, the management of ECL regretted the prayer for employment of Kali Bouri on the ground that there was discrepanncy in her age recorded in Service Record Excerpts, PS-3, PS-4, Voter Identity Card and the IME Report.

14. I find from such communication that the management has not taken the right course of action. The competent authority of ECL is duty bound to ascertain the age of the dependent wife by scientific means and thereafter act on the basis of the actual age of the claimant. Under the facts and circumstances as discussed above, I hold that the management of ECL has acted in an illegal and arbitrary manner by disputing the age of the dependant wife instead of taking any steps for assessment of age by scientific means. The management cannot be allowed to refuse the claim for employment on a frivolous plea that the age of Kali Bouri was recorded as 25 years as on 01.04.1987. The management of J. K. Nagar Ropeways under ECL Headquarter is required to assess the actual age of Kali Bouri by holding ossification test, by adopting scientific means and consider her for employment as per clause 9.5.0 (ii) of NCWA on the basis of her age as on the date of death of her husband.

15. The dependent wife is also entitled to monetary compensation as per NCWA, payable from the date of death of her husband i.e. 23.03.2013 till employment is granted to her or she attains the age of sixty years, whichever is earlier.

16. Before concluding my discussion, it is imperative to note that the Schedule of Reference does not include any issue for providing employment to the dependent son, Sh. Amit Bouri. Therefore, this Tribunal does not consider it necessary to deal with such question.

Hence,

ORDERED

The Industrial Dispute is allowed on contest against the management of J. K. Nagar Ropeways, ECL. The letter regretting the proposal for employment bearing No. ECL/GM/JKR/PRS/2019/134 dated 27.07.2019 issued by the Area Personnel Manager, J. K. Nagar Ropeways is not found tenable and the same is set aside.

The management of ECL is directed to re-assess the age of Kali Bouri, wife of Late Baijnath Bouri, by holding scientific medical examination within 3 (Three) months from the date of communication of this award. If it is found that the age of Kali Bouri so assessed was less than forty five years on the date of death of her husband, the management shall grant compassionate employment to the dependent wife on completion of necessary formalities within a period of one month thereafter. The management is further directed to pay monetary compensation to the dependent wife w.e.f. 23.03.2013 till employment is granted to her or till she attains the age of sixty years, whichever is earlier. Let an award be drawn up on the basis of my above finding.

Let the copies of award in duplicate be sent to the Ministry of Labour and Employment, Govt. of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **40/2002**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/59/2002 आई.आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 40/2002)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-22012/59/2002– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 40 OF 2002

PARTIES: Bodi Majhi

Vs.

Management of J. K. Nagar Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Partho Choudhary, Advocate.
Ms. Debarati Konar, Advocate.

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 06.06.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/59/2002-IR(CM-II)** dated 02.09.2002 has been pleased to refer the following dispute between the employer, that is the Management of J. K. Nagar Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of J.K. Nagar Colliery of M/s ECL in dismissing Sh. Bodi Majhi, U.G.Loader w.e.f. 28.7.2000 is fair and legal? If not, to what relief is the workman entitled? "

1. On receiving Order **No. L-22012/59/2002-IR(CM-II)** dated 02.09.2002 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 27.09.2002 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Bodi Majhi, the dismissed workman filed his written statement on 12.12.2002. Management filed their written statement on 23.07.2009. In a nutshell, the fact of the case disclosed in the written statement of the workman is that Bodi Majhi was a permanent employee of ECL, posted at J. K. Nagar Colliery under Satgram Area of Eastern Coalfields Limited (hereinafter referred to as ECL). He was dismissed from his service w.e.f. 28.07.2000. Due to premature death of Bodi Majhi's father he got employment under the company, according to National Coal Wage Agreement (hereinafter referred to as NCWA). Due to his illness, he could not attend his duty from 01.12.1997. After a month the workman visited his office for joining his duty but he was asked to put his left thumb impression on few blank papers the assurance that letter for joining would be issued. Due to delay in response from the colliery office the workman again went to join his duty after a long period but in the middle of the year 2000 the workman learnt that his file had been sent to higher authority for approval. After a considerable period, the workman received a letter of dismissal from service, bearing No. SAT/GM/PER/C/2000/396(C) dated 28.07.2000. According to him no Charge Sheet was issued and no enquiry was held. The workman never replied to any Charge Sheet nor appeared before any Enquiry Officer as alleged in the letter of dismissal. It is further contended that the proceeding for dismissing him from service was in violation of natural justice. It is urged that the punishment of dismissal from service is harsh and disproportionate to the alleged misconduct and that management should not impose punishment of dismissal in casual manner. It is claimed that the order of dismissal passed by the management of J. K. Nagar Colliery is arbitrary, illegal, the same is required to be set aside and the dismissed workman needs to be reinstated in service on payment of full back wages with interest.

3. Management contesting the case and stated that Bodi Majhi, an employee of ECL at J. K. Nagar Colliery absented from duty from 01.12.1997 to 15.11.1999 without any prior intimation or authorization as such a Charge Sheet was issued against him bearing No. ECL/JKN/99/111 dated 16.11.1999 Management was not satisfied with the reply submitted by Bodi Majhi against the Charge Sheet and a domestic enquiry was initiated. Mr. A. C. Das Sarkar was appointed as the Enquiry Officer to enquire into the said charge. After concluding the said enquiry,the Enquiry Officer found Bodi Majhi guilty of charge under Clause 17(i)(n) of the Model Standing Orders. After considering the Charge Sheet, Reply submitted by the workman, Enquiry Proceeding and Enquiry Report, in view of serious nature of the charge the Competent Authority awarded punishment of dismissal against the workman. The Competent Authority issued a second Show Cause Notice to the workman at his home address bearing No. SAT/GM/PER/LAB-C/99/1010(B) dated 28.12.1999 / 03.01.2000. Bodi Majhi submitted reply to the second Show Cause Notice on 07.01.2000. The Disciplinary Authority did not find the reply satisfactory and dismissed the workman from service by issuing letter No. SAT/GM/PER/C/2000/396(C) dated 28.07.2000. There was no extenuating circumstance to take liberal, view the management of the employer company. According to the management the order of dismissal was proportionate, reasonable and fair.

4. In support of his case Bodi Majhi has been examined as Workman Witness No. 1. He filed an affidavit-in-chief stating his case as disclosed in the written statement. In his affidavit-in-chief the witness stated that he could not report his illness at J. K. Nagar Colliery Dispensary on and from 01.12.1997. The witness further averred that after his recovery from prolong illness he visited his place of work at J. K. Nagar Colliery on 16.11.1999 and the Manager issued Charge Sheet in his name under Clause 17(i)(n), 17(i)(d) and 17(i)(i) of Model Standing Orders on the charge of absenting from duty. The workman claimed that all on a sudden, he received a second Show Cause Notice and for the first time he came to know that the management initiated a Departmental Proceeding. The witness averred that no information was received by him about appointment of the Enquiry Officer and management representative nor any Notice of enquiry was issued. It is claimed that Manager of J. K. Nagar Colliery issued the Charge Sheet against him without any delegation of power in his favour. Workman claimed that the Charge Sheet is vague and without any basis and that the period of his absence from duty was beyond his control as he was sick and was under medical treatment of doctor. Regarding the Enquiry Report, it is contended that same is perverse and that no enquiry proceeding was held and the management is duty bound to establish that there was due appointment of Enquiry Officer, the Notice of enquiry was issued and the workman was allowed to be assisted by co-workers. According to the workman the self-styled Enquiry Officer conducted enquiry in a perfunctory manner without giving opportunity to the workman of self-defense. The workman stated that he is passing his days in great hardship along with his family members and has no employment elsewhere since dismissal from the service. The workman prayed for setting aside the order of dismissal and his reinstatement in service.

5. The workman witness in his cross-examination stated that he submitted medical papers at the colliery office but could not name the official to whom such medical papers were submitted. The witness stated that he did not remember if he attended the enquiry and that he did not have any proof to show that he submitted medical papers at the colliery.

6. Mr. Subir Dey was examined as Management Witness No. 1 and filed an affidavit-in-chief. It is stated that workman was absenting from duty from 01.12.1997 and Charge Sheet was issued to him on 16.11.1999 under Clause 17(i)(n), 17(i)(d) and 17(i)(i) of Model Standing Orders. The workman submitted his reply but the same was found unsatisfactory and a domestic enquiry was started. The Enquiry Officer after concluding the domestic enquiry submitted his report before the Appointing Authority and the charge of misconduct was proved against Bodi Majhi. The workman participated in the enquiry proceeding and reasonable opportunity was given to him to defend his case,

following the principles of natural justice. Management issued second Show Cause Notice and the workman was dismissed from service by order dated 28.07.2000. According to the management punishment of dismissal awarded to the workman is totally justified and proportionate to the misconduct committed by him. The management witness produced the following documents :

(i) Copy of the Charge Sheet dated 16.11.1999 has been marked as Exhibit M-1.

(ii) Copy of the Reply to the Charge Sheet, as Exhibit M-2.

(iii) Copy of the Notice of enquiry dated 18.11.1999, as Exhibit M-3.

(iv) Copy of the Enquiry Proceeding, in ten pages, has been collectively marked as Exhibit M-4.

(v) Copy of the Enquiry Report, in four pages, has been collectively marked as Exhibit M-5.

(vi) Copy of the second Show Cause Notice dated 28.12.1999 / 03.01.2000, as Exhibit M-6.

7. In course of cross-examination Management Witness No. 1 deposed that Mr. A. C. Das Sarkar, the then Personnel Manager of J. K. Nagar Colliery was appointed as the Enquiry Officer and the Charge Sheet was issued from the office of the Agent on 16.11.1999. The witness was unable to produce any document to show as to by whom the Enquiry Officer and management representative were appointed. It transpires that the Enquiry Officer informed Bodi Majhi that he was appointed as Enquiry Officer to conducted the enquiry. The witness deposed that only one Notice was issued to Bodi Majhi regarding enquiry. From further cross-examination, it emerges that the Notice of enquiry issued to the workman by the Enquiry Officer was dated 18.11.1999 and it has been admitted in evidence as Exhibit M-3. The management witness disclosed that the Enquiry Officer in his Notice did not disclose by whom he was appointed as the Enquiry Officer. Management has also produced a copy of second Show Cause Notice dated 28.12.1999, issued to the workman under registered post with A/D and the same is marked as Exhibit M-6. There is no suggestion to the management witness on behalf of the workman that no Notice of enquiry was served upon him or that he was unable to participate in the enquiry. The witness produced a copy of the order of dismissal dated 28.07.2000 as Exhibit M-7.

8. The core issue for consideration in this case is whether a fair domestic enquiry was held against Bodi Majhi, observing the principles of natural justice and if the order of dismissal issued against him is fair and legal?

9. Mr. Partho Choudhary, learned advocate arguing on behalf of the workman submitted that management has miserably failed to prove that Charge Sheet and Notice of enquiry were served upon the workman. It is contended that no letter of appointment of Enquiry Officer has been produced. Therefore, the enquiry conducted by the Enquiry Officer is not tenable and his findings against the charged workman liable to be set aside. Learned advocate further argued that Bodi Majhi was suffering from illness and he filed medical documents before the management of the company, which were not considered, resulting in his unlawful dismissal. Learned advocate prayed for setting aside the order of dismissal and reinstatement of the workman with back wages from 28.07.2000.

10. Mr. P. K. Das, learned advocate argued that in the paragraph no. 3 of the written statement, the management has categorically stated that Mr. A. C. Das Sarkar, the then Personnel Manager, J. K. Nagar Colliery was appointed as Enquiry Officer to enquire into the said Charge Sheet. The charged employee has no right to dispute the appointment of the Enquiry Officer which is within the jurisdiction and power of the Competent Authority. Learned advocate argued Bodi Majhi remained absent from his duty for nearly two years and the Charge Sheet was issued to him for his continuous absence without any permission or satisfactory cause more than 10 days. Copy of the Charge Sheet is produced as Exhibit M-1. The Enquiry Officer after issuing Notice of enquiry dated 18.11.1999 to the workman (marked as Exhibit M-3) held enquiry on 19.11.1999 and workman participated in the enquiry proceeding. In order to establish the charge of unauthorized absence management, in course of enquiry examined Sri Lalan Singh as Management Representative, who clearly stated that Bodi Majhi remained absent from duty from 01.12.1997 to 15.11.1999 without giving any information and obtaining any permission from the proper authority. It is stated that the workman absenting for such a long period did not produce any document relating to his medical treatment for those two years. Learned advocate relying upon Exhibit M-4 argued that the workman participated in the enquiry and admitted the charge levelled against him and he simply sought for apology instead of establishing any defense case in his favour. Learned advocate for the management referring to Exhibit M-2 argued that the workman received copy of Charge Sheet and he submitted reply on 18.11.1999 stating that he was suffering from illness and he was treated at the S. D. Hospital, Asansol from 30.11.1997 to 04.03.1998 but he was unable to produce any medical document in support of his claim. Enquiry Report has been placed before this Tribunal as Exhibit M-5, where the Enquiry Officer found that the charge levelled against Bodi Majhi for his unauthorized absence under Clause 17(i)(n) of the Model Standing Orders was proved beyond reasonable doubt and found him guilty of the charge. The Competent Authority of the management issued a second Show Cause Notice to Bodi Majhi on 28.12.1999 / 03.01.2000 for obtaining his response to the findings of the Enquiry Officer. Learned advocate for the management submitted that there is no extenuating circumstance in favour of the workman and Competent Authority passed an appropriate order of dismissal against the workman on 28.07.2000 which he produced as Exhibit M-7. Learned advocate concluding his argument submitted that if the workman does not participate in the work of the management in a disciplined manner

the employer establishment has no option but to terminate the service of the workman whose unpredictable presence is detrimental to the function of the company.

11. I have considered the argument advanced by learned advocates of both parties, facts and circumstances of the case as well as evidence adduced. In the written statement the workman initially tried to project a case that he had fell ill and could not attend his duty from 01.12.1997. After recovery he went to join his work at the Colliery but the Labour Officer obtained his thumb impression on some blank papers and did not permit him to join his duty for no fault of his. It is further stated that in the middle of the year 2000 the workman came to know that his file had been forwarded to a higher authority and on 28.07.2000 he received the order of dismissal without holding any enquiry and issuance of Charge Sheet. In the course of his evidence, it appears that the workman received Charge Sheet, which has been marked as Exhibit M-1 and also submitted his reply, marked as Exhibit M-2. The workman has participated in the enquiry. No suggestion was put to the management witness denying receipt of the Charge Sheet or that no enquiry proceeding was held. In paragraph no. 12 of the affidavit-in-chief the workman stated that all on a sudden he received a second Show Cause Notice wherefrom he learnt for the first time that the management had started a disciplinary proceeding against him. The copy of the Enquiry Proceeding has been collectively marked as Exhibit M-4. The dismissed workman had opportunity to cross-examine the management witness but did not venture to deny that no enquiry proceeding was held or that he was not extended reasonable opportunity to participate or cross-examine the management representative.

12. From the materials on record, it is clearly established that the workman had remained absent form duty for nearly two years without any intimation to the employer company and he has miserably failed to establish that during that period he was prevented from attending his duty due to illness. The conduct of the workman indicates that he did not act in a responsible manner and his nonchalant attitude to work hampered the work of the employer company. The management appears to have held the enquiry proceeding in a fair manner,

following the principles of natural justice. The order of dismissal has been passed against the workman after the Disciplinary Authority took into consideration all materials including the findings of the Enquiry Officer and the response of the workman against the second Show Cause Notice, which he admitted to have received. In the present case I find no illegality in the mode and manner of the dismissal of the workman from service and find no reason to interfere with the order of dismissal.

Hence,

ORDERED

that the Industrial Dispute raised on behalf of Bodi Majhi is dismissed on contest. The workman is not entitled to any relief whatsoever. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1371.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **13/2003**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-20012/355/2002 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1371.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 13/2003)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025***

[No. L-20012/355/2002– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 13 OF 2003

PARTIES: 1. Bidyut Sarkar,

2. Mithu Prasad,

3. Manas Kumar Mohanta,

4. Satyendra Kumar Singh.

Vs.

Management of Madhusudanpur Colliery, ECL.

REPRESENTATIVES:

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

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 04.06.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/355/2002-IR(CM-II)** dated 11.07.2003 has been pleased to refer the following dispute between the employer, that is the Management of Madhusudanpur Colliery under Kajora Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Madhusudanpur Colliery under Kajora Area of M/s. ECL in denying placement of S/Sh. S.K. Singh, M.K. Mahanta, B.K. Sarkar and M. Prasad, Fitter Helpers in Cat-IV Fitter/Excv. Gr.D w.e.f. the date of passing N.C.T.V.T Tests is legal and justified? If not, to what relief the workmen are entitled? "

1. On receiving Order **No. L-22012/355/2002-IR(CM-II)** dated 11.07.2003 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 21.07.2003 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. The aggrieved workmen named above are represented by Mr. Rakesh Kumar, President, Koyala Mazdoor Congress, who filed written statement on their behalf on 22.08.2005. In a nutshell, the fact of the case disclosed in the written statement is that Satyendra Kumar Singh, Manas Kumar Mohanta, Bidyut Sarkar and Mithu Prasad of Madhusudanpur Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL) were appointed in the service of the company on 24.10.1990, 23.02.2001, 23.02.1991 and 23.02.1991 respectively as M.M. Trainees on the basis of National Council for Vocational Training (hereinafter referred to as NCVT) under the Apprentices Act, 1961. In their letter of appointment, it was stated that after completion of three years of service they would be regularized / promoted to the post of Mechanical Fitter in Excavation Category - D / Category – IV. It is the grievance of the workmen that after completing their training and completion of three years as Mechanical Helper, the management of Madhusudanpur Colliery did not regularize / promote them as Mechanical Fitter in Excavation Category - D / Category – IV. In similar cases other workmen have been placed in Mechanical (M.M.) Excavation Grade - D and in Category -IV. The union has urged that all four workmen should be regularized to the post of Mechanical Fitter in Excavation Category - D / Category – IV, as per their trade with effect from the date of completion of three years' training period and arrear wages should be paid to them from the date of their regularization till the date of next promotion, which should be granted to them taking into account their seniority in Category - D / Category – IV with retrospective effect.

3. Management field their written statement on 25.02.2016, contending that promotion is governed as per rules applicable for promotion and the Departmental Promotion Committee (hereinafter referred to as DPC) is constituted for considering the entitlement for promotion to the next higher post. The aggrieved workmen were never recommended by DPC, as such they are not entitled to receive promotion from the date they have claimed their promotion. The action of the management is justified and the workmen are not entitled to any relief.

4. In support of their claim Satyendra Kumar Singh, Manas Kumar Mohanta, Bidyut Sarkar and Mithu Prasad have filed their affidavit-in-chiefs and faced cross-examination. Workman witnesses have also filed copy of their Certificate issued by NCVT.

5. Management examined Mr. Proloy Dasgupta, Manager (Personnel), Madhusudanpur Colliery as Management Witness No. 1. It is averred in the affidavit-in-chief that concerned employees of Madhusudanpur Colliery passed the All India Trade Test Final Examination, held in the year 1994 and subsequently they applied for their placement in Category – IV from Fitter Helper, Category – II. It is stated that the four employees were previously regularized as Fitter Helper, Category – II vide Order No. MSP/P&IR/95/5/6/437 dated 27.05.1995. Witness further deposed that their claim for promotion form Fitter Helper, Category – II to Category – IV was not considered at that time as there was no vacancy of Fitter at Madhusudanpur Colliery as per Manpower Budget 2001-02 and 2002-03 which were applicable for their for promotion. The witness further stated that promotion to next higher category / grade is governed by certain norms and rules of the company and the first point to be consider for promotion of a workman is availability of vacancy in the concerned designation / grade / category, so the management was unable to promote the concerned employees form Fitter Helper, Category – II to Category – IV. It further transpires from affidavit-in-chief of the management witness that three out of four employees i.e., Manas Kumar Mohanta, Bidyut Sarkar and Mithu Prasad had been transferred from Madhusudanpur Colliery to Porascole Colliery in the year 2009. Therefore, the question of placing them as Fitter Helper, Category – IV at Madhusudanpur Colliery does not arise. It is further stated that Mithu Prasad and Bidyut Sarkar have already superannuated from service of the company on 28.02.2021 and 28.02.2022 respectively. According to the management witness all four workmen were granted promotion as Fitter as and when vacancy was available under approved Manpower Budget. He filed affidavit-in-chief and following documents :

(i) Copy of the Office Order dated 14.07.2009 by which Satyendra Kumar Singh was promoted from Fitter Category – IV to Category – V has been marked as Exhibit M-1.

(ii) Copy of the Office Order dated 27.09.2013 by which Mithu Prasad and Bidyut Kumar Sarkar were promoted from Category – III to Category – IV, as Exhibit M-2.

(iii) Copy of the Office Order dated 08.01.2013 by which Manas Kumar Mohanta was promoted from Fitter Category – II to Category – IV, as Exhibit M-3.

(iv) Copy of the Office Order dated 01.12.2003 by which Satyendra Kumar Singh was promoted from Fitter Category – II to Category – IV, as Exhibit M-4.

6. In cross-examination the management witness deposed that in the year 2009, three of the employees who were not promoted to Mechanical Category – IV went on to transfer to Porascole Colliery. During the period from 2003 to 2009 there was no promotion in the post Mechanical Fitter in Madhusudanpur Colliery. In the year 2010 four workmen were promoted to the post of Mechanical Fitter from Category – II at Madhusudanpur Colliery. All these four workmen were working at Madhusudanpur Colliery from earlier time. The witness further deposed that these four workmen promoted in 2010 were not senior to the three workmen who were transferred to Porascole Colliery. Witness denied the suggestion that management of ECL has promoted employees who have qualified NCVT Examination in the year 1994 on pick and choose basis and not following the rule of seniority.

7. Mr. Rakesh Kumar, Union representative, advancing his argument submitted that out of four employees only Manas Kumar Mahanta is in service and other three have already been superannuated. It is argued that the said four workmen underwent training imparted by NCVT and completed their training of three years on 31.03.1994. According to the policy of the company the said workmen after completion of three years' training, are eligible and entitled to be posted as Fitter in Category – IV but the management did not fulfill its assurance and posted them as Fitter in Category – II. It is submitted that Satyendra Kumar Singh was promoted as Fitter in Category – IV w.e.f. 18.09.2003, Manas Kumar Mahanta was promoted as Fitter in Category – IV on 08.01.2013 and Bidyut Sarkar and Mithu Prasad were promoted as Fitter in Category – IV on 27.09.2013. Mr. Rakesh Kumar argued that the workmen have been deprived from the rightful promotion and career advancement due to denial of their placement as Fitter, Category – IV. It is urged that all four workmen should be notionally placed in Fitter, Category – IV on completion of their training on 31.03.1994.

8. Mr. P. K. Das, learned advocate for ECL, in reply, argued that promotion is granted to the candidates on the basis of available vacancy in the post and such promotion took place on the basis of recommendation made by the DPC of the company. It is submitted that in the instant case no vacant post was available for accommodating these four aggrieved workmen for their promotion at Madhusudanpur Colliery. It is further argued that all four workmen have been granted promotion to post of Mechanical Fitter, Category – IV according to their seniority and on the basis of available vacancy. It is argued that there is no merit in the case and the Industrial Dispute is liable to be dismissed.

9. Having considered the argument advanced on behalf of the management and union and the facts and circumstances of this case, I find that the workmen who were appointed in the service of the company as Trade Apprentice under the Apprentices Act, 1961 received training under NCVT from 23.02.1991 to 31.03.1994, have claimed placement in the post of Mechanical Fitter in Excavation Category - D / Category – IV on the strength of having undergone training for three years. It transpires from the evidence of management witness that all four employees were regularized as Fitter Helper in Category – II by Office Order No. MSP/P&IR/95/5/6/437 dated 27.05.1995. For the purpose of promotion to the post of Mechanical Fitter in Excavation Category - D / Category – IV the eligibility criteria is that a person should have three years' experience as Helper in Category – II. The concerned

workmen were on training till 1994 and were regularized to the post Fitter Helper, Category – II only on 27.05.1995. Therefore, they did not fulfill the criteria for being considered for their promotion and placement in the post of Mechanical Fitter in Category – IV just with the completion of three years' training. The first and foremost consideration for promotion is arising of vacancy in a particular post. The DPC is vested with the authority to consider the seniority of existing employees and thereafter proposed promotions for the employees on roll of the company. In the instant case Mr. Rakesh Kumar was unable to produce any rule or circular by virtue of which the four employees are said to be entitled to their placement in the post of Mechanical Fitter in Category – IV, soon after completion of their three years' training. It is gathered from the argument that three of the workmen have already been superannuated and all four of them have been promoted / placed in the Mechanical Fitter in Category – IV on different dates, depending on their seniority in service. Under such facts and circumstances, I hold that the contention of the union that the four workmen were not granted their due promotion on completion of their three years' training, does not have any merit and they are not entitled to any relief in this case. The Industrial Dispute raised on behalf of the workmen is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. The concerned workmen are not entitled to any relief in this case. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE**,** Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1372.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **47/2008**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-20012/45/2008 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 47/2008)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-20012/45/2008– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 47 OF 2008

PARTIES: Bidhan Chandra Mitra

Vs.

Management of Kajora Area, ECL

REPRESENTATIVES:

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

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

INDUSTRY: COAL.

STATE: West Bengal.

Dated: 26.05.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/45/2008-IR(CM-II)** dated 13.08.2008 has been pleased to refer the following dispute between the employer, that is the Management of Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the demand of the Union for regularizing Shri Bidhan Chandra Mitra in a suitable higher grade after completion of one year's training as per offer of appointment is legal and justified? To what relief is the workman concerned entitled? "

1. On receiving Order **No. L-22012/45/2008-IR(CM-II)** dated 13.08.2008 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 27.08.2008 / 13.04.2009 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. The aggrieved person filed his written statement on 19.11.2009 through Mr. Rakesh Kumar, then General Secretary, Koyala Mazdoor Congress. Management contested the case by filing written statement on 04.11.2015. Brief fact of the workman's case as disclosed in the written statement is that Bidhan Chandra Mitra was appointed as a General Mazdoor under Eastern Coalfields Limited (hereinafter referred to as ECL) on 04.07.1996. He possessed higher qualification of LL.B and B.Com. As per order of ECL Headquarters bearing No. ECL/CMD/C-6/WBE-3/555 dated 27.02.1997 the workman was deployed to work as a Trainee in the Land and Revenue Department at Kajora Area of ECL w.e.f. 11.04.1997. In the said order it was clearly mentioned that Bidhan Chandra Mitra would be placed and deployed in the Land and Revenue Department as a Trainee for one year to learn the related job of the department and after completion of one year from 11.04.1997 to 11.04.1998, he would be suitably placed in a higher grade. The concerned workman was posted in the Land and Revenue Department of Kajora Area vide order No. ECL/GM/Kaj/PM(Admn)/2/97/1648 dated 11.04.1997 and as per order of ECL Headquarters he would be regularized to a suitable higher post. It is further stated that Bidhan Chandra Mitra performed the job of a Revenue Inspector as well as a Clerk in the Land and Revenue Department with the full satisfaction of the higher authority but he was neither regularized as an Assistant Revenue Inspector nor as a Clerk in the Land and Revenue Department. The name of the workman was sent to ECL Headquarters for his regularization to the post of Clerk but ECL did not take any final decision for his regularization as a clerk. It is prayed that the workman should be paid the wages for higher grade from 11.04.1997 till date as he had been performing job of a higher category w.e.f. 11.04.1997. The union contended that the management of Kajora Area has received the service of the workman functioning in a higher capacity like Revenue Inspector and Clerk but he has been deprived of his entitled wages for the last twelve years. It is prayed that Bidhan Chandra Mitra working as a General Mazdoor, Category – I should be regularized to the post of Revenue Inspector or as a Clerk in the Land and Revenue Department and he should be paid the difference of wages of Clerk and General Mazdoor, Category – I w.e.f. 11.04.1998 i.e., the date from which he should have been regularized in the post of Revenue Inspector or as a Clerk.

3. Management contested the case by denying the claim of the workman. It is asserted that the concerned workman was deployed to work in the post of Provident Fund Clerk due to exigency and such engagement was purely temporary in nature and subsequently he has been regularized as Provident Fund Clerk in Grade – III. Management stated that the workman is not entitled to get difference of wages for performing the job of a Provident Fund Clerk and his claim for payment of difference of wages for the said period is not legally tenable. As per written statement of the management the workman has unnecessarily raised this dispute without justification and the same is liable to be dismissed.

4. The short point for consideration in this Industrial Dispute is whether Bidhan Chandra Mitra is entitled to be regularized to a higher grade after completion of one year's training as per the offer of appointment and is he entitled to difference of wages of a Clerk and a General Mazdoor w.e.f. 11.04.1998.

5. In support of his claim Bidhan Chandra Mitra has filed his affidavit-in-chief and examined himself as Workman Witness No. 1. The witness in his affidavit-in-chief has reiterated the claim disclosed in the written statement and during evidence produced the following documents in support of his case :

(i) Copy of the Office Order dated 27.02.1997 has been produced as Exhibit W-1.

(ii) Copy of the letter dated 11.04.1997, as Exhibit W-2.

(iii) Copy of letter dated 08.08.1998 of the Personnel Manager (IC), Kajora Area, as Exhibit W-3.

(iv) Copy of Note Sheet dated 10.07.1998 of the Senior Estate Officer, as Exhibit W-3/1.

(v) Copy of letter dated 20.04.1999 of the Personnel Manager (IC), Kajora Area, as Exhibit W-4.

(vi) Copy of letter dated 05.08.1999 of the Personnel Manager (IC), Kajora Area, as Exhibit W-5.

(vii) Copy of letter dated 19.12.2000 issued by the Personnel Manager (IR), ECL, Sanctoria, as Exhibit W-6.

(viii) Copy of letter dated 24.12.2001 of the Deputy Estate Manager (LR), Kajora Area, as Exhibit W-7.

(ix) Copy of letter dated 11/14.06.2002 of the General Manager, Kajora Area, as Exhibit W-8.

(x) Copy of letter dated 26/27.11.2003 issued by the Estate Manager (LRE), Kajora Area, as Exhibit W-9.

(xi) Copy of letter dated 28.11.2003 of the Deputy Chief Personnel Manager, Kajora Area, as Exhibit W-10.

(xii) Copy of letter dated 07.05.2004 of the Estate Manager, Kajora Area regarding Manpower Budget, 2004, as Exhibit W-11.

(xiii) Copy of Charge assumption report of Bidhan Chandra Mitra dated 14.01.2011, as Exhibit W-12.

(xiv) Copy of the Office Order dated 01.11.2014 regarding promotion from Clerk from Grade-III to Grade-II, as Exhibit W-13.

6. From the cross-examination of the witness it transpires that he was deputed in the Land and Revenue Department under Kajora Area on 27.02.1997 for undergoing training in respect of various jobs. He also stated that he passed the test held after undergoing his training and on the basis of the same a Note Sheet was prepared by the company recommending him for his promotion to the post of Assistant Revenue Inspector. The witness admitted that he did not produce any certificate issued by the State Government or any other authority to prove his claim that he completed any training as "Amin" (Surveyor) and did not have any certificate of passing the Amin's examination. In his further cross-examination the witness admitted that in 2005 he received a Service Linked Upgradation (hereinafter referred to as SLU) from the post of General Mazdoor, Category – I to General Mazdoor, Category – II. He further deposed that he was regularized as Provident Fund Clerk in the same category in the year 2011 without any promotional benefits. In the year 2014 he was promoted from Clerk, Grade-III to Clerk, Grade-II and on 22.05.2022 he was promoted to the post of Clerk, Grade-I from Clerk, Grade-II with incremental promotional benefits. The witness admitted that he did not have the eligibility of being posted as an Assistant Revenue Inspector in the year 2008, at the time the dispute was raised. It is gathered from his cross-examination that due to the recommendation by the management for his regularization in the post of Assistant Revenue Inspector, he raised the dispute for not being regularized after completion of training. The witness is admittedly unaware of the conditions required to be fulfilled for his regularization to the post of Assistant Revenue Inspector and deposed that to the join the post of Assistant Revenue Inspector it is essential to have a certificate of "Amin" (Surveyor).

7. Management examined Mr. Ashish Mohan, Deputy Manager (Personnel), Madhabpur Colliery under Kajora Area of ECL as Management Witness No. 1. He filed his affidavit-in-chief and produced the following documents in support of management's case :

(i) Copy of the Office Order dated 27.02.1997 has been produced as Exhibit M-1.

(ii) Copy of letter dated 14.01.2011, as Exhibit M-2.

(iii) Copy of Office Order dated 01.11.2014 regarding promotion as Clerk from Grade-III to Grade-II, as Exhibit M-3.

The witness deposed that Bidhan Chandra Mitra was appointed in the service of the company on 04.07.1996 as Mazdoor, Category – I (Underground). He was placed in the Land and Revenue Department under Kajora Area by Office Order dated 27.02.1997 as General Mazdoor. Thereafter suitability of the trainee was to be decided after completion of one year's training and passing the test, like Electric helper, Fitter helper, Explosive carrier, Line mazdoor, Trammer. The trainee was also required to qualify in an examination for his placement in the supervisory post of "Amin". In course of examination-in-chief the management witness deposed that Service Linked Promotion is granted to the employee if management is unable to grant promotional benefit to a person working underground within seven year and within eight years to a person working on the surface of Mine. Witness further deposed that Bidhan Chandra Mitra was given Service Linke Upgradation from General Mazdoor, Category-I to General Mazdoor, Category-II w.e.f. 2005. The witness stated that the workman was not deprived from any service benefit or promotion in his carrier.

8. During cross-examination by the union representative, the management witness deposed that in the year 1998 the Personnel Manager (IC) of Kajora Area had issued a letter addressed to the General Manager (P&IR), ECL, Headquarters for regularization of Bidhan Chandra Mitra, Trainee, Land and Revenue Department, Kajora Area along with Note Sheet, Biodata, C.R., and Educational Qualification for necessary action. It transpires from his evidence

that the proposal of the Personnel Manager (IC), Kajora Aea did not materialize as there was no response to his letters from ECL Headquarters.

9. Mr. Rakesh Kumar, Union representative advancing his argument on behalf of Bidhan Chandra Mitra submitted that the workman was appointed on 04.07.1996 as a General Mazdoor and an Office Order dated 27.02.1997 was issued by the Deputy Chief Personnel Manager (Establishment) (Exhibit W-1) whereby there was a direction that Bidhan Chandra Mitra, Mazdoor, Category-I will be placed as a Trainee in his existing category in the Land and Revenue Department to learn the related job and after completing one year's training and passing the test he would be placed in higher category. It is argued that the concerned workman suffered till 2011 as he was not regularized to the post of Clerk though the management of Kajora Area received his service in a higher category in the Land and Revenue Department and paid him less wages as a General Mazdoor. Reference was made to Exhibit W-2, a letter dated 11.04.1997 issued by the Personnel Manager (Admin), Kajora Area, whereby the Deputy Chief Personnel Manager, Kajora Area, directed Bidhan Chandra Mitra, General Mazdoor, Category-I to report for his duty to the Senior Estate Officer, Kajora Area as per the advice of the Deputy Chief Personnel Manager, Kajora Area. It is argued that the orders and letters have been issued whereby Bidhan Chandra Mitra was placed as a trainee in the Land and Revenue Department and he was assured of a suitable job in a higher category consistent with his higher educational qualification but unfortunately, the management did not take any effective measure to regularize the workman to the post of a clerk on completion of his one year's training w.e.f. 11.04.1998. Mr. Rakesh Kumar submitted that the workman is entitled to get difference of pay between a General Mazdoor, Category-I and the pay he should have received as a Clerk in the Land and Revenue Department from 01.05.1998 till his regularization to the post of a Clerk.

10. The union representative took me through Exhibit W-7, a letter dated 24.12.2001 issued by the Deputy Estate Manager, Kajora Area, addressed to the Deputy Chief Personnel Manager, Kajora Area wherein he informed that Bidhan Chandra Mitra has been placed in the Land and Revenue Department to learn related job of the department and since then he has been performing his duty with related job as well as clerical and other works. Further reference has been made to Exhibit W-9, a letter dated 26/27.11.2003 issued by the Estate Manager (LRE), Kajora Area, addressed to the Deputy Chief Personnel Manager, Kajora Area, wherein he proposed for considering Bidhan Chandra Mitra for the post of Assistant Revenue Inspector in view of his educational qualification and for his regularization at the earliest. Concluding his argument Mr. Kumar submitted that the workman has suffered financially for not being regularized to the post of clerk after successful completion of one year's training and urged that necessary order may be passed directing the management of company to pay him the difference of wages between Clerk Grade – III and General Mazdoor, Category-I from 11.04.1998.

11. Mr. P. K. Das, learned advocate for the management of ECL, in reply argued that in order No. 555 dated 27.02.1997 (Exhibit W-1/M-1), it is clearly mentioned that Bidhan Chandra Mitra was appointed as Mazdoor, Category-I and he was placed for training in his existing category in the Land and Revenue Department to learn related job and that after completion of one year's training and passing of examination he would be posted in a higher grade. Learned advocate argued that Bidhan Chandra Mitra in his cross-examination has admitted that he did not pass Amin's examination and also admitted that he did not have any eligibility of being posted as Assistant Revenue Inspector in the year 2008, at the time he raised the Industrial Dispute. Learned advocate for the management argued that provisions of Clause 2.11.1 of National Coal Wage Agreement – VI (hereinafter referred to as NCWA-VI) lays down that Daily rated and Monthly rated employees who have remained in the same category/grade for a period of seven years for underground job and eight years for surface job, would be upgraded in the next higher category/grade including Technical and Supervisory Grade A to A-1 and Piece Rate workers would also get the benefit of one SLU along with additional Special Piece-rated Allowance (hereinafter referred to as SPRA) on completion of seven and eight years respectively. It is submitted that the workman who joined in the year 1997 as a General Mazdoor, Category-I was granted the benefit of SLU in the year 2005 i.e., within the stipulated period thereafter he was upgraded to General Mazdoor, Category-II and the workman was regularized to the post of Provident Fund Clerk, Grade-III w.e.f. 14.01.2011. He was subsequently given one SLU on his regularization in the year 2011. Thereafter the workman was . In the year 2022 the concerned workman received the benefit of another promotion to Clerk, Grade-I with three percent (3%) incremental benefit. Learned advocate contended that the management has acted according to the rules guiding career advancement and promotion of workman and Bidhan Chandra Mitra is not entitled to any relief in this case and he did not have the eligibility of being regularized to the post of Clerk simply after completion of one year of service.

12. I have considered the pleadings of the parties in the light of the referred Industrial Dispute, the evidence garnered on record and arguments advanced on behalf of the workman and management. The concerned workman admittedly joined as Mazdoor, Category-I. Since he had educational qualification like B.Com. and LL.B, he was referred for his training in the Land and Revenue Department of Kajora Area for a period of one year. By order No. ECL/CMD/C-6/WBE-3/555 dated 27.02.1997 (Exhibit W-1/M-1) the Competent Authority had stated that Bidhan Chandra Mitra would be placed as Trainee in his "existing category" in the Land and Revenue Department for receiving training for one year and on completing the training and passing the test he would be suitably placed in higher grade. The concerned workman in his evidence admitted that he did not pass the test of "Amin" and did not

have any qualification or certificate in support of such specialized knowledge related to land matter. It would appear from letter dated 08.08.1998 (Exhibit W-3) of the Personnel Manager (IC), Kajora Area, Note Sheet dated 10.07.1998 (Exhibit W-3/1) issued by the Senior Estate Officer, Kajora Area, letter dated 20.04.1999 (Exhibit W-4) issued by the Personnel Manager (IC), Kajora Area, and letter dated 05.08.1999 (Exhibit W-5) issued by the Personnel Manager (IC), Kajora Area, that at different time proposals were forwarded for suitable placement of Bidhan Chandra Mitra but no approval was received from the Headquarters of ECL. It is gathered from Exhibit W-6, a letter dated 19.12.2000 that the Personnel Manager (IR), ECL Headquarters, Sanctoria requested the Deputy Chief Personnel Manager, Kajora Area to specifically recommend the 'cadre' in which Bidhan Chandra Mitra was required to be placed considering his qualification and nature of his job. In Exhibit W-10, the Deputy Chief Personnel Manager, Kajora Area in his letter dated 28.11.2003 replied that proposal for regularization of Bidhan Chandra Mitra were earlier forwarded by letters and requested the Chief Personnel Manager (P&IR), ECL Headquarters, Sanctoria to consider his case against vacancy available at Kajora Area. No clear recommendation has surfaced from such correspondence as to the post for which the concerned workman was found suitable for regularization.

13. According to provisions of Clause 2.11.1 of NCWA-VI, employees who remained in the same category for more than seven/eight years were provided the benefit of one SLU along with additional SPRA on completion of seven years for Underground workers and eight years for surface workers. The aggrieved workman in this case was appointed as a General Mazdoor in Category-I on 04.07.1996 and after completion of eight years in service he was granted the benefit of SLU in the year 2005 and was upgraded to General Mazdoor, Category-II. The workman thereafter received the benefit of regularization to Provident Fund Clerk, Grade-III on 14.01.2011, promoted to the Clerk, Grade-II on 01.11.2014 and Clerk, Grade-I in the year 2022. At no point of time any order was issued by the management assuring the workman that he would be posted as Clerk, Grade-III after completion of one year's training on 11.04.1998. Therefore, in my considered view the workman was not entitled to be regularized to the post of Clerk on completion of one years' training. In order to get any relief, the workman is required to prove that his substantial right created under the service rule has been violated. In the present case the union has failed to prove that the management of ECL had agreed to regularize a workman to a higher grade of a Clerk on completion of one year as a Mazdoor. The prevailing rule for upgradation in case of stagnation of an employee in the same post has been laid down in NCWA-VI. A workman cannot claim special benefit on the ground that he has higher educational qualification or undergone training in any department for any particular time unless there is a clear violation of cadre scheme rules laid down for the purpose of upgradation and promotion, applicable to all the employees. In the instant case I find that the workman has received four benefits during the span of his service and he is presently posted as Clerk, Grade-I. The Industrial Dispute therefore has no merit and the same is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute has no merit and the same is dismissed on contest. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**,आसनसोल के पंचाट (सन्दर्भ संख्या **12/2024**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

[सं. एल-20013/01/2025 आई.आर. (सीएम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 12/2024)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025.***

[No. L-20013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 12 OF 2024

PARTIES: Fulu Chawadhary

Vs.

Management of Satgram-Sripur Area, ECL.

REPRESENTATIVES:

For the Union/Workman: None.

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 28.05.2025.

AWARD

In exercise of powers conferred under sub-section (5) of Section 12 read with sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Ministry of Labour, Government of India through the Office of the Chief Labour Commissioner (Central), New Delhi, vide its Order **F. No. 24(22)/2024-IR** dated 30.07.2024 has been pleased to refer the following dispute between the employer, that is the Management of Satgram-Sripur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of Satgram-Sripur Area establishment of M/s. ECL in not regularizing service of Smt. Fulu Chawadhary as category-1 to Security Guard is legal and justified in the eye of law or not? If not, what relief the concerned employee is entitled to and from which date? "

1. On receiving Order **F. No. 24(22)/2024-IR** dated 30.07.2024 from the Office of the Chief Labour Commissioner (Central), New Delhi, Ministry of Labour, Government of India, for adjudication of the dispute a Reference case was registered on 06.08.2024 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. After registration of the case Notice was issued to both parties under registered post, fixing 09.09.2024 for appearance and filing of written statement. Mr. P. K. Goswami, learned advocate appeared for Eastern Coalfields Limited by filing Vokalatnama. No step was taken by the Colliery Mazdoor Congress (HMS), the union which raised this Industrial Dispute. The case was subsequently fixed on 18.10.2024, 08.01.2025 and 19.03.2025 but no step was taken by the union as well as by Smt. Fulu Chawadhary, who sought for her regularization, Category-1 to Security Guard. The case was fixed for ex-parte hearing on 08.01.2025. Learned advocate for Eastern Coalfields Limited was not present and the case was thereafter fixed on 19.03.2025 for ex-parte hearing as last chance. On 19.03.2025 no step was taken. On repeated calls at 12.35 PM none appeared for Eastern Coalfields Limited. Hence the case cannot be taken up even for ex-parte hearing. Since dispute was raised by the union and they are not inclined to proceed, the Industrial Dispute is dismissed for non-prosecution. Let a No Dispute Award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Industrial Dispute. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1374.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.लिमिटेड. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, आसनसोल के पंचाट (सन्दर्भ संख्या **11/2024**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **16/07/2025** को प्राप्त हुआ था।

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

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Reference.I.D.No. 11/2024)** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.Ltd.** and their workmen, received by the Central Government on **16*/07/2025***

[No. L-22013/01/2025– IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

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

REFERENCE CASE NO. 11 OF 2024

PARTIES: Colliery Mazdoor Union

Vs.

Management of Kalipahari Group of Mines, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Chandi Banerjee, General Secretary, CMU

For the Management of ECL: Mr. Syed Nurul Arefin, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 05.06.2025.

AWARD

In exercise of power conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Ministry of Labour, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Asansol, vide its Order **No. 1(21)/2024-E** dated 15.04.2024 has been pleased to refer the following dispute between the employer, that is the Management of Kalipahari Group of Mines under Sripur Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

"** Whether the action of the Management of Kalipahari Colliery of M/s ECL in deducting the underground allowance of the employees is justified? If not, what relief the concerned employees are entitled to? **"

1. On receiving Order **No. 1(21)/2024-E** dated 15.04.2024 from the Office of the Deputy Chief Labour Commissioner (Central), Asansol, Ministry of Labour, Government of India, for adjudication of the dispute a Reference case was registered on 17.04.2024 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Mr. Chandi Banerjee, union representative appeared on behalf of seventy aggrieved underground workers of Kalipahari Colliery under Sripur Area of Eastern Coalfields Limited who have raised this dispute against deduction of

their Underground Allowance which had earlier been paid. Mr. Syed Nurul Arefin, learned advocate appeared for the management of Eastern Coalfields Limited.

3. The case was registered on 17.04.2024 and Notice was issued to both parties. Union filed written statement on 21.06.2024 and the management of ECL filed their written statement on 22.10.2024. The case is specially fixed up today for adducing evidence by both parties and hearing. At this stage, Mr. Chandi Banerjee filed an application stating that during pendency of Industrial Dispute, Directorate General of Mines Safety inspected the mines and suspended production in mines and most of the workmen were transferred to other places. It is stated that union is not interested to continue with this case and prayed for disposing the case. Copy served upon learned advocate for the management. Heard both sides. Considered.

4. Since aggrieved workmen represented by the union are not inclined to proceed further, Industrial Dispute is dismissed for non-prosecution. Let a No Dispute Award be drawn up. All other pending petitions connected with this case stand disposed of.

Hence,

ORDERED

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

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 17 जुलाई, 2025

का.आ. 1375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ट्रिग डिटेक्टिव प्राइवेट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय नं.** 1, नई दिल्ली के पंचाट **(संदर्भ संख्या 251,256,261,265,**और **269/2023)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **13/02/2024** को प्राप्त हुआ था।

[सं. एल-20013/01/2025 आई.आर. (सीएम-I)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 17th July, 2025

S.O. 1375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 251,256,261,265,and 269/2023*)*** of the **Central Government Industrial Tribunal-cum-Labour Court N0. 1, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Trig Detective Pvt.Ltd** and their workmen, received by the Central Government on ***17/07/2025.***

[No. L-20013/01/2025– IR (CM-I)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. I, NEW DELHI

ID No. 251/2023

Sh. Brij Nandan Singh, S/o Sh. Mundrika Singh,

Security Guard, Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

ID No. 256/2023,

Sh. Gulbir Singh, S/o Sh. Pratap Singh,

Security Guard, Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

ID No. 261/2023,

Sh. Mani Bahadur & 53 Other,

Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

ID No. 265/2023,

Sh. Bhoopendra Singh, S/o Sh. Ram Naresh,

Security Guard, Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

ID No. 269/2023,

Sh. Shiyam Kumar Singh, S/o Sh. Nageshwar Prasad Singh,

Security Guard, Through- All India General Mazdoor Trade Union,

170, Bal Mukund Khand, Giri Nagar, Kalkaji, New Delhi-110019.

…Applicant/Claimant

Versus

1. **The Medical Superintendent, Safdarjung Hospital, New Delhi-110029.**
2. **The Director, M/s Trig Detective Pvt. Ltd., A-383, Road No.3, Mahipalpur Extension, New Delhi-110037.**

…Managements/respondents

AWARD

1. In the present cases, five references were received from the appropriate Government vide letter no. ND-25/I-34/2023-IR, ND-25/I-37/2023-IR, ND-25/I-74/2023-IR, ND-25/I-70/2023-IR and ND-25/I-66/2023-IR respectively, dated 20.11.2023 under Section 10 of the Industrial Disputes Act, 1947 to this tribunal for adjudication. Terms of all the references have been similarly worded, except the names of workmen, are in the following words:

"Whether the demand of All India General Mazdoor Trade union (AITUC) for reinstatement of services of Shri Brij Nandan Singh S/o Shri Mundrika Singh, Shri Gulbir Singh S/o Shri Pratap Singh, Sh. Mani Bahadur & 53 Other, Shri Bhoopendra Singh S/o Shri Ram Naresh and Shri Shyam Kumar Singh S/o Shri Nageshwar Prasad Singh, Security Guards, w.e.f. 01.07.2022 along with arrears of salary, bonus and other consequential benefits against the management of M/s Trig Detectives Pvt. Ltd., Contractor of Safdarjung Hospital, is legal, just and proper? If yes, then what relief are the workmen concerned entitled and what directions are necessary in this respect?"

2. In the reference order, the appropriate Government directed the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claims to the opposite parties involved in the dispute. Despite directions so given, Claimants/ union opted not to file the claim statements with the Tribunal.

2. Claimants are not appearing since long for filing the statement of claims in spite of providing a number of opportunities. AR of the claimants submitted that these claimants are not in touch with him.

3. In these circumstances, this tribunal has no option except to pass the no disputant award. No dispute awards are passed accordingly. A copy of this award is hereby sent to the Appropriate Government for notification under Section 17 of the Industrial Disputes Act, 1947. A copy of this order be placed in each of the files. Files are consigned to the record room.

Dated 19.03.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1376.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **मध्य रेलवे** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **जबलपुर** के पंचाट (42/2020) प्रकाशित करती है।

[सं. एल-12025/01/2025 आई.आर. (बी-I)-83]

सलोनी, उप निदेशक

New Delhi, the 18th July, 2025

S.O. 1376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 42/2020*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Central Railway and their workmen.

[No. L-12025/01/2025– IR (B-I)-83]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/42/2020

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Sabarjeet Singh Lot,
S/o Shri Parasram Lot, Safai Karamchari,
Central Railway, Nepa Nagar,
Resident Of Ward No. 20, Mahatma Gandhi Nagar,
Nepa Nagar – 450 331,
Distt. Burhanpur (M.P.)

Workman

Vs

The Divisional Rail Manager,
Central Railway, Bhusawal Division,
Aurangabad Region,
(Maharashtra) – 425 201

Management

(JUDGMENT)

(Passed on this 23th day of June- 2025)

As per letter dated 29/06/2020 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act')as per Notification **No. J-1(1-32)/2020-IR** dt. 29/06/2020. The dispute under reference relates to:

"क्या, आवेदक श्री सरबरजीत सिंह लोट, पूर्व अस्थाई सफाई कर्मचारी वर्ष 2009 से 2016 तक सामुदायिक स्वास्थ्य केंन्द्र, मध्य रेल, नेपा नगर, जिला बुरहानपुर एवं स्टेशन मास्टर, नेपा नगर, रेल्वे स्टेशन में सफाई कर्मचारी के रुप में समय-समय पर अस्थाई रुप से कार्य करने से स्थाई नियुक्ति की पात्रता रखता है? अगर नहीं, तो आवेदक किस अनुतोष पाने का अधिकारी है?"

According to the Workman, he worked as a Sweeper at the Community Health Centre and Railway Station at Nepa Nagar since 2009 to 2017 and had matured a right to be a permanent employee. His services were illegality and unjustly terminated by Management without any notice or compensation which is illegal and arbitrary. The Workman has prayed that he be held entitled to be reinstated with back wages and benefits.

Case of the Management is that, he was a sweeper, who was never engaged for the period as claimed by him. He was called for work on casual basis when the regular sweeper was not available. He never worked continuously for 240 days in any year. Hence, there is no question of his illegal termination.

In evidence, the Workman has filed his affidavit. He has been cross-examined by Management. Management has also filed affidavit of its witness as his examination-in-chief. He has been cross-examined by the Workman side. The Workman has filed and proved a certificate in Photocopy said to be issued by the Station Master on 16.12.2016 stating that the Workman continuously worked as sweeper within the period 16.12.2011 to 16.12.2016 and another photocopy certificate said to be issued by same Station Master on 01.11.2014 stating that the Workman is working as sweeper at Nepa Nagar Railway station since 01.03.2010.

I have heard argument of Learned Counsel Mr. Praveen Yadav for Workman, and Mr. A.P. Khare for Management and have gone through the record.

The reference itself is the issue for determination in the case in hand.

Both the sides have corroborated their cases taken by them in their respective statement of claim and defense in their affidavits.

As regards the certificate said to be issued by the Station Master, Management has taken a case that this certificate was false and the Station Master who issued the certificate was awarded punishment for this. Its witness has corroborated this fact. The initial burden to prove continuous employment u/s 25B of the Act is on workman.

In the light of these facts, the continuous engagement of the Workman for 240 days is held not proved, termination of his services is also held not proved. The Workman is held entitled to no relief. Reference stands answered accordingly.

No order as to cost.

DATE:- 23/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **इंडियन ऑयल कॉर्पोरेशन लिमिटेड; मेसर्स युद्धवीर सिंह जम्वाल सिक्योरिटी एजेंसी; मेसर्स बीएसएस सिक्योरिटी एजेंसी** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री पवन कुमार** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़, पंचाट (रिफरेन्स न.-16/2021)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-89]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1377.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 16/2021)** of the **Central Government Industrial Tribunal cum Labour Court-2, Chandigarh** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation Ltd.; M/s Yudhvir Singh Jamwal Security Agency; M/s BSS Security Agency** and **Shri Pawan Kumar** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. Z-16025/04/2025-IR(M)-89]

DILIP KUMAR, Under Secy.

ANNEXURE

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

(Presided over by Mr. Kamal Kant).

ID No.16/2021

Registered on:-01.06.2021

Sh. Pawan Kumar S/o Sh. Ram Lal, R/o House No.7, Jaggi Colony, Kanwla, Ambala Cantt. Distt. Ambala (HR)-134003

-------- Applicant

Versus

1. M/s Indian Oil Corporation Ltd. GT Road, Ambala Cantt.

   2nd address: M/s Indian Oil Corporation Ltd., Regd. Office G-9, Ali Yavar Jang Marg, Bandra Eash, Mumbai-400051

2. M/s Yudhvir Singh Jamwal Security Agency, F-103, Palam Vyapar Kendra, Pala Vihar, Gurgoan (Haryana)

3. M/s B SS Security Agency, C/o M/s Indian Oil Corporation Ltd., GT Road, Ambala Cantt. Distt. Ambala (HR)-133001.

----Respondent

Present:- Mr. Tarun Malhotra, AR for Workman

Mr. M S Rana, AR for respondent no.1.

Mr. Akshay Singh, proxy for Mr. Anish Babbar, AR for respondent no.2.

Mr. Praveen Kumar, AR for respondent no.3.

Award : 18.03.2025

1. The applicant has filed the present dispute under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter called as ID Act) with a request to set aside his termination order dated 01.06.2020 and reinstatement into service along with all consequential benefits.

2. The matter is fixed for filing affidavit by the workman since long. However, the same was not filed despite availing several opportunities. On 11.02.2025, AR for workman made a statement that he will file the affidavit of workman on the next date, failing which the claim may be dismissed. Today also, no affidavit of workman has been filed.

3. Since the workman has not filed his affidavit to prove his case against the respondent and in view of the statement dated 11.02.2025 made by AR for workman, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

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

KAMAL KANT, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1378.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स सेसा गोवा लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **उनके कर्मकार** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, मुंबई, पंचाट (रिफरेन्स न.-69/2004)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-90]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1378.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 69/2004)** of the **Central Government Industrial Tribunal cum Labour Court-1, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Sesa Goa Limited** and **Their workmen** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. Z-16025/04/2025-IR(M)-90]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

Camp Court: Goa

Present

JUSTICE ANIL KUMAR

Presiding Officer

REFERENCE NO. CGIT-69 OF 2004

Employers in relation to the management of

Sesa Goa Ltd.

And

Their workmen

Appearances:

For the management : Mr.P. Bandodkar, Adv.

For the workman : Absent.

Goa, dated the 19TH day of May, 2025.

AWARD

By reference dated 17.08.2004, the matter is referred to this tribunal. Accordingly, Industrial Dispute case no. CGIT-69 of 2004 was registered.

Mr.P.Bandodkar, learned counsel for the management submits that the controversy which is involved as per the reference has already been settled between the parties by way of Memorandum of Settlement entered between the parties on 08.11.2001 and copy of which have been filed by the second party M/s.Sesa Goa among the list of documents which is filed and is received but the local representative of Union.

In spite of notice, Shri P.Bandodkar submitted that as a controversy which is involved in the present case has already been settled as per the Memorandum of Settlement dated 08.11.2001 So the present reference be disposed of in terms of the said settlement.

In spite of notice, none appeared on behalf of the workmen.

Taking into consideration the submission made by Shri P.Bandodkar and the Memorandum of Settlement dated 08.11.2001which has been duly signed by the representatives of the workmen Union, the present reference is disposed of in terms of the settlement which is binding between the parties.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स याकोर मरीन टेक्नोलॉजीज इंडिया प्राइवेट लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री शिजु कक्करा** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, मुंबई, पंचाट (रिफरेन्स न.-02/2023)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-91]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1379.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 02/2023)** of the **Central Government Industrial Tribunal cum Labour Court-1, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/ Yakor Marine Technologies India Private Limited** and **Shri Shiju Kakkara** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. Z-16025/04/2025-IR(M)-91]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, MUMBAI

CAMP COURT : GOA

Present

JUSTICE ANIL KUMAR

Presiding Officer

REFERENCE NO.CGIT-1/02 of 2023

Parties: Employers in relation to the management of

Yakor Marine Technologies India Pvt. Ltd.

And

Their workman (Shri Shiju Kakkara)

Appearances:

For the first party Management	:	Mr.Verghese Mathew
For the second party workmen	:	Absent.
State	:	Maharashtra

Goa, dated the 19th day of May, 2025

AWARD

By order No. RV-8(25)/2021 29.09.2022, the present industrial dispute has been referred for adjudication 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 14of 1947) by the Central Government, with following

schedule:

"Whether the act of M/s. Yakor Marine Technologies (India) Pvt. Ltd. i.e. not paying pending wages and other terminal benefits by stating that worker Shri Shiji Kakkara has left the company voluntarily is legal? If not, what relief the workman is entitled to?

Accordingly, an industrial dispute CGIT No. 02 of 2023 has been registered.

From perusal of record the position which emerge out that in spite of several opportunity on behalf Shri Sijju Kakkara, no statement of claim has been filed. Today the matter was taken up. Inspite of notice none appeared on behalf of Shri Sijju Kakkara

On behalf of Yakore Marine Technologies (India) Pvt. Ltd, Mr.Verghese Mathew appeared. After hearing Shri Verghese Mathew and from the perusal of the record.

From the perusal of record, it is clearly established that claimant/workman Shri Sijju Karkera has not filed the Statement of Claim.

Thus, in view of the above said facts and 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 ShankerChakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labou rCourt and Ors., Airtech Private Limited v. State of U.P. and Ors. 198449) 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."

3 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 did not turn up to file statement of claim so the 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.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1380.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **सेंट्रल वेयरहाउसिंग कॉर्पोरेशन** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री किशन लाल चौरसिआ, श्रीमती शीला चौरसिआ, श्री चेतन चौरसिआ** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-94/2017)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. एल--42012/1/2017-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1380.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 94/2017)** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Central Warehousing Corporation** and **Shri Kishan Lal Chourasiya, Smt. Sheela Chourasiya, Shri Chetan Chourasiya** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. L-42012/1/2017-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/94/2017

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Kishan Lal Chourasia, Jr. Superintendent
C/o Goli Bada Paw, Shankar Ward,
Distt.- Balodabazar,
Chattisgarh (Dead),
Represented by legal representatives
1/1. Sheela Chourasia, wife,
Aged about 55 years.
1/2. Chetan Chourasia, Son
Aged about 27 years.
Both R/o 39, Shankar ward,
Batapara, Baloudabazar,
Batapara, Chattisgarh

Workman

Vs

The Regional Manager,
Central Warehousing Corporation,
Warehousing Complex, Rawabhata,
PO-Birgaon,
Raipur (Chattisgarh) – 493221

Management

(JUDGMENT)

(Passed on this 20th day of June- 2025)

As per letter dated 27/06/2017 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-42012/1/2017 (IR(M))** dt. 27/06/2017. The dispute under reference relates to:

"Whether the action of the management of CWC, Raipur in harassing the General Secretary of CWC Workers Union by way of not sanctioning leave and not paying salary for more than 5 months (02-02-2013 to 23.07.2013) is legal and justified? If not, what relief the workman and the Union Rep .is entitled to?"

The facts connected are mainly that the Workman Kishan Lal Chourasia was working as Junior Superintendent with the Management and was posted in Raipur. He was Officer bearer of the Workman Union, hence a protected employee under the Act. Management transferred him vide its order dated 31.01.2013 from Raipur to Kauttam in Kerela and relieved him on 02.02.2013 *in absentia* because he had applied for leave from 02.02.2013 to 10.02.2013. He challenged this order before Hon'ble High Court of Chattisgarh by way of filing Writ No. 1047/2013. Hon'ble High Court disposed the said deed by way of final order dated 16.04.2013, directing that in case the Workman files a representation before the Competent Authority against his Transfer order within 15 days from date of the order of Hon'ble High Court, the Competent Authority shall consider and decide the representation within period of 30 days from receipt of copy of this order. The Workman submitted his representation dated 29.04.2013 before the Competent Authority in the light of the aforesaid order of Hon'ble High Court and requested them to permit him to join his workplace but the representation was dismissed by the Competent Authority. The Workman again filed a writ petition No. 1665/2013. The Hon'ble High Court stayed the operation of the transfer order dated 31.01.2013 and relieving order dated 02.02.2013 by way of a interim order, till next date of hearing. This matter was heard and finally decided by Hon'ble High Court vide order dated 05.03.2014 and the transfer as well relieving order above mentioned were quashed.

The Management preferred the Writ Appeal No. 194/2014 against the said order of Hon'ble High Court in W.P. No. 1665/2013 which was heard and decided by a Division Bench of a Hon'ble High Court vide order dated 10.07.2014 with a observation that considering the fact that the Workman had obtained interim order in Writ Petition against his transfer and relieving order and preferred the said writ was allowed and he was continued to work in Raipur, liberty is granted to him to file a representation before higher authority viz; General Manager (Personnel) in case such representation is filed, it may be decided expeditiously, if possible within one month from the date of receipt of representation.

According to the Workman, since his transfer and relieving order were stayed till date of final decision by Single Bench and was quashed thereafter, he will be deemed to be in duty for this period i.e. from 02.02.2013 to 23.07.2013 and is entitled to back-wages and benefits for this period. The Management has unjustly, illegally and arbitrarily has rejected his this claim and has treated this period not spend on duty. The Workman has prayed that he be held entitled to be treated on duty for the period 02.02.2013 to 23.7.2013 with all consequential benefits and wages.

Management has almost admitted the skeletal facts in their written statement of defense but has consisted the claim of the Workman for being treated him on duty for the period 02.02.2013 (the date he was relieved) to 23.07.2013 in the light of interim and final order of Single Bench of Hon'ble High Court on the ground that he was not on duty for this period and did not avail leave rather absented himself without permission hence his leave could not be regularized and since his leave has not been regularized, he could not be granted salary or other benefits for this period. Also, it is the case of the Management that, he never applied for earned/ commuted leave, however, he applied for special leave for this period which is not permissible in the service Rules. Also, it is the case of the Management there were serious charges with respect to financial and other irregularities against the Workman for which he was enquired into and was removed from service.

During proceedings the Workman died, and he was represented by his legal representatives.

In evidence, Chetan Chourasia, son of the deceased workman filed his affidavit as his examination-in-chief. He proved the application of Workman said to be filed by him before Management for special leave. He has been cross-examined by Management.

Management has filed affidavit of its witness, as his examination-in-chief. He has not been cross-examined by the Workman side. The Workman side has filed RTI Documents obtained by them from Management which are Certified Copy of Leave Book of the Workman and Certified Copy of his Service Book.

Documents in form of transfer order, relieving order, order of Hon'ble High Court and orders of Department have been filed by Management which has admitted from side of the workman, to be referred to as and when required.

I have heard arguments of Learned Counsel for Workman Mr. Arun Patel and Mr. Neeraj Kewat for Management. I have gone through the record as well.

Management has filed written arguments also, which is part of record. I have gone through the Written Arguments as well the record.

On perusal of record in the light of rival arguments following issue comes up for determination:

Whether the action of Management in treating the period of absence of Workman from 02.02.2013 to 23.07.2013 as period not spend on duty is just and legal?

It is undisputed that the Workman was relieved under the Transfer Order, on 02.02.2013. There has been firstly an interim stay order against this transfer and relieving order by Hon'ble High Court. In Writ Petition filed by the Workman on this order was made absolute while finally deciding the writ. The Workman joined on 24.07.2013 afresh when his Transfer Order was kept in abeyance.

Since this transfer order was in force till it was kept in abeyance by Hon'ble High Court in its interim order, the Workman was not at his Workplace in Raipur where he was ordered to be transferred.

Case of the Workman which is not disputed by Management is that, he prayed for special leave for this period of his absence and sought regularize his service. His this representation was dismissed by Management on the ground that there is no provision or the Special Leave in the Service Rules.

From perusal of Leave Book and the Service Book of the Workman, copy obtained by RTI and filed documents is that at least on the date of filing of application of leave, i.e. 06.06.2016 and even on the date he joined after his transfer order was kept in abeyance he had ample number of earned leave in his leave account.

Rule 32(6) of the Leave Rules allows the Competent Authority to grant leave to commute retrospectively period of absence without leave, not extra-ordinary leave under Rule 32 of the CCS (Leave) Rules 1972, it goes to show that if the Workman was not granted earned leave, at the worst the Competent Authority was within its power to grant extra ordinary leave. What the Workman did was that he was pursuing legal remedy against a transfer order which he considered to be arbitrary. The Competent Authority was always within its powers to regularize absence of the Workman by way of granting him extra ordinary leave as provided under Rule 32 of the CCS (Leave) Rules. In not doing so, the Management is held to have been committed unjustly and arbitrarily.

In the light of above discussion and findings, holding the action of Management in not granting the Workman extra ordinary leave for the period of his absence from 03.02.2013 to 23.07.2013 and treating him not on duty is unjust, illegal and arbitrary. The Management is held under obligation to grant extra ordinary leave to the Workman for this period and treat this period on leave and also grant consequential benefits to the Workman.

In the light of above discussion, the reference is answered as follows.

AWARD

Holding the action of Management by way of not sanctioning leave and not paying salary to the Workman Kishan Lal Chourasia, who was a protected employee under the Act, being General Secretary of the Union for the period between 02.02.2013 to 23.07.2013 illegal and unjustified. The Management is held under obligation to regularize the absence of the Workman for this period by granting him extra ordinary leave under Rule 32 of CCS (Leave) Rules 1972, and treat this period spend by Workman on duty. The Management is held also under obligation to grant the consequential benefits with regards to wages etc. for this period as per Rules to the legal representatives of the Workman.

No order as to cost.

DATE:- 20/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **जयप्रकाश एसोसिएट्स लिमिटेड (सीमेंट डिवीज़न)** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री राम नारायण पाठक** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.-11/2022)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. जेड-16025/03/2025-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1381.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 11/2022)** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Jaiprakash Associates Limited (Cement Division)** and **Shri Ram Narayan Pathak** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. Z-16025/03/2025-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/11/2022

Present: P.K.Srivastava

H.J.S.(Retd.)

Ram Narayan Pathak

S/o Shri Ramnihore Pathak

Aged about 44 years,

R/o Vill.-Novanta, Post Jaypee Nagar,

Distt. Rewa (M.P.)

Workman

Vs

1. **Jaiprakash Associates Limited**
   (Cement Division),
   Through it President (HR),
   Jayeenagar, Rewa (M.P.)
2. **Vice President,**
   Jaiprakash Associates Ltd.
   (Cement Division),
   Jaypeenagar, Rewa (M.P.)

Management

(JUDGMENT)

(Passed on this 27th day of June- 2025)

Petition under Section 33A of the Industrial Disputes Act, 1947 has been filed by the Applicant workman with the case that, he was appointed on the post of Temporary Work Charge Cadre (CWC) vide order of the Management dated 24.05.2008. He was absorbed in Grade N-14 vide order dated 01.06.2009, **(Annex. A/1)** to the petition. The Management stopped paying salary of most of its employees from March to April, 2020 during the Global Outbreak of Covid-19. The Workman raised a dispute in this respect before the Labour Enforcement Officer. The Management arbitrarily and malafidely transferred the workman from Jaypee Cement at Rewa where he was working at the time of raising dispute to Jaypee Cement at JCIC Churk (U.P.) in October. The Workman filed a petition under Section 33 (A) of the Act before this Tribunal against this transfer order issued by the Management and interim relief was granted by this Tribunal keeping the transfer order in abeyance till pendency of the conciliation proceeding before the Labour Officer **(Annex.- A/2)** to the petition, but the Labour Officer forwarded the dispute dated 09.06.2020 filed by the Workman before him to the Deputy Labour Commissioner (Central) and notices were issued by the Deputy Labour Commissioner (Central) to the parties in this respect. A copy of this notice issued by the Deputy Labour Commissioner and the Labour Officer forwarding the dispute to Deputy Labour Commissioner (Central) has been field as (**Annex.- A/3)** and (**Annex.-A/4)** to the petition.

Further, it is the case of the petitioner Workman, that in the meanwhile, the Management instituted a Disciplinary Proceeding against him and while the conciliation proceeding was pending, passed an order dated 29.01.2022, dismissing the Workman from service on the allegation of misconduct.

Case of the Applicant Workman is further that this action of Management in terminating his services is in clear violation of Section 33(1) (B) and 33(B) of the Act, because it has been taken without obtaining permission in writing before this Tribunal and amounts to alteration of terms and conditions of employment of the Applicant Workman by Management by way of dismissal of his services. The Workman has thus prayed that holding the Disciplinary proceedings and order dated 29.01.2022 passed by Management dismissing the services of the Workman unjust, illegal and arbitrary, suitable order will pass.

Case of the Management in its reply is mainly that, **firstly**, it was in the service condition of the Applicant Workman specifically in Clause 6(B) of the absorption order dated 01.06.2009 that the Management will have right to transfer the Workman at its discretion anywhere in India. According to Management, transfer is an incident of service, and cannot be considered a change in condition of service under Section 9(A) of the Act and 4th Schedule appending to it. **Secondly**, the Workman duly participated in the enquiry and after having as say on the enquiry report, the termination order dated 29.01.2022 was passed. The charge against the Workman was wrongfully and unauthorized absence from the Workplace. Thus according to Management, their action in dismissing the services of the Workman on the basis of misconduct proved is briefly legal and does not warrant any interference.

Both the sides have filed affidavits, in support of their claims/ defense. Photocopy documents have also been filed which are not disputed.

Neither of the parties appeared when the case was on the argument on 18.06.2025. Parties files written arguments which are part of record. I have gone through the written argument and the record as well.

Section 33(1) of the act is reproduced as follows:

33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings.

(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall-

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workmen concerned in such dispute, are with the express permission in writing of the authority before which the proceeding is pending.

A bare reading of this provision reveals that**,** when a dispute is pending for conciliation before a Conciliation Officer or a Board, no workman shall be punished by Management for any misconduct conducted with dispute under conciliation except with the permission in writing by the Authority before whom the proceeding is pending.

Thus for application of this provision, what is required is that **firstly**, there should be dispute pending for conciliation, **secondly,** there should be a proposed punishment order regarding dismissal of the workman with respect to misconduct conducted with dispute and it is on fulfillment of these two conditions, then the Management will be required to seek permission in writing of the Authority before which the proceeding is pending.

According to the Workman himself, the dispute was first raised before the Labour Officer of the Management. He referred to the Deputy Labour Commissioner (Central) after the dispute could not be conciliated on his level. This reference was made on 29.10.2020 regarding conciliation proceedings failed and this failure of conciliation was recorded by the Deputy Labour Commissioner (Central) on 01.09.2021. He referred the matter to the appropriate Government. A reference by the appropriate Government was awaited but the termination order was passed by the Management on 29.01.2022 i.e. after the date when the failure of conciliation was recorded.

Thus, the main issue for consideration arises is whether the period between the date when the report regarding failure of conciliation was sent by the Deputy Labour Commissioner (Central) to the appropriate Government, and the date on which the appropriate Government made a reference to Tribunal with respect to the dispute will be deemed pending?

The further reading of Section 33(1) makes it clear that provision under Section 33(1) of the Act is fulfilled only when the dispute is pending for conciliation proceedings before the Conciliation Officer or a Board or any proceeding before any Arbitrator or a Labour Court or Tribunal or National Tribunal.

Section 17 of the Act provides that the dispute remains pending before Tribunal from the date of reference till 30 days from the date of publication of Award in Gazette.

Since there is nothing on record to indicate that any such reference was pending before any Court,

Tribunal or Arbitrator on the date of dismissal order, it is established that, the protection under **Section 33(1)** of the Act is not available to the Applicant Workman in this case.

On the basis of above discussion and findings, the application is held *sans* merit and is dismissed accordingly.

ORDER

Petition dismissed.

No order as to cost.

DATE:- 27/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1382.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स सेफकेयर सिक्योरिटी प्राइवेट लिमिटेडके प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **जबलपुर** के पंचाट (29/2022) प्रकाशित करती है।

[सं. एल-39025/01/2025-आईआर(बी-II)-19]

सलोनी, उप निदेशक

New Delhi, the 18th July, 2025

S.O. 1382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 29/2022*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of M/s Safecare Security Private Limited and their workmen.

[No. L-39025/01/2025- IR(B-II)-19]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/29/2022

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Raju Khan, S/o Shri Gafoor Khan,
Ward Number 03, Do Pipal Baba Colony, Seoni – Malwa,
Tehsil : Seoni, Malwa,
Distt : Hoshangabad (M.P.) - 461223

Workman

Vs

The Director,
M/s. Safecare Security Private Limited,
5th Floor, Building Number 6, Plycent Park,
Meera Bhayander Road, Opposite Jhankar-6,
Meera Road,
Mumbai (M.S.) - 4011017

Management

(JUDGMENT)

(Passed on this 24th day of June- 2025)

As per letter dated 12/07/2022 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. J-1(1-10)/2022-IR** dt. 12/07/2022. The dispute under reference relates to:

"क्या श्री राजू खान, कर्मकार को अनावेदक संस्थान मैसर्स सेफकेचर सिक्यूरिटी प्रायवेट लिमिटेड व्दारा आवेदक को काम से निकाला जाना न्यायोचित है? यदि नहीं, तो उक्त कर्मकार को कम से और किन लाभों के साथ नौकरी पर पुनः बहाल किया जाना चाहिए?"

Case of the Workman is that he was initially appointed as a caretaker by Management vide their order dated 20.03.2018 and was posted at the ATM Site of Bank of Baroda in Seoni. His work was always satisfactory and his salary was fixed at Rs. 18,382/- by Management and was credited in his Bank Account. But, as it is alleged by the Workman, his full salary was never credited in his account nor was paid to him rather only Rs. 7500/- per month were credited by the Management in his account. When he asked for arrears of his salary, the Management terminated his services arbitrarily without any notice or compensation; he was not paid bonus for the period he worked.

According to the Workman, he was entitled to get his monthly salary at the rate of Rs. 14,256/- from 20.03.2008 to 31.05.2019 and Rs. 18,382/- for the period from 01.06.2019 to 30.05.2021 was paid salary at the rate of Rs. 7500/- per month for the entire period, which is Rs. 2,87,750/- whereas he is entitled to payment of Salary Rs. 6,45,979/- for this period and bonus Rs. 51,020/- for this period from Management. Hence, the action of Management in terminating his services without any notice or compensation and not paying the remaining amount of his salary as well bonus as mentioned above is unjust, illegal and arbitrary. The Workman has thus prayed that holding this action of Management, he be held entitled to be reinstated with back wages and benefits as well arrears of his salary and bonus.

Management did not appear in spite of sufficient service on them. They did not filed any statement of defense. The case proceeded ex-parte against the Management vide order dated 09.01.2025.

The Workman filed his affidavit as his examination-in-chief, he has filed and proved photocopy of his PF deduction for the said period and photocopy statement of his Bank Account certified by the Bank as well his identity card which are Exhibit W-1 to W-4.

I have heard argument of Learned Counsel for Workman. None appeared for Management. I have gone through the record as well.

The Workman has filed written statement which has been perused by me.

From the uncorroborated affidavit which is corroborated by the statement regarding PF deduction, the fact that the Workman was employed by the Management of Sate care Security on monthly salary Rs. 15,512/- per month which has increased up to 18,382/- and PF has been deducted by his employer on the basis of salary mentioned in the PF Slips. His certified statement of account shows, that he was paid only Rs. 7500/- per month as wages from the Employer which were credited to his account. Furthermore, from this affidavit and documents his continuous engagement under Section 25B of the Act is also held proved. Also, the case of the Workman that, he was not given any notice or nor was paid any compensation on termination of his services is held proved.

On the basis of above discussion the action of Management in terminating the services of the Workman is held in violation of Section 25G and 25F of the Act. It is also held that the Management has not paid his full wages as stated above.

As regards relief to the Workman, since he was not working against any sanctioned vacancy, his reinstatement with or without back wages will not be a proper remedy. In view of the facts and circumstances of the case in hand, a lump sum compensation of Rs. 1,00,00/- in lieu of all his claims will meet the ends of justice to which the Workman is held entitled. He is further held entitled to the balance of his salary for the said period and bonus of amount to be paid to him by Management within 30 days from publication of Award in Gazette. Failing which, interest @ 6% per annum from the date of Award till payment.

Reference stands answered accordingly.

No order as to cost.

DATE:- 24/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1383.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **बैंक ऑफ इंडिया** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **जबलपुर** के पंचाट (110/2018) प्रकाशित करती है।

[सं. एल-12011/28/2018-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th July, 2025

S.O. 1383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.110/2018*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12011/28/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/110/2018

Present: P.K.Srivastava

H.J.S.(Retd.)

The General Secretary,
Dainik Vetan Bhogi Bank Karamchari Sangathan,
F-1, Tripti Vihar, Opp. Engg. College,
Ujjain (M.P.)

Workman

Vs

The Zonal Manager,

Bank of India,

Ujjain (M.P.)

Management

(JUDGMENT)

(Passed on this 26th day of June- 2025)

As per letter dated 30/11/2018 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-12011/28/2018 (IR(B-II))** dt. 30/11/2018. The dispute under reference relates to:

> ***"Whether the allegations of the Union that the action of the Management of Bank of India by (i) not giving appointment letter/termination letter (ii) payment was not made as per pay scale/skill wage (iii) Minimum wages not paid (iv) Muster Roll has not been maintained as per Section*** 25 ***D of the ID Act (v) Applicants have worked*** 240 ***days in a year (vi) After working for*** 06 ***days, the wages of weekly off and National Holidays,*** 26***th January,*** 15***th August were deducted, etc. amounts to alleged Unfair Labour Practice? If so, what relief they are entitled to?"***

Case of the Workman is that, he worked in the Moman Badadia/ Kanad Branch of the Bank of India, Distt. Shajapur from 01.10.2010 to 16.05.2012 as a daily wager. He was not issued any appointment/termination letter, payment was made as per pay scale/ scale wages, minimum wages were not paid, muster roll not prepared. He worked for 240 days in a year and hence, the Management adopted unfair labour practice which prohibited under the Act. The Workman has thus prayed that, he be held entitled to bonus, and wages accordingly.

Case of Management is mainly that**,** the Workman has already raised a dispute with regard to claim for its all wages, which is registered as Case No. R/22/2015 under a reference and other Case No. R/33/2015 has been registered on a reference with regards to his alleged illegal termination of services and another Case R/92/2016 has been registered as relating to dispute regarding payment of bonus which have been pending before this Tribunal. Also it is the case of the Management that, the Workman never worked for 240 days in a year, he was a casual labour, called for duty on as and when require basis for some hours and not for full day.

In evidence, the Workman has filed his affidavit as his examination-in-chief. He has been cross-examined by the Management.

Management has filed affidavit of its Witness as his examination-in-chief. He has been cross-examined by Workman side.

I have heard argument of Learned Counsel Shri Arun Patel for Workman and Neeraj Kewat for Management and have gone through the record.

As it is not disputed that, three cases on the basis of their references with respect to payment of its all wages, alleged illegal termination and payment of bonuses have been pending since before the present case and have been decided hence, the judgments of these cases shall operate as *res judicata* with reference to the case in hand. Hence, claim of the Workman with regard to payment of bonus and scale wage are prayed by principle of *res judicata.*

As regards, not giving appointment/ termination letter and not preparing muster roll by Management his also cannot be held illegal, because the Workman worked as a casual labour on as and when require basis for which he was

paid as a daily wager. He was a regular employee; hence, no preparation of muster roll was required. Secondly, since he was not permanently appointed as a permanent or temporary employee, rather he was daily wager casual labour, no formal appointment or termination letter is required under Law.

On the basis of above discussion and findings, holding the case of Workman not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Reference stands answered accordingly.

No order as to cost.

DATE:- 26/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1384.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **जबलपुर** के पंचाट (56/2014) प्रकाशित करती है।

[सं. एल-12011/38/2014-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th July, 2025

S.O. 1384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 56/2014*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen.

[No. L-12011/38/2014- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/56/2014

Present: P.K.Srivastava

H.J.S.(Retd.)

General Secretary
Dainik Vetan Bhogi Bank
Karamchari Sangathan,
F-1, Tripti Vihar, Opp. Engg. College,
Ujjain – (MP)

Workman

Vs

The Zonal Manager,
Andhra Bank, Zonal Office,
29-B, Sheetal Complex, First Floor,
Vidhan Sabha Marg,
Lucknow – (UP)

Management

(JUDGMENT)

(Passed on this 25th day of June- 2025)

As per letter dated 30/06/2014 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-12011/38/2014 (IR(B-II))** dt. 30/06/2014. The dispute under reference relates to:

"Whether the action of the Management of Andhra Bank (Zonal Manager, Andhra Bank) in terminating the services of Workman Shri Deepak Sunhare w.e.f. 10/09/2011 is justified? What relief the Workman is entitled to?"

The case of the Workman is mainly that, he was first engaged with the Ujjain Branch by the Branch Manager under his oral orders, as a daily wager Peon since 10.08.2009. He was paid his wages in cash in his name and in name by way of Vouchers drawn by the Bank Managers, and worked continuously as such till 10.09.2011 when he was disengaged by the Management without notice or compensation, which is in violation of Section 25F and 25G of the Act and is unjust and illegal. It has been prayed that holding the disengagement of Workman he be held entitled to be reinstated with back wages and benefits.

Case of the Management is mainly that, he was a simple part time daily wager who worked as part time sweeper, he was not appointed against any vacancy following recruitment process and never completed 240 days in a year. Hence, is disengagement is not unjust. Management has requested that the reference be answered against the Workman.

In evidence, the Workman has filed his affidavit as his examination-in-chief. He proved by way of signatory evidences, photocopy payment vouchers, letter of Management dated 01.02.2013, Certificate issued by Branch Manager, Photocopy attendance register.

Management has not adduced any evidence. I have heard arguments of Learned Counsel for Workman Shri Subodh Agrawal. None appeared for Management. Workman side has filed written arguments also. Which are part of record. I have gone through the written arguments as well the record.

According to the Workman, he worked under his name from 01.08.2009 to 15.07.2010 and was paid his wages in his name for this period. As alleged by him, he was paid wages from 16.07.2010 to 10.09.2011 the date of his alleged disengagement under fake name. Since, receiving payment under fake name is itself an offence which is cheating of personation, the Workman cannot take any benefit in law for receiving a payment under fake name to substitute his case. Regarding his claim that he worked for this period between 16.07.2010 to 10.09.2011.

Section 25B of the Act is required to be reproduced as follows:

25B. Definition of continuous service. — ***For the purposes of this Chapter,—***

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

Though the affidavit of the Workman is uncorroborated but the period of 240 days is not corroborated from the photocopy documents with respect to payment vouchers and attendance sheets, hence, the continuous engagement of the Workman for 240 days in the year presiding the date of his disengagement is held not proved.

Consequently, his disengagement by Management is also not proved.

The Case laws referred to by the Workman in his written arguments was also held not applicable in the light of findings recorded.

In the light of above discussion and findings, holding the action of Management in terminating the services of Workman Deepak Sunhare w.e.f. 10.09.2011 justified in law. He is held entitled to no relief. The reference stands answered accordingly.

No order as to cost.

DATE:- 25/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1385.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आंध्रा बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **जबलपुर** के पंचाट (61/2014) प्रकाशित करती है।

[सं. एल-12012/40/2014-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th July, 2025

S.O. 1385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 61/2014*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen.

[No. L-12012/40/2014- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/61/2014

Present: P.K.Srivastava

H.J.S..(Retd)

General Secretary,

Dainik Vetan Bhogi Bank

Karamchari Sangathan,

F-1, Tripti Vihar, Opp. Engg. College,

Ujjain -

Workman

Vs

The Zonal Manager,

Andhra Bank, Zonal Office,

29-B, Sheetal Complex, First Floor,

Vidhan Sabha Marg,

Lucknow -

Management

(JUDGMENT)

(Passed on this 25th day of June- 2025)

As per letter dated 22/07/2014 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-12012/40/2014 (IR(B-II))** dt. 22/07/2014. The dispute under reference relates to:

"Whether the demand of union claiming difference of wager in favour of Shri Deepak Sunhare daily wage employee from 10.08.2009 to 31.03.2011 is justified or not? What relief the daily wager is entitled for?"

The case of the Workman is mainly that, he was first engaged with the Ujjain Branch by the Branch Manager under his oral orders, as a daily wager Peon since 10.08.2009. He was paid his wages in cash in his name and in bogus name by way of Vouchers drawn by the Bank Manager, and worked continuously as such till 10.09.2011 when he was disengaged by the Management without notice or compensation, which is in violation of Section 25F and 25G of the Act and is unjust and illegal. It has been prayed that holding the disengagement of Workman he be held entitled to be reinstated with back wages and benefits.

Case of the Management is mainly that, he was a simple part time daily wager who worked as part time sweeper, he was not appointed against any vacancy following recruitment process and never completed 240 days in a year. Hence, is disengagement is not unjust. Management has requested that the reference be answered against the Workman.

In evidence, the Workman has filed his affidavit as his examination-in-chief. He proved by way of signatory evidences, photocopy payment vouchers, letter of Management dated 01.02.2013, Certificate issued by Branch Manager, Photocopy attendance register.

Management has not adduced any evidence. I have heard arguments of Learned Counsel for Workman Shri Subodh Agrawal. None appeared for Management. Workman side has filed written arguments also, which is part of record. I have gone through the written arguments as well the record.

The Workman has claimed its all wages with respect to permanent employees. There is no such provision in any bi partite settlement hence, his claim cannot be granted.

The reference stands answered accordingly.

No order as to cost.

DATE:- 25/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1386.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स बोकारो स्टील प्लांट** के प्रबंधतंत्र के संबद्ध नियोजकों और **उनके कर्मकार** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद, पंचाट (रिफरेन्स न.-20/2019)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. एल-26011/8/2018-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1386.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 20/2019)** of the **Central Government Industrial Tribunal cum Labour Court-1, Dhanbad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Bokaro Steel Plant** and **Their workers** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. L-26011/8/2018-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 20/2019

Employer in relation to the management of M/s Bokaro Steel Plant.

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:-Steel

Dated /06/2025

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-26011/8/2018-IR(M) dated 25/04/2019 has been pleased to refer the following dispute between the employer i.e. management of M/s Bokaro Steel Plant and their workman through President, Jharkhand Pradesh Akhil Bhartiya Safai Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether termination of 55 contract workers (list attached) w.e.f. 06.05.2015 (as raised by Akhil Bhratiya Safai Mazdoor Sangh vide letter dated 04.09.2015) engaged through contractor(s) under the management of Bokaro Steel Plant, Bokaro is proper, legal and justified? If yes, what relief the workers are entitled to and from which date? What other directions are necessary in the matter?"

LIST OF WORKMEN

क्रम नं.	कर्मचारी का नाम	पिता/पति का नाम	पी.एफ.आई.डी.	ई.एस.आई.सी. नं.
1.	सविता कुमारी	युगल राम	JH/RNC-31752/56	6015484927
2.	आरती देवी	राजेन्द्र राम	JH/RNC-31752/70	6015481598
3.	राजेशकुमार हरि	शीवालाल हरि	JH/RNC-31752/48	6015660820
4.	पूनमदेवी	अनिल राम	JH/RNC-31752	6015482467
5.	रेश्मीदेवी	कैलास	JH/RNC-32930/181	6015408935
6.	निरजकुमार	रामान्द राम	JH/RNC-31752/88	6015632231
7.	सरस्वती देवी	स्व कंदरसिंह	JH/RNC-31752/50	6015660815
8.	सागर राम	राम स्वरूप	JH/RNC-31752/47	6015660812
9.	पिंकी देवी	अनिल मिर्धा	JH/RNC-31752/55	6015626550
10.	प्रकाश डोम	अगनु डोम	JH/RNC-31752/58	6015481593
11.	अविनाश डोम	वकील डोम	JH/RNC-31752/87	6015632230
12.	कल्याणी देवी	राजेश कालिन्दी	JH/RNC-31752/68	6015626599
13.	जानकी देवी	शुसिल धासि	JH/RNC-31752/51	6915213858
14.	सावित्री देवी	स्व. राजुराम	JH/RNC-31752/73	6015492455
15.	बिन्दु देवी	हिरालाल दास	JH/RNC-31752/61	6015482273
16.	लीला देवी	सुरेशराम	JH/RNC-31752/75	6015626603

17.	चिन्ता देवी	भरत राम	JH/RNC-31752/60	6015626568
18.	बेवीदेवी	रवि राम	JH/RNC-32930/80	6015408929
19.	करमीदेवी	सुरेशरम	JH/RNC-32930/171	6015408908
20.	मिनादेवी	स्व. मलिन कालिन्दी	JH/RNC-31752/64	6015626577
21.	आकाशकुमार	राम प्रवेश राम	JH/RNC-31752/49	6015626547
22.	कमला देवी	अनिल हरि	JH/RNC-31752/67	6015660512
23.	मुनिया देवी	गणेश राम	JH/RNC-31752/71	6015481599
24.	रजनी देवी	पवन घासी	JH/RNC-31752/52	6015660530
25.	शोभा देवी	ललन राम	JH/RNC-31752/57	6015481209
26.	अनिता देवी	भरतलाल ठाकुर	JH/RNC-31752/66	6015626590
27.	नेदासीदेवी	माथुर कालिन्दी	JH/RNC-31752/63	6015626573
28.	राखी देवी	विशु कालिन्दी	JH/RNC-33123/038	6015624759
29.	अरुण कालिन्दी	विपत कालिन्दी	JH/RNC-33123/034	6015624751
30.	चिन्तादेवी	फोवी डोम	JH/RNC-33123/037	6015624755
31.	दिलीप डोम	बिन्दु डोम	JH/RNC-33123/035	6015624762
32.	समिमा खातुन	वसिरूल हक्क	JH/RNC-33123/039	6015625013
33.	उषा देवी	शक्ति कालिन्दी	JH/RNC-33123/036	6016625017
34.	पदमा कालिन्दी	भागा राम कालिन्दी	JH/RNC-31859/035	6015622863
35.	संजय	खुदिया	JH/RNC-31859/036	6015622861
36.	माया देवी	अमर राम	JH/RNC-31859/034	6015492843
37.	गुड़िया देवी	राजेश हरि	JH/RNC-31859/032	6015492841
38.	रानी देवी	प्रेम गोप	JH/RNC-31859/033	
39.	कुसुम देवी	धिरज राम	JH/RNC-0032930/176	6015408901
40.	सिमा देवी	गरिवा राम	JH/RNC-0032930/178	6015408896
41.	पेनिया देवी	अधनु मिर्घा	JH/RNC-31859/037	
42.	पिंकी देवी	अशोक राम	JH/RNC-31859/038	6015492837
43.	गंगा देवी	सागर राम	JH/RAN-0012290/061	6015481223
44.	रजनी देवी	बादलराम	JH/RAN-00122901	6015481590

45.	सुरेन्द्र राम	स्व. शंकर राम	JH/RAN-0012290	6015209874
46.	तुलादेवी	पलना डोम	JH/RAN-0012290/0160	6015482259
47.	सुशिलादेवी	मनोज राम	JH/RAN-0012290/0158	6015482246
48.	दुर्गा देवी	नरेश राम	JH/RAN 00122901	6015481225
49.	चंद्रा देवी	संजय राम	JH/RAN-0012290/0150	6015481222
50.	रहोणी देवी	भरवा डोम	JH/RAN-0012290/0151	6015481228
51.	रिता देवी	मिशु डोम	JH/RAN-0012290/0166	6015492436
52.	अलोका देवी	राखे डोम	JH/RAN-0012290/0153	6015482267
53.	सोनु राम	इन्द्रजीत राम	JH/RAN-0012200	6015383039
54.	युगल डोम	स्व. बाल किशुर डोम	JH/RAN-0012290/064	6015213879
55.	शांति देवी	बिरसिंह	JH/RAN-0012290/041	6015159736

2. On receiving order no. L-26011/8/2018-IR(M) dated 25/04/2019 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 20 of 2019 was registered on 10.05.2019 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, a letter of authority in favour of Premkumar Ratanlal Dagar as well as written statement by Akhil Bhartiya Safai Mazdoor Sangh through regd. post was received. Sri D.K. Verma, Ld. Advocate appeared from the side of the management and filed his letter of authority on 02.09.2019. 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 but the registered post was returned with remarks "अधूरा पता वापस" and thereafter no step was taken from the side of the workmen/union. Whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management but the workmen/union never appeared before the Tribunal since 10.05.2019.

4. On perusal of the entire case record it is transpires that the workmen/union never appeared before this Tribunal for a period of 6 years which shows that the workmen/union have lost their 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, 18 जुलाई, 2025

का.आ. 1387.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **मेसर्स विक्टोरिया ग्रेनाइट लिमिटेड** के प्रबंधतंत्र के संबद्ध नियोजकों और **श्री बद्री प्रसाद** के बीच अनुबंध में निर्दिष्ट **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर, पंचाट (रिफरेन्स न.-25/2020)** को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.07.2025 को प्राप्त हुआ था।

[सं. एल-27011/2/2020-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 18th July, 2025

S.O. 1387.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Reference No. 25/2020)** of the **Central Government Industrial Tribunal cum Labour Court, Kanpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Victoria Granite Limited** and **Shri Badri Prasad** which was received along with soft copy of the award by the Central Government on 18.07.2025.

[No. L-27011/2/2020-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, KANPUR

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 25/2020

F. No.L-27011/2/2020-IR (M) dated 10.07.2020

BETWEEN

Shri Badri Prasad, S/o Sh. Swami Prasad and others,

Village Thanwara, Post - Thanwara,

District - Lalitpur (U.P.)

AND

1. The Managing Director, M/s Mount Victoria Granite Limited, Hoodi Apartment, 120 Cunnigham Road, Banglore, Pin Code- 560052.

2. Sri R. Uma Shaker, Mine Agent, M/s Mount Victoria Granite Limited, 412/ Devgarh Road, Post and District - Lalitpur - 284403.

AWARD

By order F. No.L-27011/2/2020-IR (M) dated 10.07.2020 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, referred the following dispute to this Tribunal for adjudication:

> *"Whether the action of the management of Mount Victoria Granites Limited, Lalitpur retrenching services of S/Shri Badri Prasad S/o Shri Swami Prasad and 23 others as per list enclosed without following the provisions of I.D. Act, 1947 and also without obtaining permission of Government of India as required under Sec 25 N of I.D. Act, 1947 in regard to retrenchment, is just fair & legal? If not, to what relief the workman concerned is entitled to?"*

Accordingly, ID case no. 25 of 2020 registered before this Tribunal.

Today after hearing at some length, legal representative of workmen Sri Asit Kumar Singh after consulting the two workmen Ram Kishor and Jujhar moved an application and on the basis of the prayer made in the said application:

> *"अतः विनम्र प्रार्थना है कि न्यायहित मैं वाद को पुनः प्रस्तुत किए जाने के आधार पर Not Press (वापस) करता। कृपया समुचित आदेश फील करने है। की कृपा करें।"*

Request that the present case may be dismissed as not pressed with the liberty to workmen to raise their grievances, as raised in the present case before appropriate forum.

Sri S. N. Singh counsel for respondent opposed the said prayer.

I have the heard Sri Asit Kumar Singh learned legal representative of the workman and gone through the application as well as asked that whether they agree with the application as moved on their behalf by their legal representative for withdrawal of their case in order to file fresh.

They submitted that they have requested to do so.

Order

For the foregoing reason present ID Case is dismissed as not pressed with the liberty to file fresh before the appropriate forum.

Dated: 11/04/2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 18 जुलाई, 2025

का.आ. 1388.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **केनरा बैंक** के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **बंगलोर** के पंचाट (57/2007) प्रकाशित करती है।

[सं. एल-12012/91/2006-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 18th July, 2025

S.O. 1388.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 57/2007*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Canara Bank and their workmen.

[No. L-12012/91/2006- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan",
G G Palya, Tumkur Road,
Yeswanthpur, Bangalore – 560 022.

DATED : 10th July 2025

PRESENT : **Smt. K P INDIRA**

Presiding Officer

CR 57 / 2007

I Party	**II Party**
V Munirathnam, 26/1, 8th Main Road, Srinivasa Nagar, Bangalore 560 050	The General Manager (P), Canara Bank, Head Office, Personnel Wing, I R Section, 112, JC Road, BANGALORE – 560 002

Appearance

Advocate for I Party : Sh. Sham A. Nemical

Advocate for II Party : Sh. Ramesh Upadhyaya

AWARD

The Central Government vide Order No.L-12012/91/2006(IR(B-II) dated 20.04.2007 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section2(A) of Section 10 of Industrial Dispute Act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

> **"Whether the action of the management of Canara Bank in imposition of punishment of compulsory retirement of Sh. V. Munirathnam, Ex-Clerk, Canara Bank, Bevoor Branch, Bangalore Rural District w.e.f. 01.01.2001 is legal and justified? If not, what relief the workman is entitled and from which date?"**

1. The I Party workman has filed this claim statement challenging the order passed by the II Party imposing compulsory retirement on him on closure of the Domestic Enquiry held against him which was confirmed in the appeal preferred by him as per the order dated 01.01.2001. He pleaded that he joined the service of the II Party establishment as clerk / workman under physically handicapped category in the year 1981 and later confirmed as a permanent employee of the Bank. He has rendered unblemished services in the establishment. While serving at clearing section in Bangalore and Bevoor branch, he had to face tumultuous period and was forced to apply leave frequently just to make him survive from the then prevailed situations. The II Party went on charge sheeting him to make it appear that he was a chronic absentee, as a part of their victimization of members belonging to the specialized category, without understanding his pathetic situation and physical deficiency and eventually punished him. The charge sheet dated 17.06.2000 subsequently framed against him was also for the leave reason, framed with an intention to terminate him from the services. Every time he applied for leave by submitting leave letters as per rules and by taking permissions from his superiors. He was forced to apply for leave due to unavoidable circumstances and was forced to extend the leave upto 24.12.1999, by informing the Management by sending a telegram dated 13.12.1999 to the Bevoor branch and the same was received by the Branch Manager on 14.12.1999. The Branch Manager however did not forward the telegram to the administrative wing. Domestic Enquiry was eventually conducted against him in an unfair manner which resulted in his compulsory retirement as per the decision of the Management. 15 years of service is still remaining for his normal retirement. He has to maintain his aged ailing mother and his two teenage children and has to pay off various loans. The action of the II Party is illegal, unjust, unfair and not for bona fide reasons, arbitrary, whimsical and capricious in nature . Hence he prayed for an award to set aside the order of compulsory retirement and to direct the II Party to reinstate him with full back wages, continuity of service and all other consequential benefits from the date of the impugned order till the date of the reinstatement.

2. The claim statement is resisted by the II Party contending that the I Party has violated all the prescribed leave rules and regulations particularly while seeking privilege leave and medical leave. Domestic Enquiry was conducted in a just and fair manner and the order of compulsory retirement imposed is valid and justified. Earlier, he was charge sheeted on 6 occasions and appropriate punishment was imposed on him. However he did not utilize the opportunity to reform himself and instead remained absent unauthorizedly and more frequently. The allegations raised against the mode of preliminary enquiry are all false. He was punished since his misconduct was proved in the enquiry. He has raised the dispute for the first time before the Conciliation Officer after about four years. The II Party thus prayed to declare the action of the Management as justified and to reject the reference with cost.

3. From the above rival pleadings, the following points arise for determination:

a) **Point no. 01**: Whether the I Party is able to demonstrate the finding of the Enquiry Officer as baseless or perverse necessitating interference by this Tribunal?

b) **Point no. 2:** If not, whether the punishment of compulsory retirement imposed by the Disciplinary Authority and upheld by the appellate authority is disproportionate to the misconduct proved against the I Party?

4. Initially, an award was passed by my learned predecessor in this matter on 29.09.2014 rejecting the reference holding the punishment imposed by the management of the II Party Bank as legal and justified.

5. The said Award was challenged by the I Party before the Hon'ble High Court of Karnataka in WP no. 24026/2016 (L-RES). As per the order dated 26.03.2021, the Hon'ble High Court quashed the Award and remitted the matter back to this Tribunal for reconsideration afresh holding that though the misconduct of unauthorized absence is not condonable, the proof of unauthorized absence being wilful or otherwise ought to have been noticed by the Tribunal.

6. Eventual to the remand, arguments were heard from both sides in detail.

7. **Point no. 1**: The Domestic Enquiry conducted by the II Party Management against the I Party was held fair and proper as per the finding on the preliminary issue dated 11.08.2011. The later part of the evidence eventual to the finding on the preliminary issue consisted of the oral testimony of WW1 and no rebuttal evidence is adduced by the II Party.

8. The main allegation in the charge sheet dated 17.06.2000 is that despite having instructed by the II Party as per letter dated 11.12.1999 to report back for duties immediately, the I Party has failed to report back for duties and

continued to remain absent unauthorisedly and without leave application for the period from 05.12.1999 to 23.12.1999 and that his application for extension of leave from 24.12.1999 to 22.01.2000 on the ground of sickness was not supported by a medical certificate issued by a registered medical practitioner recommending leave for a specified period and such application for leave on medical grounds ought to have been submitted immediately on remaining absent and he has failed to submit the leave application before the expiry of the leave period already sought / sanctioned and to obtain sanction before commencement of extended period of leave and also that he ought to have given requisite one month's notice for seeking privilege leave and obtain sanction before proceeding on leave and that he failed to comply with the above requirements of leave rules of the Bank showing scant regard to its adherence and his absence for 285 days have been treated as "a loss of pay", 1142 days as "absence without leave / hence loss of pay" and that by remaining absent continuously and unauthorizedly for a period of more than 30 days, he has committed "gross misconduct" within the meaning of Chapter XI, Regulation 3, Clause (r) of the Canara Bank Service Code and thereby disobeyed lawful instructions of the superiors and committed "gross misconduct" as aforesaid.

9. The documents produced by the I Party DEx 2 & 3 proceedings respectively dated 23.09.1999 and 30.09.1999 together would show that though the leave letters for the relevant period reached the Bank much after the respective dates he stood in absence from duty, were sanctioned by the Bank. To be more precise, despite the fact that the respective leave applications viz. MEx 13 dated 16.08.1999 seeking leave from 16.08.1999 to 08.09.1999, MEx 14 dated 10.09.1999 requesting leave upto 30.09.1999 were sent much after the due dates were sanctioned by the II Party under aforementioned exhibit DEx 2 and DEx 3 respectively.

10. The documents produced by the II Party would indicate that instead of joining on duty on the expiry of the leave sanctioned till 30.09.1999, the I Party went on forwarding leave applications for the period from 01.10.1999 onwards as well. In MEx 15 no reason is mentioned at all as to why he sought extension of leave upto 16.10.1999. MEx 23 is a proceeding dated 28.10.1999 whereby MEx 15 leave application dated 01.10.1999 seeking leave for 16 days (01.10.1999 to 16.10.1999) is sanctioned as LOP (Loss of Pay).

11. MEx 23 demonstrates the details relating to his leave record as :

i. SL availed till date :: 450

ii. AWL till date :: 1142

iii. LOP availed till date :: 285

12. Instead of joining duty on expiry of the leave period under MEx 15, the I Party again continued putting further leave request from 17.10.1999 till 13.11.1999 as per MEx 16 dated 20.10.1999 with an assurance that he would report for duty on 15.11.1999. As against that, he again sent MEx 17 leave letter dated 16.11.1999 seeking extension of leave from 14.11.1999 to 04.12.1999 stating "some urgent domestic work". In MEx 16 leave letter no reason is stated at all. As he again stood absent in office even after 04.12.1999, the II Party has issued MEx 18 letter dated 11.12.1999 by registered post with A/D instructing the I Party to rejoin duties within 3 days from the date of receipt of the letter, duly reminding him of his long leave since 16.08.1999. MEx 18 letter stood returned undelivered. MEx 19 is the communication sent by the Manager, Canara Bank, Bevoor branch to the circle office dated 29.12.1999 along with the undelivered MEx 20 postal envelope with A/D. So apparently the period of absence from 05.12.1999 (on expiry of the leave applied till 04.12.1999) is not properly communicated by the I Party to the employer through any leave letter. Vehement argument is advanced on behalf of the I Party relying upon DEx 01 telegram dated 14.12.1999 sent by the I Party to the employer. The contents in DEx 01 read:

"With Ref leave application dated 16.11.1999 kindly extend leave upto 24.12.1999

V Munirathnam"

13. The I Party grieved during argument that DEx 01 telegram was never considered by the Management and had it been properly considered, the absence of the I Party from duty since 05.12.1999 onwards would have been treated as regular leave. The learned counsel eloquently voiced that the Management could have taken staff from elsewhere under deputation to meet the exigencies of office or make ad hoc appointments during the period of leave of the I Party. DEx 01 telegram cannot be given any material significance as it was sent much after the I Party remained on leave and not prior to the expiry of the period of leave i.e., 04.12.1999. It reasonably appears that the I Party employee is more fancifully advising or rather commanding his employer to do things according to his assumption / instruction as to how his unauthorized, impertinent and irresponsible absence from the office had to be handled with all sense of propriety. Under the fact situation, this Tribunal does not attach any significance to DEx 01 telegram fabricated by the I Party on a later date just to make it appear that he has duly applied for leave during the spell 05.12.1999 till 23.12.1999. It is in a way aimed at bypassing the instructions of the employer dated 11.12.1999 to him to rejoin duty, which also he managed to cause undelivered on him. Pertinent to see while sanctioning the previous leave applications, the employer has repeatedly requested the I Party to furnish his leave address. Indeed the said request was intended for further communications if any during the period of his absence. Had there been any change of residence, the I Party was obliged to furnish his changed residential address to his employer as instructed.

So the I Party has failed in his duty to inform his employer about his actual residential address during his absence from duty. Therefore, the liability of non-service / non-delivery of MEx 18 communication from the Bank dated 11.12.1999 is certainly to be saddled on the I Party in the factual context.

14. MEx 21 is another leave application submitted by the I Party dated 25.12.1999 requesting to extend his leave from 24.12.1999 to 22.01.2000 stating "not feeling well", without any supporting documents. From the records it is seen that the I Party stood absent even after 22.01.2000 till 29.02.2000 as is reflected in DEx 04 proceedings of the General Manager of II Party Bank, circle office Bangalore. As per DEx 04 proceeding dated 01.03.2000 with reference to the leave application of the I Party dated 24.01.2000, action was initiated treating his absence from 17.10.1999 to 29.02.2000 as "**Absence without Leave (AWL) and hence Loss of Pay (LOP)".** There also the details relating to the I Party's leave record / balance are furnished as

i.	PL Balance as on date	::	02
ii.	SL availed till date	::	450
iii.	AWL till date	::	1278
iv.	SL balance as on date	::	16
v.	LOP availed till date	::	285

15. DEx 05 produced by the I Party is the proceeding of the II Party calling upon him to produce appropriate medical certificate immediately for considering his leave application dated 28.08.2000 on medical grounds referring to his absence from 30.07.2000 to 27.08.2000. The said spell falls during the tenure of the disciplinary enquiry. The specific details enumerated above do illustrate the long, constant and continuous absence of the I Party from duty right from 16.08.1999 till 27.08.2000 without attending the office atleast on a single day during the interregnum.

16. The learned counsel for the I Party enthusiastically highlighted that the I Party is a differently abled person and he had sought for extension of leave on ground of his illness as he was on medication in local hospitals. This submission is totally untenable and unsustainable as even after repeated alerts from the employer he did not take care to bring home any medical certificate to show that he was under treatment. Instead he simply neglected all the commands rather requests from the side of the employer and defiantly continued to be absent from duty. As rightly urged by the learned counsel for the II Party employer, the I Party by his character, demeanour and conduct proved himself to be a habitual absentee from his employment. Since I have already put in a detailed discussion depicting a clear graph of his absence from duty, I do not further venture to make a repetition of the same again.

17. The argument advanced on behalf of the I Party that the Branch Manager got some prejudice towards him and he vengefully refused to forward the leave application of the I Party to the higher up does not stand substantiated by any factual proof. Instead what is on record is that the leave of the I Party from office from 16.08.1999 to 30.09.1999 was duly sanctioned in spite of the fact that the I Party did not submit the leave applications well in advance or at least on the expiry of the leave period availed. At no stretch of imagination it could be assumed that the Management was in any way inimical or hostile to him. Instead it stands well established that the I Party had ever been an alien to his job exposing absolute irresponsibility and lack of commitment to the post he held. No doubt, he entered the service under the category of differently abled persons. The willful defiance showed by him all along his career persuades this Court to opine that this job could have been a boon for a similarly differently abled person as a means of his livelihood while this employee, the I Party had viewed his job only as a platform to sit at home leisurely on unauthorized leave. It stands evidently proved that the I Party has taken all his energy to be on leisure under the caption "leave" and its further extension.

18. The learned counsel for the II Party urged that there are some accepted Rules and Regulations for availing leave by the employees in the II Party Bank. The learned counsel relied on Chapter IV Clause 13.2 and 13.3 of the Service Regulations and Emoluments of Workmen in Banks. Clause 13.2 insists that all leave applications other than casual leaves shall be applied in writing to the Manager or any other officer appointed for the purpose not less than one month before the date from which the leave is to commence, **except in urgent case or unforeseen circumstances including illness when it is not possible to do so** (emphasis supplied). The insistence under Clause 13.3 is that if an employee after proceeding on leave desires an extension thereof shall make an application in writing to the employer in sufficient time to enable the management to consider the application and send a reply to him before the expiry of the leave desires to be extended and such reply shall be sent to the employee at the address given by him so as to reach him before the expiry of the leave originally granted to him. The learned counsel pointed out that all the leave extension applications were sent by the I Party much after the expiry of the leave period in flagrant violation of the aforementioned rules. Clause 13.5 of the Service Regulations postulates that no leave or extension of leave shall be deemed to have been granted unless an order to that effect is passed and communicated to the employee concerned. Clause 13.6 mandates that leave of all kinds cannot be claimed as of right. The management is at liberty to call back the employee from leave when exigencies of service so requires. The I Party simply ignored or rather negated the instruction of the II Party management to rejoin duty on expiry of the leave sanctioned, of course on a much belated leave request.

19. At the risk of repetition I say, not even a single leave application is supported by any valid ground justifying such requests for leave / leave extension. The repeated leave letters sent much after the expiry of leave period one after the other at the whims and fancies of the I Party did not reveal any genuine ground to remain absent from duty. Even the sick leave applied for was unsupported with medical certificate despite specific direction from the Management to produce the same. Even if DEx 1 telegram much relied upon by the I Party is accepted, that does not contain any genuine /trustworthy reason why leave is sought for. MW2, the Manager of the II Party Bank at its Bevoor branch, during the domestic enquiry deposed that DEx 1 telegram is only an intimation and the said telegram should have been accompanied by a proper leave application to forward to the Circle Office. In as much as the said telegram is not supported or rather followed by a properly formulated leave application, no significance, as I already observed, need be attributed to the said telegram. Though he joined the service in 1981 as clerk under physically handicapped category as averred in Para 3 of his claim statement, very seldom he worked as an employee in the production of the establishment.

20. The questioned Ex M1 charge sheet dated 17.06.2000 specifically pin pointed that the I Party was in the habit of remaining absent more frequently and unauthorizedly without intimation, submitting proper leave application or obtaining prior permission / sanction from the competent authority in utter violation of the leave rules of the Bank. This particular allegation in the charge sheet rightly indicates that the Management has put a specific charge of "**Habitual absenteeism**" from duty more frequently, unauthorizedly and without intimation and without submitting proper leave application. Such habitual absenteeism is shown to be without obtaining prior permission / sanction from the competent authority. Remaining absent during the whole length of period from 16.08.1999 indefinitely for no reason without submitting proper leave application in time or obtaining sanction from the authority consistently and reliably proved the character of habitual absenteeism of the I Party. Habitual absence from work place without taking leave or prior intimation undoubtedly amounts to misconduct on the part of the employee. Such misconduct exhibits utter irresponsibility and lack of interest in work. It is writ large on the facts of the case that the I Party is least interested in duty. Needless to say, an employee must at all time maintain absolute integrity and devotion to duty. A person who is in the habit of remaining absent without prior sanction of leave and remains absent for a long period without proper timely intimation is not somebody who is devoted to duty or maintains integrity. The very conduct and demeanour of the I Party needs to be tested in this anvil.

21. The very callous, reckless and unscrupulous demeanour of the I Party towards his employment evidently establish that his misconduct by remaining in unauthorized absence is certainly wilful and deliberate. Even if a portion of his leave was regularized by the magnanimity of the Management condoning his wilful infraction of the Rules and Regulations, he cannot escape from the rigour of mischief or misconduct because the leave was not authorized. When such absence results in operational disruption continuously and incessantly, he cannot be heard to submit that the management has simply targeted / framed him unreasonably. Lack of devotion to duty and such mischievous behaviour is totally unbecoming of an employee.

22. The proved deliberate refusal of the I Party to resume his job despite strict instructions from the management evidently amounted to wilful disobedience, refusal to comply with the direction, total disregard, transgression and deliberate defiance. It stands well established that recalcitrance, infraction, waywardness, insubordination, refusal to obey or abide by the rules and regulations given by the authority demonstrate his wilful misconduct.

23. The I Party is not a novice to such misconduct as it is well in evidence that since 1991 he started mocking the management by remaining on unauthorized leave very frequently. He has received punishments on 6 occasions starting from 22.04.1991 by way of "warning", 07.02.1992 by "stoppage of increments for 6 months"; 22.04.1993 similar punishment of "stoppage of increments for 6 months", 17.11.1994 "censure", 14.02.1997 "stoppage of one increment for one year" and on 17.04.1998 "stoppage of four increments". All these punishments were imposed on him by the Disciplinary Authority after issuing separate charge sheets and conducting departmental enquiry. I am not under the oblivion that this Tribunal should not be obsessed by the previous punishments imposed by the Management on the I Party while deciding the case on hand. The observations made in the aforesaid paragraphs are totally free and independent of the past episodes faced by the I Party. The mode and manner in which he has put in successive leave applications and leave extension applications by itself are strong pieces of evidence to independently decide the case on hand without infiltrating into his past deeds. However, the previous episodes get significance in judging the overall nature of the person and his attitude towards the post he held. Apart reckoning the attending circumstances, the allegation of habitual absenteeism could be raised at every instance when it is repeated. The earlier charges levelled against him and punishment imposed would not efface the earlier misconduct being taken into account for levelling the charge of habitual absenteeism at every instance when it is repeated. The habitual absenteeism earlier found and punished was repeated and hence this is a sufficient indication portraying the very nature of the employee.

24. It is contextually profitable to extract the dictum laid down by the Hon'ble Apex Court in **The State of Punjab & Ors. Vs. Ram Singh Ex.Constable (AIR 1992 SUPREME COURT 2188)** that:

> *"continued acts of misconduct would have insidious cumulative affect on service morale may be a ground to take lenient view of giving an opportunity to reform. Despite giving such opportunities if the delinquent officer*

proved to be incorrigible and found complete unfit to remain in service than to maintain discipline in the service, instead of dismissing the delinquent officer, a lesser punishment of compulsory retirement or demotion to a lower grade or rank or removal from service without affecting his future chances of re-employment, if any, may meet the ends of justice. Take for instance the delinquent officer is habitually absent from duty when required. Despite giving an opportunity to reform himself he continues to remain absent from duty off and on. He proved himself to be incorrigible and thereby unfit to continue in service. Therefore, taking into account his long length of service and his claim for pension he may be compulsorily retired from service so as to enable him to earn proportionate pension."

25. The previous punishments imposed on the I Party ended with 17.04.1998, did not make any reformation on him. He instead repeated the very same callous play mocking the office, satisfying himself that thereby he could ridicule the management by sitting at home and sending belated leave applications / leave extension applications from 16.08.1999 onwards uninterruptedly. It is in this context that the previous punishments do assume its significance. Though the I Party raised an argument that he was framed by the Management at the previous spell of his service by imposing punishments, it is pertinent to note that he did not prefer any challenge against those disciplinary actions. So the argument advanced in that line is absolutely unsustainable. The overall conduct and expressive act of the I Party proved beyond preponderance of probabilities his wilful misconduct, disobedience, determined intention to do what he wants, regardless of consequences or effects. It was his own choice to continue to be the same even after he has been reminded of by the previous punishments and genuine chances to correct his behaviour. By all, the I Party has demonstrated himself to have been disposed to disobedience and opposition. His headstrong and self-willed attitude not obeying or complying with the commands of those in authority is made very explicit by the proved factual episode.

26. On a meticulous analysis of the entire aspects brought on record, the Enquiry Officer submitted his report Ex M10 dated 17.10.2000 holding the charge against the I Party as proved. I do not find any infirmity or error in the finding rendered by the Enquiry Officer after a full-fledged domestic enquiry providing all reasonable opportunities to the I Party to defend his case, strictly observing the principles of natural justice. In the light of the afore discussed factual gamut, I find no reason to hold the finding of the Enquiry Officer the charge having been proved against the I Party as perverse or baseless. Instead it is found just, correct and proper. Accordingly, point no. 1 is answered in the negative.

27. **Point no. 2**: The Disciplinary Authority has communicated the copy of the enquiry report to the I Party and called for his explanation as per the proceeding dated 18.10.2000. The I Party eventually has made his submissions on the findings of the Enquiry Officer through his Defence Representative dated 10.11.2000. After considering the findings of the Enquiry Officer and the submissions made by the I Party / CSE, "punishment of dismissal" was proposed by the Disciplinary Authority and a personal hearing was given to the I Party on 30.12.2000. Reckoning the submissions made by the delinquent employee during the personal hearing and analysing the circumstances of the case, the Disciplinary Authority as per Ex M11 dated 01.01.2001 imposed the punishment of "compulsory retirement" on the I Party. The challenge Ex M12 raised by the I Party in appeal against the punishment stood rejected by the Appellate Authority under Ex M13 order dated 19.04.2002 confirming the punishment.

28. Indeed a punishment of compulsory retirement at no stretch would impinge the pensionary benefits of the employee. The insidious cumulative effect in his service morale does justify the punishment of compulsory retirement which has not made any negative impact on his pensionary benefits. Though he has not rendered any fruitful service to the management, he was blessed with all monetary benefits eventual to his retirement as a boon at the hands of the Disciplinary Authority. As stood evinced, he is absolutely a misfit in the job and nothing productive could be expected from him had he been allowed to continue in service. The punishment of compulsory retirement is the apt action to be imposed on him. So, for no reason the punishment of compulsory retirement imposed on him by the Disciplinary Authority happens to be disproportionate or excess in nature as contended by the I Party. On a totality of the circumstances, this point is also answered in the negative.

29. In view of the above finding, the schedule referred by the Central Government regarding the legality and justification of the action of the management of the Canara Bank on the I Party Sri V. Munirathnam is answered in the affirmative.

30. Eventually, I pass the following Award.

AWARD

The reference is rejected holding that the action of the management of the Canara Bank in imposing the punishment of compulsory retirement on the I Party Sh. V. Munirathnam, ex-clerk, Canara Bank, Bevoor branch, Bangalore rural district w.e.f. 01.01.2001 is correct, legal, proper and justified and he is not entitled for any relief.

(Dictated to LDC, transcribed by him, corrected and signed by me on 10th July 2025)

K P INDIRA, Presiding Officer

नई दिल्ली, 21 जुलाई, 2025

का.आ. 1389.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पंजाब एंड सिंध बैंक** के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **चंडीगढ़**- I के पंचाट (55/2009) प्रकाशित करती है।

[सं. एल-12012/72/2009-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 21st July, 2025

S.O. 1389.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 55/2009*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-I* as shown in the Annexure, in the industrial dispute between the management of Punjab & Sindh Bank and their workmen.

[No. L-12012/72/2009- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Presiding Officer: Sh. Brajesh Kumar Gautam, H.J.S.

ID No.55/2009

Registered on 01.12.2009

Lovelesh Kumar R/o H.No.2007/1, Mohalla Old Lal Bagh, Street Chitra, Modern School, Patiala (Punjab).

.....Workman

Versus

1. The Dy. General Manager, Punjab & Sindh Bank, 21-Rajendra Place, New Delhi.
2. The Zonal Manager, Punjab & Sindh Bank, New Lehal Colony, Rajbaha Road, Zonal Office, Patiala (Punjab).

.....Management

Sh. D.R. Kaith AR for Workman

Sh. Ranjan Lohan AR for Management

Judgment reserved on 06th June, 2025

Judgment Pronounced on 2nd July, 2025

JUDGMENT/ AWARD

1. **Outline-** Instant Industrial Dispute has been registered for adjudication on the basis of a Reference vide Notification No. L-12012/72/2009-IR(B-II) dated 24.11.2009 under clause (d) of Sub-Section (1) sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter called the Act), of the Ministry of Labour-Government of India as follows:-

> "**Whether the action of the Management of Punjab and Sind Bank in terminating the services of Sh. Lovelesh Kumar, Special Assistant without conducting of fair enquiry is legal and justified? What relief the workman is entitled to and to what extent?.**"

2. **The case of workman/ claimant-** The workman joined the services in Punjab & Sindh Bank as Apprentice Trainee in August, 1978 and after completion of training the workman was appointed as regular permanent employee w.e.f 17.03.1979 as clerk-cum-cashier. In September, 2004, he was posted as Special Assistant at Branch Office No.22, Phatak Patiala. The workman was suspended on 31.08.2006 and was issued a show cause notice dated 04.11.2006. The workman submitted reply on 09.12.2006. Thereafter, a charge sheet dated 08.12.2006 was given to workman and reply against charge sheet submitted by the workman denying all the charges.. A departmental enquiry proceeding started with appointment of Sh. Ujagar Singh (Senior Manager) as enquiring officer who was later on replaced by Shri Virender Singh Chief Manager at Zonal Office. Enquiry was concluded and report was submitted before the Disciplinary Authority and the workman was given a second show cause notice dated 30.01.2008 against

proposed punishment. The further case of workman has been that he had filed a Civil Suit against the Bank and in the said suit proceeding an order dated 12.02.2008 for compulsory retirement from service was served upon him by the Bank without paying him differences between full pay and the subsistence allowance already paid to him. In a Civil Revision No.2186 of 2008 the suit proceeding before Civil Court was stayed by Hon'ble Punjab & Haryana High Court and finally Hon'ble High Court directed the workman to file his case with appropriate authority. Consequently the Civil Suit was withdrawn and against the order passed by Bank an appeal was filed before Appellate Authority which was rejected on 04.05.2009. After failure of conciliation proceeding and demand raised by workman before Assistant Labour Commissioner (Central) Chandigarh a report was sent to Ministry of Labour, Government of India to which sent a reference before this Court as noted hereinabove for adjudication. According to workman the Departmental Enquiry proceeding has been illegal, wrong, null and void and against the principle of natural justice for several reasons which are enumerated in claim petition in very details. Amongst the detailed reasons some of the important reasons stated in claim petition are- the charge sheet given to workman did not mention list of documents and list of witnesses, the workman was not provided with legal assistance despite repeated request and ultimately allowed to take assistance from Mr. Tejinder Chawla an officer of the bank, copy of evidence recorded not provided, the workman was not provided equal opportunity to submit his brief after conclusion of enquiry. The witnesses have deposed in favor of workman but he has been punished wrongly, he was denied personal hearing before disciplinary authority and before appellate authority and that the charges were not proved in the enquiry. It has been prayed by the workman in his claim petition that impugned order of disciplinary authority dated 12.02.2008 and order of Appellate Authority 04.05.2009 may kindly be set aside and Management may be directed to reinstate the workman with continuity of service with all benefits and full back wages.

3. **The case of Management/ Respondents-** In reply to the claim petition the Management filed the written statement and contested the claim petition. The contention raised on behalf of workman has been denied by the Management and it is stated that departmental proceeding and criminal proceeding for misconduct and proceeding simultaneously and acquittal in a criminal case is not a bar for departmental proceedings. It is further stated by Management that infact workman was given opportunity to inspect those documents numbering more than 150 during the enquiry proceeding. All relevant documents were also provided to him no prejudice is caused to the workman in this regard. It is alleged by Management that a fraud has been committed at Branch Office 22 No. Phatak of the Bank. Whole staff of the Branch except, sweeper, including Branch In-charge were charge sheeted for alleged fraud. It is further stated by Management that workman deliberately choose to take those persons as defense assistant where already facing enquiry and therefore, request was disallowed. Ultimately defense assistance has been allowed to workman. According to the Management only because a defense assistant of choice of workman was not allowed no illegality has been committed in Departmental Enquiry. It is also denied that workman was not given sufficient time of submitting his briefs. The claim of workman is absolutely misleading because of some typing mistake, a corrigendum was issued and workman had already submitted his written brief in this regard. In further reply by Management the grounds and reasons stated in Paragraph 7 have been denied and according to Management the departmental enquiry does not suffer any illegality or procedural infirmity. According to Management reference may kindly be rejected without granting any relief to the workman.

4. A detailed replication on behalf of workman has also been filed reiterating the almost same facts as are stated in the claim petition.

5. **Issues**-The terms of reference are the only issues which require adjudication by this Tribunal.

6. **Evidence of Parties-** During hearing of the case the workman Lovelesh Kumar got examined as Workman Witness No.1 and during his evidence certain documents were brought on record and were marked as Exhibits as follows:

Sr. No.	Particulars	Annexures/ Exhibits
1.	Appointment Letter 13-3-79 as Clerk cum Cashier	1.
2.	M-2, Special Assistant 14-9-2004, Posting 22 no Phatak	2.
3.	Suspension Letter 31-3-2006	3.
4.	Show cause 4-11-2006 recd 6-11-06 (FDR two names)	4.
5.	Reply of show cause 9-12-2006 (inspection not given)	5.
6.	Police Compliant against Sh.S.S. Tiwana 5-9-06	6.
7.	Statement of Sh. Suriender Singh Tiwana (Police Station)	7.
8.	Police Report (through RTI) amt deposit by officer	8.
9.	BM report for recovery of all amount & FIR not register	9.

10.	Charge Sheet 18-12-2006	10.
11.	Interim Reply of charge sheet 5-1-2007 (received on 8-1-07)	11.
12.	Appointments of IO Sh Ujaggar Singh &PO 11-1-07	12.
13.	Change of I0 to Sh. V.P. Singh 25-1-07	13.
14.	Inquiry Report 16-11-07 by DA on 29-11-2007	14.
15.	Reply of Inquiry Report 11-12-07 along with 3 documents	15.
16.	DA notice dated 30-1-2008	16.
17.	Request 10-02-08 to DA ,few Documents, Extension of time	17.
18.	Reply of DA notice on 11-02-08 & Personal Hearing	18.
19.	DA Punishment order 12-02-08	19.
20.	Order of Civil Court for Jurisdiction 18-3-2008	20.
21.	Order of High Court 21-11-2008 against Bank civil revision 2186	21.
22.	Permission of case with drawl from Civil Court 26-03-09	22.
23.	Appeal to Appellate Authority 3-01-09(enclose 8 documents)	23.
24.	Order of Appellate Authority 4-5-2009 (DGM-P)	24.
25.	Failure of Conciliation Report 7-9-2009 (ALC)	25.
26.	Order of GOI Ministry of Labour 24-11-2009	26.
27.	Request 11-11-2006 for inspection of record	27.
28.	Permission garneted 15-11-2006 by bank	28.
29.	Letter 20-11-2006, not making record available (BM 20-11-06)	29.
30.	Reminder30-11-06, non available of record, (BM 1-12-06)	30.
31.	Bank Circularly 6/99/2000 dt.29-3-2000 for charge sheet	31.
32.	Protest18-01-07 for incomplete charge sheet (BM 19-1-07)	32.
33.	Proceeding 24-02-06 Pg, Refusal of DR out of State HS Virk	33.
34.	RTI 6-12-10 Praveen Goyal & Sh. G.S.Kehra out of state was allowed	34.
35.	Proceeding 11-4-2003 Pg Refusal of DR Sh. B.K.Jethi (PBEF) DR	35.
36.	Bipartite settlement (BPS) page 55,56	36.
37.	Retired DR Baldev Singh Thind proceeding of other inquiry	37.
38.	Proceeding 17-4-2010 Pg for Same DA brought in notice of IO	38.
39.	Presenting Officer letter 17-04-07 for appointed of DR	39.
40.	PO Order of temporary Transfer July 2006 (RTI)	40.
41.	Management Documents given by & signed by PO in inquiry	41.
42.	STC guidelines for PO point 5,10	42.
43.	Proceeding 1-9-07 Pg approval of documents DA &protest for M-86-123	43.
44.	Fabricated Document M-32	44.
45.	Proceeding 24-5-07 Pg for M-32	45.
46.	Fabricated/tempered Documents DEx- 29/1-29/6 (Exw-46)	46.
47.	Proceeding 30-8-07 Pg 10 observed written by PO	47.

48.	Proceeding 3-9-07 Pg Time given for brief	48.
49.	Letter from ZM 14-11-2006 to vigilance ref of FFR& annexure	49.
50.	Original photo copy Documents M84/1-6	50.
51.	Carbon photo copy of Documents M85/1-6	51.
52.	DEx- 50/1-6(M6/1-0) given to Sh Babu lal	52.
53.	List of Management Documents to Sh. Babu Lal	53.
54.	Request 1-9-07 for Judicial Note to IOregd RLA734 29-10-07,DA22-10-07	54.
55.	Proceeding 6-7-07 Pg Refusal of 26 documents	55.
56.	List of refusal defense documents no. 26	56.
57.	Master creation print, checked FD alive before & after Oct 04, March05, Sept 05	56/1.
58.	FDR balance books October 2005 to May 2006	56/2.
59.	FDR summary balance 30-09-2005	56/3.
60.	EDP visit report 2004,2005, certificate for alive FDR package &date	56/4.
61.	Computerized Standing instruction or report	56/5.
62.	ID user & password maintain register for year 2004, to Aug 2006	56/6.
63.	Password sealed cover register for 2004 to 2006	56/7.
64.	Daily user ID register, checksum register	56/8.
65.	Special office order register for creation of ID user for 2004 to Aug 2006	56/9.
66.	Acknowledgement of user ID from employee	56/10.
67.	Sealed cover envelop, password of super user system of FDR package	56/11.
68.	Certificate of officer for creating user ID with date password	56/12.
69.	Record of outside user of branch FDR package from Nov04 to2006	56/13.
70.	Transaction check list of charge sheet dates	56/14.
71.	Clearing voucher attached to cheque dt. 13-12-05,14-12-05	56/15.
72.	Pay deposit slip(party) dt. 13-02-05,14-12-05	56/16.
73.	Cheques no 911424,911427	56/17.
74.	Dr voucher 9-01-06 & 10-04-06 of SB a/c 19	56/18.
75.	Account opening form of FDR 10/243 & 11/12	56/19.
76.	Vouchers 10-05-06, 19-05-06, 10-04-06 (FDR)	56/20.
77.	Correspondence file related to computer & staff of branch & ZO	56/21.
78.	Proceeding 19-6-07 Pg declare relevant discussing relevancy	57.
79.	Request dated 11-6-07 for Defense documents no. (56)	58.
80.	Proceeding 10-8-07 old record no difference freeze, financial entrq4,5,6	59.
81.	Proceeding 10-8-07 Pg reconfirm old record	60.
82.	Charge Report 18-8-2006 (M-15/1)	61.
83.	Charge Report Bank Performa	62.

84.	Proceeding 7-6-07 Pg (protest locating documents & humiliation)	63.
85.	Request to 10 dated 10-7-07, 23-07-07,27-07-07 for documents	64.
86.	Proceeding 22-6-07 Pg request for documents	65.
87.	Proceeding 10-8-07 Pg (MW-3 no letter, attendance)	66.
88.	Proceeding 19-6-07 Pg (letter to DA for documents & intension of PO)	67.
89.	Proceeding 19-6-07 Pg (Fact-Finding Related &PO)	68.
90.	Proceeding 6-7-07 Pg (Refusal of Fact Finding, audit ,officer)	69.
91.	Proceeding 29-8-07 Pg (police compliant based on FFR)	70.
92.	BM letter 17-7-06 (Password kept secret page-2 point-8)	71.
93.	Letter by IO 10-1-07 pressurize by reducing time of brief 8-11-07,12-11-07	72.
94.	Corrigendum 7-12-07 by 10	73.
95.	Forwarding letter of ZM 12-12-2007	74.
96.	Protest for corrigendum 14-12-07 (recipe 15-12-14)	75.
97.	Inquiry brief Primary Objection page 1-6	76.
98.	Other IR meeting letter (as proof meeting in morning)	77.
99.	Certificate issued by MW-2 (M-16)	78.
100.	Balance Summary (15-3-05 to 30-09-05) signed by officer &BM	79.
101.	Proceeding 10-8-07 Pg (Mw-3 Kulbir S master creation DEX22,26/6,38/2, M3/1)	80.
102.	Proceeding 10-8-07 Pg (without subsidy)	81.
103.	Balance Book for Sept 2005	82.
104.	Proceeding 10-8-07 Pg shortage of comp. operator &duties	83.
105.	Office order (M14/1 back side) clubbing of balance to officer	84.
106.	Office Order 3-11-04 duty of SA & clubbing of balance to officer	85.
107.	Proceeding 29-8-07 Pg Mw-checking of balance, training, ID not given	86.
108.	Proceeding 10-8-07 Pg balance separately or subsidiary, record of cheque	87.
109.	BM Balance certificates	88.
110.	ZM visit reports and MDPR	89.
111.	Auditors/inspectors Audit reports	90.
112.	Bank Circular (M-52/1-3) for BM for Monthly Balances	91.
113.	Guidelines of Bank of ZM for visit report	92.
114.	Bank duties & responsibility of Auditors for report	93.
115.	Proceeding 10-8-07 Pg confirmation of record/ duties BM,ZM, auditors	94.
116.	Joint certificate ---date of Auditor and BM for balances	95.
117.	Appreciation letter of ZM for Balances	96.
118.	Balance Report by ZM to GM	97.
119.	Live Status Certificate by EDP Manager	98.

120.	Bank Manual for Live Status	99.
121.		100.
122.	Long Book of zero difference	101.
123.	Proceeding 16-8-07 Mwidefault password, doc. BP Singh,zero balance	102.
124.	Disobyence, pendency Certificate for Nov 04 to Aug-06	103.
125.	Proceeding 19-8-07 Pg LBP power, letter of pendency, reversal SI voucher	104.
126.	Proceeding 29-8-07 Pg attendance, chq branch stamp, 1-12-05 fdr voucher	105.
127.	Vouchers M-28,23,24,25,26 of FDR paid on 1-12-05 SI	106.
128.	Bank Manual (M-8,9) for FDR intt Special instruction	107.
129.	Proceeding 14-8-07 Pg vague 1,2,3,duties for SI	108.
130.	Computer gernated Report for Sl taken by EDP Manager	109.
131.	Report of feeding SI(M-18) on 29-6-06 by MW-2	110.
132.	Proceeding 14-8-07 Pg SI by MW-2,LBP Ch particular, comp old practice	111.
133.	voucher of interest M-19,20 annexture,M21,22 date 1-7-06	112.
134.	SB a/c 19 statement (M 27/1,2) 'CLK'	113.
135.	Leave Record	114.
136.	Attendance Letter/certificates issued by ZO	115.
137.	Proceeding 16-8-07 Pg voucher of charge date not written	116.
138.	Proceeding 14-8-07 Pg SI list &voucher checked, LBP	117.
139.	BPS for different Allowances& duties	118.
140.	Salary Statement of B/o 22 no Phatak no comp. allowance	119.
141.	Certificate of duties by BM for Nov-05 to Aug-06 other	120.
142.	Proceeding 3-9-07 Pg DW Sh.J.S.Kaura	121.
143.	Statement of Sh.B.S.Bains (then Manager) attested by SHO	122.
144.	Proceeding 29-8-07 Pg Bains statement	123.
145.	Proceeding 30-8-07 Pg DW Sh. Gurmej Singh gunman of 22no	124.
146.	Proceeding 1-9-07 Pg DW Sh. Vijay Sharma customer of FDR	125.
147.	Office order M-14/1, 21-8-06Jasbir Singh(Mw-2) for computer operation	126.
148.	Proceeding 29-8-07 Pg 'clk' new BM missing record, Bains letter com.rec	127.
149.	Bank circular 6/2005 for Password Maintenance	128.
150.	Proceeding 16-8-07 Pg & 14-8-07 Pg MW-1 ID not given	129.
151.	FDR Manual to create ID system	130.
152.	Request to check Password on 1-9-07 for 'ID Singla	131.
153.	Proceeding 1-9-07 Pg request to check password, IO procedure observed	132.
154.	Certificate of EDP Manager on 16-10-07 counter sign by 10	133.

155.	FDR manual for training for computer operation	134.
156.	Exemplar Cheque	135.
157.	Proceeding 29-8-07 Pg for Cheque, a/c form 243/10	136.
158.	Bank manual for LBP to purchase a cheque	137.
159.	Bank manual to receive & check particulars of check	138.
160.	LBP voucher (M-42,43) approved by BM	139.
161.	LBP Register M-40 reversed marked	140.
162.	BM Certificate 4-7-07 for cheq 911427 LBP 56 rs3500/-	141.
163.	BM reply to Inspection report(49/2) MW-Ifor a/c opening forms	142.
164.	Proceeding 14-8-07 Pg form FDRa/c126/11 &credit &closing voucher	143.
165.	Ledger sheet A/c 126/11 (M-45) old a/c	144.
166.	Credit Vouchers (M-47) for new FDR dated 24-10-05	145.
167.	Ledger sheet of A/c 243/1(M-46) new a/c	146.
168.	FDR (M-44) new Bhadur Singh in a/c 243/10	147.
169.	Vouchers dated mention in charge sheet not written	148.
170.	Silver Jubilee Award 28-12-2004	149.
171.	Request 12-11-07 for extension of time on Medical ground	150.
172.	Reply of inspection report DEx 49/1,49/3 for FDR a/cs	151.
173.	Request for inspection report 7-06-06 page-38,39	152.
174.	Objection 16-05-07 for not Inspection of Management documents	153.
175.	ZM visit report 31-05-06 for balance point-13,record of com. 7,8	154.
176.	IO's Index sheet & charge sheet 3-02-06	155.
177.	IO's Inquiry Proceeding File	156.
178.	IO's Inquiry Report 25-9-2006	157.
179.	IO's DA order 29-8-2007	158.
180.	I0's Appeal order 9-1-2007	159.
181.	Certificate of EDP cell record not available	160.
182.	Certificate of DAC cell Patiala FFR & statement of SSS Tiwana	161.
183.	FDR a/c opening form of Bhadur Singh 126/11 dated 4-04-03	162.
184.	Bank circular 1333 dated 29-11-1983	163.
185.	Book PSB Vigilance Bank Manual chapter IX page-86,87, 88,89, chapter X page 96,97,100,104,111,113	164.
186.	Request to DA for DR dated 8-3-2007	165.
187.	News paper cutting	166.

7. During hearing of the case, on behalf of Management statement of Jaswinder Mohan Singh (Ex-Manager) Punjab & Sind Bank Zonal Office Patiala was got recorded wherein the witness Jaswinder Mohan Singh had verified his signatures on his affidavit dated 21.07.2014 which has been marked as Ex. P-M**.**

Arguments of Parties:

8. Heard Ld. Counsel for the workman and Ld. Counsel for the opposite party the Management of Punjab & Sind Bank- It is argued on behalf of workman that this Court vide order dated 27.09.2018 had declared the departmental enquiry as vitiated one being unfair and in violation of principle of natural justice. The Court had then directed Management to prove charges against the workman by brining fresh evidence on record but no evidence has been laid by the Management as directed by this Court. The Ld. Counsel has drew attention of this Court on a case law reported as 1999 (1) SCC 517 Nita Kaplish Versus Presiding Officer and argued that under Section 11 A when enquiry held by employer is found to be unfair and improper the employer has to establish and prove justification of

fairness of action taken by leading fresh evidence. It is also argued that once such permission is granted the evidence on enquiry file cannot be read to justify the impugned action and if the employer fails to lead any fresh evidence the workman is entitled to relief and in that case workman is under no obligation to lead any evidence in support of his claim. It is argued that despite the order of this Court no fresh evidence has been led by the management. It is also argued that even before this Court the only Management witness Jitender Singh who has been examined after the order dated 27.09.2018 is not a cited witness as per charge sheet and he has no personal knowledge about the allegations in the charge sheet. No fresh evidence has been adduced as per direction and opportunity given by this Tribunal to prove the charges and virtually nothing is there on the record in support of the allegations vide charge sheet against the workman. Since no fresh evidence was led on behalf of Management before this Tribunal the workman has also not adduced any further evidence. The Ld. Counsel appearing on behalf of the workman has prayed that reference may be allowed with reliefs claimed by the workman.

9. Per-contra Ld. Counsel appearing on behalf of Management of the Bank argued that whatever evidence was available during the enquiry was already produced before the Tribunal and it should always be read as evidence in the proceeding before this Tribunal. According to Ld. Counsel the final report prepared by Bank enquiry officer may be ignored but the documents and evidence available in the departmental enquiry record should be treated as evidence before this Tribunal under Section 11 A of the Industrial Dispute Act. It has been further argued that statement of Management witness Sh. Jatinder Singh (Manager) Zonal Office, Patiala is very clear in this regard that whatever evidence is available on the enquiry record file be treated part of evidence and therefore it is wrong to say that no fresh evidence has been led by Management before this Tribunal. It is also argued that allegation of biasness against enquiry officer has not been specifically stated in the claim statement and he is not impleaded as a party and therefore it is not open for workman to question the integrity and impartiality of the enquiry officer. It has been argued that for a better appreciation of the case the entire record of enquiry proceeding must be read by this Court.

FINDINGS

10. From the perusal of case record it is clear that vide reference of Ministry of Labour, Government of India the action of Management of Punjab & Sind Bank in terminating the services by compulsory retirement of Lovelesh Kumar has been questioned and adjudication is required regarding the fairness of enquiry and its legality and the relief if any for which workman is entitled. As referred hereinabove after exchange of pleadings that is filing of claim statements by workman and reply against it by the Management the then Presiding Officer of this Court vide order dated 25.07.2018 had framed preliminary issue on the fairness of enquiry as same was questioned before this Tribunal. On 27.09.2018 by passing a detailed order the then Presiding Officer of this Court had declared the enquiry proceeding conducted by Management against the workman as unfair and in violation of principle of natural justice. In the said order itself it is observed by the then Presiding Officer of this Tribunal that the Management witness Jaswinder Mohan Singh has admitted that he was not associated with the enquiry in any manner nor under his supervision, the workman had worked at the relevant time. It is also observed in the order dated 27.09.2018 that Management did not examined Sh. Barinder Singh the Enquiry Officer or any other official associated in the Departmental enquiry and has come to the conclusion that the workman was not supplied with the list of witnesses as well as list of documents relied upon by the management. The then Presiding Officer has therefore, has categorically declared that the domestic enquiry conducted by the Management against the workman was unfair and in violation of principle of natural justice. The then Presiding Officer while passing the order dated 27.09.2018 had also granted permission to the Management to prove the charges against the workman by brining fresh evidence on the record. Notably this order dated 27.09.2018 has not be challenged anywhere by the Management and it became final. It may be noticed that the Management inspite of above order did not produce any fresh evidence on merits except a very short affidavited statement of Management witness Sh. Jatinder Singh (Manager) Zonal Office, Patiala, Punjab & Sind Bank, wherein in Paragraph 4 it is stated "*4. That accordingly deponent, without prejudice to any rights of the Bank reiterate and resubmit the charge-sheet issued against the applicant/ claimant alongwith all the consequential record already available on the court record file in evidence to prove the charges afresh be read in evidence on behalf of the Management which sufficiently corroborates and substantiate the charges".*

11. In the cross examination done on behalf of workman the Management witness Sh. Jatinder Singh has admitted that when enquiry has been declared vitiated on 27.09.2018 after that they had not supplied any documents to the workman. He has further admitted in his cross examination that he has no personal knowledge of present case and he was not associated with the case during the enquiry proceeding and that he was not a charge sheeted witness. In above view of the matter it is clear that whatever oral evidence has come through Management witness Sh. Jatinder Singh is only a bald statement without any substance and infact the allegation contained in charge sheet could not have been proved by leading a fresh evidence before this Tribunal as per direction dated 27.09.2018.

12. In reported decision 1999 (1) SCC 517 Nita Kaplish Versus Presiding Officer, Labour Court , the Hon'ble Supreme Court vide paragraph 12 has held-

"12. The provisions of Section 11-A, specially the prohibition contained in the Proviso that the Labour Court would not take any fresh evidence, came to be considered by this Court in several cases which we shall shortly notice but even before the introduction of Section 11-A, this Court in ***Ritz Theatre Pvt. Ltd., Delhi V. Its Workmen, 1962 (2)***

LLJ 498: AIR 1963 Supreme Court 295: 1963(3) SCR 461, *laid down that where the Management relied upon the domestic enquiry in defending its action, it would be the duty of the Tribunal to first consider the validity of the domestic enquiry and only when it came to the conclusion that the enquiry was improper or invalid, it would itself go into the merits of the case and call upon the parties to lead evidence.*

Even after the introduction of Section 11-A the legal position as to the jurisdiction of the Labour Court or Tribunal to itself decide the merits of charges on fresh evidence remained unaltered".

The Hon'ble Apex Court in above cited decision has further laid down that as and when the enquiry held by employer is found to be unfair and improper, the employer has a right to establish the justification and fairness of the action taken to punish its employee by leading fresh evidence. Once such permission is granted, the evidence on the enquiry file cannot be read to justify the impugned action. If the employer fails to lead any fresh evidence, the workman is entitled to the relief then and there and workman in that case is under no obligation to lead any evidence in support of his claim.

13. The present case is fully covered by the proposition of law as laid down by Hon'ble Supreme Court in above noted decision. In the present case also vide order dated 27.09.2018 this Tribunal has held domestic enquiry proceeding conducted by Management which led to the termination of workman as unfair and in violation of principle of natural justice and at the same time an opportunity was given to the Management to prove the charges against the workman by brining fresh evidence on record. It appears that the Management completely failed to avail of this opportunity to lead fresh evidence and prove the charges against the workman. It is not open for the Management to again relied upon the same material which were there in the enquiry file as it is against the law laid down by Supreme Court in *Neeta Kaplish case Supra.* In another reported decision of Hon'ble Punjab & Haryana High Court *2023 (3) CLR 869 the Karnal Central Co-operative Bank limited Versus Presiding Officer Industrial Tribunal* it has been held that where Tribunal had found the domestic enquiry not conducted in accordance with principle of natural justice and no independent or fresh evidence led by the Bank to prove charges the termination deemed not legal, valid and proper.

14. I have considered the submissions of both the parties and material available on the record and found that since no fresh evidence has been led before this Tribunal except a brief statement of one Sh. Jatinder Singh who had submitted his affidavit and had relied upon documents which were produced during the domestic enquiry proceeding, it could not be held that charges contained in charge sheet dated 18.12.2006 against the workman Lovelesh Kumar had been proved. Therefore, the impugned order of disciplinary authority dated 12.02.2008, (compulsory retiring the workman from service) and order of Appellate Authority dated 04.05.2009 (confirming the order of disciplinary authority) are held illegal and unjustified and these orders of opposite parties-Management authorities are liable to be set aside. The Reference No.12012/72/2009-IR(B-II) dated 24.11.2009 is therefore adjudicated in favor of workman and answered accordingly.

15. In the light of discussion made hereinabove and in the facts and circumstances of the present case the present reference No.12012/72/2009-IR(B-II) dated 24.11.2009 is adjudicated in favor of workman and it is held that the action of Management of Punjab & Sind Bank in terminating the services of Sh. Lovelesh Kumar Special Assistant without conducting a fair enquiry is illegal and unjustified. The workman Sh. Lovelesh Kumar is entitled for the relief claimed by him in his claim petition.

16. It is therefore-

ORDERED

That the present ID No.55/2009 titled as Lovelesh Kumar Versus Punjab & Sindh Bank arising out of reference No.12012/72/2009-IR(B-II) dated 24.11.2009 is allowed and decided in favor of Workman. Impugned orders of Disciplinary Authority dated 12.02.2008 (compulsorily retiring Lovelesh Kumar) and the Appellate Authority dated 04.05.2009 (confirming the penalty awarded by Disciplinary Authority) are set aside as same being illegal and unjustified. The workman Lovelesh Kumar is entitled for his reinstatement and continuity in service till his superannuation with full back wages. In case the workman Lovelesh Kumar is already reached the age of superannuation the Management is directed to pay his full back wages from the date when he was compulsory retired till the date of his superannuation.

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

Dated: 02.07.2025

B.K. GAUTAM, Presiding Officer

नई दिल्ली, 21 जुलाई, 2025

का.आ. 1390.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **एच डी एफ सी बैंक लिमिटेड** के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **चंडीगढ़**- I के पंचाट (11/2016) प्रकाशित करती है।

[सं. एल-12025/01/2025-आईआर(बी-I)-84]

सलोनी, उप निदेशक

New Delhi, the 21st July, 2025

S.O. 1390.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 11/2016*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-I* as shown in the Annexure, in the industrial dispute between the management of HDFC Bank Limited and their workmen.

[No. L-12025/01/2025- IR(B-I)-84]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Brajesh Kumar Gautam, Presiding Officer, Chandigarh.

ID No.11/2016

Registered On:-01.08.2016

Virag Gupta S/o Sh. Harnam Das Gupta R/o Kashipur Road, Near Prathma Bank, Rudrapur-263153 (Uttrakhand).

.....Workman

Versus

1. HDFC Bank Limited, HDFC Bank House, Senapati Bapat Marg, Lower Parel, West Mumbai-400013 through its Managing Director.
2. Deputy Vice President-HR, HDFC Bank Ltd, Plot No.28, Industrial Area, Phase-I, Chandigarh.
3. The Branch Manager, HDFC Bank, Sutheri Road, Hoshiarpur, Punjab.

.....Respondents

Sh. A.K. Bakshi AR for Workman

Sh. B.B. Bagga AR for Management

Judgment reserved on 03rd June, 2025

Judgment Pronounced on 26th, June, 2025

JUDGMENT/ AWARD

1. Present Petition is an Industrial Dispute filed under Section 2-A (2) of the Industrial Disputes Act, 1947 (hereinafter called the Act) by the workman Sh. Virag Gupta, challenging his termination order dated- 05.05.2015 (with retrospective effect dated 16.03.2015) with a prayer to reinstate the workman with back wages. *It may be pointed out at the very outset that in the claim statement Title termination order is shown as **05.05.2016** (w.e.f. 16.03.2015) and in the last paragraph of the claim statement 'termination w.e.f. **16.03.2016** Annexure P-10 (from a retrospective date vide office order dated 05.05.2015)' is mentioned which apparently appears a typographical mistake and same has been ignored while writing this Judgment*.

2. **The case of Workman/ Petitioner-** the brief facts of the case as unfolded from the claim statement are that the workman was appointed as Manager-Retail vide appointment letter dated 25.11.2013 with an annual gross salary package of Rs.6,00,020/- per annum (Rs.50,000/- Per month) at Mamun Cantt but, since there was no branch existing at Mamun Cantt thereafter the workman was appointed at Sutheri Branch i.e. Respondent No.3. The services of the workman was confirmed on 15.02.2015. It is stated that the workman was designated as Manager but he was never given any managerial work and he performed the duties of a clerk. The workman never done supervisory work with the respondents and he is well covered under the definition of workman as defined in Section 2 (s) of ID Act, 1947. It is further stated that the workman was performing duties against his post and the seniors were also in suspense to which post should be given to the workman in order to appraise his performance and for the purpose of performance bonus. The bonuses and other benefits payable in the bank on quarterly basis and the last quarter of the financial year 2014-15 was expiring on 31.03.2015. It is further stated that some bank officers were feared action from top management for putting the services of the workman on a non-official profile and they also wanted to usurp the performance bonuses into their own performance and were harassing the workman to give resignation from service in the Month of March, 2015 and it is pertinent that no one will give resignation in the month of March before the end of quarter to lose his performance bonuses. It is said that the cluster head and other Seniors of the Branch printed an undated paper and get it signed by the workman. It is also said that the bank has put the practice of resignation online procedure of obtaining leaves and submission of resignations as such there is no hardcopy of the resignation letter. Some emails were written to the concerned officer of the bank including its Managing Director about the threats given to the workman from the senior officers of the Cluster and for submitting Resignation but no action was taken

by the said authorities. Thereafter the workman was thrown out of the services on the basis of fabricated resignation. It is further said that the management has accepted the alleged resignation from a retrospective date and has released the dues of the workman including 81 days' notice pay which proves that the workman was terminated under the garb of resignation. It is said that either party can terminate the relation of employee-employer by giving three months notice pay in lieu and therefore, since the notice pay was given by the Bank it cannot be said that the petitioner had left by resignation. No charge sheet was given and no enquiry held before termination of the service of workman. On 30.06.2015 a demand was raised by the workman for reinstatement and conciliation proceedings were held on 25.02.2016, 11.04.2016 and 03.05.2016 before Assistant Labour Commissioner but no settlement arrived. Prayer has been made that termination order be set aside and respondents be directed to reinstate the workman in service along with all consequential benefits with full back wages.

3. **The case of Management-** In response to notice issued to the Respondent-Bank Management appeared and filed its written statement/ reply to the claim petition of workman. According to case of respondents-managements the claim is not maintainable as the claimant does not come under the definition of workman as per Industrial Dispute Act. The claimant has himself resign from the service and now he cannot present a claim petition under the law. It is also stated by respondent management that once resignation of the employee is accepted it does not tantamount to dismissal or removal from services and only a dispute regarding dismissal or removal/ termination of services can be raised under the Industrial Dispute Act. The resignation is neither stigmatic nor has any undue influence against the workman. The respondent management has however admitted that the workman had worked with the bank from 15.04.2014 till 16.03.2015 when he was relieved from services in pursuance of his resignation letter. It has been further case of respondent management that the workman was infact working and acting in breach of his official responsibilities and a contrary to bank policy and also being a habitual absentee from the duties. According to further case of respondent management the workman was also found indulge in fudging the travel bills, unauthorizedly accessing and removing some of the documents of the bank. It is alleged that a factual report dated 16.10.2015 was also prepared against the claimant as per (Annexure R-1) while replying the contentions raised in claim statement the management has denied the allegation of workman claimant and it has been stated that the allegations made against management are wrong, misleading, incorrect. It has been prayed by the respondent management that petition of the claimant workman may be dismissed with cost.

4. **Issues:** Although vide order dated 06.12.2022 certain issues have been framed but these issues are recast and following issues are framed for adjudication in the present Industrial Dispute case-

i. **Whether the acceptance of resignation amounts to termination by way of punishment?**

ii. **Whether the management committed illegality in accepting the resignation during cooling period despite cancellation request by the workman?**

iii. **Whether workman- applicant is entitled for reinstatement with back wages as prayed?**

iv. **What other relief if any in the facts and circumstances of the case?**

5. **Evidence:** During the trial proceedings of present case on behalf of petitioner/ workman, the petitioner namely Sh. Virag Gupta himself has been examined as witness WW-1 and several documents are marked as exhibit Ex. P-1 to Ex. P-9 in the affidavit are as follows:

Particulars	**Exhibits**
Copy of Appointment Letter dated 25.11.2013	Ex. P-1
Copy of Letter dated 15.02.2015 confirmation of services.	Ex. P-2
Copies of Emails	Ex. P-3 to Ex.P-6
Copy of F & F Statement showing payment for 2015-16	Ex. P-7
Copy of Legal Notice dated 30.06.2015 to MD, HDFC Bank	Ex. P-8
Copy of Conciliation Certificate by ALC (C) dated 03.05.2016	Ex. P-9
Copy of Relieving cum experience letter dated 05.05.2015	Ex. P-10

6. During the trial proceedings of present case on behalf of Management/ Respondent, the management witness namely Sh. Ashutosh Nimesh S/o Sh. Arun Kumar Nimesh (Deputy Vice President), Employees Relations, HDFC Bank, Noida, Sector 4, UP himself has been examined as witness MW-1/A and certain documents have been brought on record and are marked as Ex.R-1 & Ex.R-2 in the affidavit are as follows:

Particulars	**Exhibits**
Copy of relieving cum experience letter dated 16.03.2015	Ex. M-1
Copy of resignation letter dated 05.03.2015 by Workman	Ex. M-2

7. **Argument on behalf of Workman-Applicant:** It has been submitted by Ld. Counsel appearing on behalf of petitioner-workman that some of the officers of the bank were harassing the workman petitioner and they pressurize to submit resignation letter. The petitioner had also brought to the notice of managing director regarding the harassment and threats being given by Senior Officers of the bank and has also submitted an application for cancellation of resignation which was given under pressure but his grievance was not redressed. It is also argued that an illegality was committed by management in accepting the resignation given under pressure with retrospective date. According to Ld. Counsel for the workman, the workman was entitled to withdraw his resignation which was tendered under pressure in a cooling period of 3 months from the date of its submission as per terms and condition of the appointment. But the management acted in haste with malafide intention to relieve the workman before expiry of said cooling period which is against the principle laid down by Hon'ble Supreme Court. It is also argued that neither any chargesheet has been served upon workman claimant nor any in house inquiry was held but the workman has been terminated from the services which is in clear violation of Section 25 F/ 25 N of the ID Act. It is also argued by Ld. Counsel for the workman that even witness of management in his cross examination has admitted that relieving the workman claimant from service was infact a termination and even salary in lieu of 3 months' notice has also been paid to workman. According to Ld. Counsel the stand taken by management that it was a case of acceptance of resignation and is not a case of termination is contradicted by management witness himself. The Ld. Counsel has also placed its reliance on reported decision *2005 (8) SSC 314 Srikant SM Versus Bharat Earth Movers Ltd.*, *1998 (1) LLJ 47 (Bom) John Joseph Khokar Versus B.S. Bhadange & Others.*

8. **Argument on behalf of Management-Respondent:** It has been submitted by Ld. Counsel appearing on behalf of Management-Respondent that it is simple case of acceptance of resignation by an employee and therefore the entire claim petition is not maintainable. It is also argued that after acceptance of resignation employer employee relationship came to an end and therefore there was no question of withdrawal of resignation after the acceptance. The Ld. Counsel for management has placed his arguments on reported decision *Union of India & Ors. Versus Vinod Bihari Behera 1996 (1) SLR 299* and another case *law State of Haryana & Ors. Versus Ram Kumar Mann (1997) 3 SSC 321* and has submitted that proposition of law as is settled by Supreme Court through various Judgment clearly establish that the retrenchment cannot be questioned for mere inference and the case of workman claimant could not fall under Section 25 F & 25 N of the Industrial Disputes Act. It is also argued that acceptance of resignation letter is not termination or dismissal from service and the claim of workman is liable to be rejected.

FINDINGS

9. Issues Point No.(i)- Whether the acceptance of resignation amounts to termination by way of punishment? & ii. Whether the management committed illegality in accepting the resignation during cooling period despite cancellation request by the workman? Since issue No.i & ii are interconnected these are taken together. Before dealing these two issues it is apt to mention here that the designation of workman at the time of his appointment was manager but he has specifically stated in his claim petition vide Paragraph 3 that he was never given any managerial power and he had worked only as a clerk. In the reply filed on behalf of respondent management although contention in the claim petition has been denied but there has been no specific averments in the written statement as to how and why the claimant does not fall under the definition 'workman' as defined in Section 2 (s) of ID Act. In reported decision of Bombay High Court *John Joseph Khokhar Versus B.S. Badhange 1998 (1) LLJ 47 (Bombay)* it has been held that while determining a question as to whether a person employed by employer is workman under Section 2 (s) of ID Act or not the Court has principally to see main or substantial work of which the employer has been employed and engaged to do. Neither the designation of employee is decisive nor any incidental work that may be done or required to be done by such employee shall get him outside the purview of workman. The claim of petitioner Virag Gupta that he had worked as a clerk throughout his tenure is not specifically denied and therefore even though his designation was manager but he may be treated as workman in the present case and his claim before this Tribunal is well maintainable.

10. The main issue in the present Industrial Dispute has been as to whether the acceptance of resignation of claimant workman is a simple act on behalf of management relieving the workman from his duties or it is terminating the services of claimant workman. In this regard evidence of management is of very importance nature. Sh. Ashutosh Nimesh, Deputy Vice President (Employee Relations), HDFC Bank has been examined as Management witness and in his cross examination he has admitted that Virag Gupta was not having any supervisory power and he had worked as clerk. He has further admitted that the bank did not seek three months notice from Virag Gupta when he resigned and it is correct that the bank paid three months notice pay to Virag Gupta. In further cross examination this management witness has in clear terms stated that the bank has terminated the services of Virag Gupta. He has further admitted that Virag Gupta was relieved w.e.f. 16.03.2015 and that Virag Gupta had sent an email dated 17.03.2015 requesting cancellation of his resignation. From the nature of admission of management witness himself one may arrive at a conclusion that the stand taken by the management that it is simply acceptance of resignation appears not correct. There has been allegation on behalf of workman that resignation was got signed by his seniors under pressure and it was promptly accepted. Although as per terms of appointment after confirmation of services three months notice or salary in lieu of notice is required for termination of the service. It is admitted case that in the present dispute workman Virag Gupta was confirmed by the HDFC Bank Management vide letter dated 13.02.2015 which is

Ex. P-2. It is not disputed that Virag Gupta had tendered his resignation on 05.03.2015 and same has been accepted on 16.03.2015. The email correspondence between workman claimant and management shows that Virag Gupta had tendered his resignation under pressure and he had also requested for cancellation of said registration vide his mail dated 17.03.2015 but just a day after acceptance by the bank management. One may further notice that letter of relieving which is required under the law has however been issued on 05.05.2015 and not on 16.03.2015 when the resignation was accepted by the management. There is no explanation on behalf of management on the point that if management had accepted resignation on 16.03.2015, why not any relieving letter was issued on this date itself. Apart from it the letter of appointment (Ex. P-1) very clearly states that either party may terminate the services by giving one months notice or salary in lieu thereof during the probation period and after confirmation either party will be required to given three months notice or salary in lieu of notice. In the present case Virag Gupta was a confirmed employee and when he tendered his resignation on 05.03.2015 it should be treated a three month notice as Virag Gupta had not paid any amount to the management in lieu of three months notice for his immediate relieving from the job. On the contrary the management has paid three months salary in lieu of notice. This fact is proved from Ex.P-7 which is admitted by the management and from the statement made during cross examination of management witness Sh. Ashutosh Nimesh. In a reported decision *2005 (8) SCC 314 Shrikantha S.N. Versus Bharath Earth Movers Ltd.* the Supreme Court has held that where the employee had not paid one months basic pay in lieu of notice to the company it is clear that the letter of resignation was as per company rules it was to become effective after one month. In this reported decision petitioner had tendered a resignation on 04.01.1993 which was accepted and he was informed that he could be relieved with immediate effect. The appellant petitioner was also sanctioned casual leave from 05.01.1993 to 13.01.1993 and he was relieved on 15.01.1993 as January 14.01.1993 was holiday. Meanwhile the appellant changed his mind and withdrew his resignation on 08.01.1993. The Supreme Court has held that since the appellant had not paid one month pay in lieu of notice alongwith his letter of resignation it could safely be presumed that he has tendered his resignation letter by giving a notice of one month in writing to the employer. The action of respondent company in accepting resignation of appellant from 04.01.1993 and not allowing him to work has been declared illegal by the Surpeme Court in this reported decision. In present case although resignation letter was tendered by workman Virag Gupta on 05.03.2015, alongwith said resignation letter no three months salary in lieu of three months notice has been given by him and therefore, the resignation was to remain effective till the end of period of three months i.e. upto 05.06.2015 and accepting the resignation letter on 16.03.2015 together with payment of three months salary by the management clearly shows that it was a case of illegal termination and not merely simple acceptance of resignation letter as the stand is taken by the management in the present case. Having considered the available evidence and facts and circumstances of present case and in the light of terms and conditions as mentioned in the appointment letter I am of the view that management has committed an illegality in accepting the resignation letter when a letter of request to cancel the resignation was sent by Virag Gupta during the three months notice period. Apart from it the workman being a confirmed employee his services could not be terminated without having any domestic enquiry against the allegation if any. The termination of services therefore is also against the principle of natural justice. These two issues are decided accordingly in favor of workman.

11. Issues No.iii & iv.- Whether workman- applicant is entitled for reinstatement with back wages as prayed? What other relief if any in the facts and circumstances of the case? Since issue No.i & ii have been decided in favor of workman claimant and therefore it is held that workman Virag Gupta is entitled for relief prayed by him. The termination and relieving order dated 05.05.2015 relieving the workman w.e.f. 16.03.2015 is liable to be set aside and the workman Virag Gupta is further entitled for reinstatement into service with continuity till his superannuation with all consequential effect/ benefits.

12. In the light of discussion made herein above and in the facts and circumstances of the present case, it is-

ORDERED

That the present ID No.11/2016 titled as Virag Gupta Vs HDFC Bank Limited & Ors. is allowed. The termination and relieving order dated 05.05.2015 relieving the workman w.e.f. 16.03.2015 is set aside. The respondents-managements of HDFC Bank are directed to treat the workman in continuous service upto the age of superannuation and give him all benefits including arrears of salary. The respondent management may adjust any amount paid to the claimant workman at the time of terminating him/ relieving from the service w.e.f. 16.03.2015.

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

Dated: 26.06.2025

B.K. GAUTAM, Presiding Officer

नई दिल्ली, 22 जुलाई, 2025

का.आ. 1391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,केन्द्रीय सरकार **प्रबंधन, केंद्रीय जल आयोग, मध्य ब्रह्मपुत्र संभाग, गुवाहाटी** प्रबंधतंत्र के संबद्ध नियोजकों और **श्री दिलीप बासफोर, गुवाहाटी, कामगार,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, गुवाहाटी पंचाट(संदर्भ संख्या आईडी नंबर 2021 का 06 और 2021 का 09), को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/170-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1391.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID. No. 06 of 2021 and 09 of 2021)** of the **Central Government Industrial Tribunal cum Labour Court, Guwahati** as shown in the Annexure, in the Industrial dispute between the employers in relation **The Management, Central Water Commission, Middle Brahmaputra Division, Guwahati** and **Sri Govind Basfore, Guwahati, Worker,** which was received along with soft copy of the award by the Central Government on 17.07..2025,

[No. L-42025/07/2025/170-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee.
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.

REF. CASE NO. 06 of 2021

and

REF. CASE NO. 09 of 2021

PARTIES: Sh. Dilip Basfore, New Goshala, Railway Qtr. No.298/D, Maligaon, Near Nepali Mandir, Guwahati-781011. **…… Workman/Applicant.**

-Vrs-

The Management of Central Water Commission, Middle Brahmaputra Division, CWC Complex, Behind Adabari Bus stand, PO- Guwahati University, Guwahati-781014 and the Proprietor, M/S BIPICIRI, PNGB Road, Santipur, Bharalumukh, Guwahati-781009. **….OP/Management.**

REPRESENTATIVES:

For the Workman : Dilip Basfore, in person.
For the Contractor : None
For the Management. : Mr. Hareesh Gupta, Ld. Advocate

INDUSTRY : Central Water Commission.
STATE : Assam.
Date of Award : 17/06/2025.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India, Ministry of Labour and Employment issued order **No. G/R. 8(04)/2021-CGIT** dated 01-02-2021 through the Deputy Chief Labour Commissioner (Central), Guwahati, referring the scheduled Industrial Dispute to this Tribunal for adjudication.

On the self-same issue the Government of India, Ministry of Labour and Employment through the Deputy Chief Labour Commissioner (Central), Guwahati issued another order **No. G/R. 8(13)/2020-RLC** dated 23-06-2021 referring the same Dispute for adjudication.

SCHEDULE

(1) "Whether the action of the Central Water Commission (CWC), Guwahati and their Contractor M/s BIPICIRI, Guwahati in terminating the services of Sh. Dilip Basfore, Ex-Casual Labour (workman) of CWC, New Goshala, Maligaon, Guwahati is legal and justified without compliance of Sec.25F of I.D. Act, 1947 ?

(2) Whether the action of the CWC in changing the service condition of the workman from casual labour to contractual labour in the year 2019 after putting continuous service since 2004 is legal and justified in violation of Sec. 9A of the I. D. Act,1947?

(3) Whether the demand of the workman/casual labour for payment of wages @ $1/30^{th}$ of the pay at minimum of the pay scale as applicable to the regular employees of CWC is legal and justified? If not, what relief he is entitled to and from which date?

Both the cases were registered as **Reference case No. 06 of 2021 and Reference Case No. 09 of 2021** respectively. An order was passed in Reference Case No. 09 of 2021 on 15-11-2021 where both the cases were amalgamated for trying them together.

The aggrieved workman submitted his Written Statement on 10-08-2021. Management of Central Water Commission, Middle Brahmaputra Division, Guwahati (herein after referred as CWC) filed their Written Statement through Executive Engineer on 27-07-2022.

The fact of the case according to the written statement of the petitioner is that the workman was a casual worker under the Central Water Commission, Middle Brahmaputra Division, Guwahati and was illegally terminated from service without notice. It is stated that the workman was engaged as a casual Sweeper/Cleaner from 10-04-2004 to 24-06-2019 by the Central Water Commission, Middle Brahmaputra Division, Guwahati and he was thereafter engaged through a Contractor firm namely M/S Challenger Detective, New Delhi w.e.f. 25-06-2019. It is the case of the workman that such engagement through a contractor firm was a paper arrangement only. Further case is that on 24-03-2020 a lockdown was declared by the Government of Assam and CWC, Guwahati inform the workman not to come to office during lockdown period. When he went to attend his duty on 16-04-2020, the Management of CWC, Guwahati informed him that his service had been terminated due to expiry of contract period of the Contractor. It is further stated that the contract of conservancy and sweeping/cleaning work was given to M/S BIPICIRI, Guwahati on 15-07-2020 for supply of contract workers and they supplied new workers in place of old workers who did not get any job opportunity. It is contended that termination of service of Dilip Basfore is neither legal nor justified without providing retracement compensation under section 25F ofIndustrial Dispute Act,1947. The workman also raised objection for change of his service condition from casual labour to a contractual labour after putting in service from 2010. The workman has prayed for his reinstatement in service with all incidental benefits.

Management of CWC contested the case by filing Written Statement, wherein it is contended that the workman is a casual worker appointed from time to time. In the year 2019-2020 the Management floated contract through Government-e-Marker (GeM) for outsourcing of four number of staff. M/S Challenger Detective, Khasra, New Delhi was the lowest bidder and contract was awarded to the contractor firm for one year. The period of Contract was valid till 31-03-2020.

Due to Covid pandemic lockdown was declared from 25-03-2020 and the contract period expired on and from 01-04-2020. Therefore, it is urged that the question of termination of the workman does not arise and Section 25F does not confer any right to employee for his reinstatement and regularization of service.

In respect of ID Act change of service condition of the workman, it is stated that Section 9A of ID Act is applicable to workman in matters specified in the Fourth Schedule of the Act. According to the Management, workman was engaged under the Contractor firm from 24-06-2019 to 31-03-2020. After completion of the specified period fresh tender was issued and the claim regarding change of service condition of the petitioner was not applicable after expiry of period of contract.

The Management of Central Water Commission, Middle Brahmaputra Division, Guwahati interalia contended that the workman was never given the status of casual worker as such the demand for payment for 1/30th of pay at minimum pay scale applicable to regular employees is not attracted to contractual employees. Management accordingly prayed for dismissal of the Industrial Dispute.

Both the reference cases have been taken up together for hearing and disposal during special campaign. Dilip Basfore filed evidence-in-chief in support of his case wherein he stated that he joined service on 01-02-2004 and he has terminated from service on 02-05-2020 without any reason or notice. According to his affidavit his last drawn salary of Rs.8,105/- per month credited to his Saving Bank Account No.35128734846 with State Bank of India, Pandu Port Branch, Guwahati. The witness was examined and cross examined. During his examination in chief the

workman depose that he joins the service under Central Water Commission, Middle Brahmaputra Division, Guwahati as a Sweeper in the year 2004 and received a consolidated pay of Rs.1,000.00 per month. The workman produced copies of order dated 27-05-2006, 30-05-2008, 22-05-2010 issued by Executive Engineer, Central Water Commission, Middle Brahmaputra Division, Guwahati for engagement of Dilip Basfore and few others as part time Sweeper under Middle Brahmaputra Division, Central Water Commission, Guwahati at a consolidated pay per month for different periods. The orders have been marked as Ext. W-1 to Ext. W-3. From the documents filed by the Management relating to part time engagement of the work during the year 2012, 2013, 2014 and 2017 have been marked as Ext. W-4 to Ext. W-7. The witness also deposed that the workman remained engaged directly under Central Water Commission, Guwahati in the year 2018 and from June,2019 till 31st March,2020 he was engaged in the same work under the contractor firm. The workman requested the Management of Central Water Commission, Guwahati to allow him to work directly under Central Water Commission, Guwahati but they did not listen. It transpires from examination in chief that even after being engaged through Contractor he was under supervision of Central Water Commission, Guwahati. The witness stated that since 2004 he worked for all the month except Sunday and his attendance used to be recorded in the office of theCentral Water Commission, Guwahati. The workman claimed for his reinstatement in the employment of Central Water Commission, Guwahati and his inclusion in the Muster Roll.

In course of cross examination, the workman witness admitted that during conciliation proceeding Management asked him if he wanted to continue work but he did not agree. Suggestion was put to the workman that he worked for less than 240 days in a year and that he did not provide continuous service each year, which the witness denied.

Management did not adduce any evidence in this case.

Heard argument advanced by Mr. Hareesh Gupta, Ld. Advocate for Central Water Commission, Guwahati. Considered the evidence adduced by the workman. According to Mr. Gupta, Dilip Basfore was initially engaged by Middle Brahmaputra Division, Central Water Commission, Guwahati as a part time Sweeper w.e.f. 01-05-2006 to 31-07-2006 at a consolidated pay of Rs.1,000.00 per month. He was again engaged for the period from 01-05-2008 to 31-07-2008 in the same manner and thereafter engaged from 03-05-2010 to 30-07-2010, 01-05-2012 to 19-07-2012, 17-10-2013 to 15-12-2013 with increase of wages amounting to Rs.5,000.00 per month. For the same work, the workman was engaged during the period from 18-12-2014 to 14-02-2015 @ of Rs. 6,000.00 per month. The workman was re-engaged for the period from 13-02-2017 to 12-05-2017 at a consolidated pay of Rs.6,900.00 per month. Mr. Gupta submitted during 2018 to 2019 sweepers were engaged from time to time as daily rated workers. The Management of Central Water Commission, Middle Brahmaputra Division, Guwahati complying the Govt-e-Market system outsourced the service for cleaning and sweeping during the financial year 2019-2020 and engaged M/S Challenger Detective, New Delhi the lowest bidder. The term of contract was upto the end of 31-03-2020 and the workman working under him had to discontinue. Fresh e-tender was floated through Government-e-market for the year 2020-2021 and a different contractor was selected for the work. The petitioner workman was given opportunity to work under new contractor but he did not agree and wanted to work directly under CWC.

Having consider the argument and material of the record I find that Dilip Basfore was never engaged by the Central Water Commission, Middle Brahmaputra Division, Guwahati on regular basis. The workman failed to discharged his onus that he rendered continuous service that is a work period of 240 days in a year. After introduction of the new system i.e. outsourcing of workman, through the GeM, the concerned workman along with others undisputedly accepted the change by being engage through Contractor firm. The term of contract period has expired on 31-03-2020, the Management of Central Water Commission, Middle Brahmaputra Division, Guwahati had no obligation to continue service of workman on their own. The system of outsourcing workers through GeM is a mechanism introduced by Government which is mandatory. Considering the facts and circumstances of the case in the light of the defination of the term "retrenchment 'as it appear in section- 2 (00) (bb) of the Industrial Dispute Act,1947, it is clear that retrenchment does not include termination of service of the workman as a result of the non-renewal of contract of employment between the employer and the workman. In the present case contract period for engagement has expired on 31.03.2020. Therefore, Dilip Basfore is not entitled to the relief of reinstatement under Central Water Commission, Middle Brahmaputra Division, Guwahati nor is he entitled to any retrenchment compensation under section 25F of the Industrial Dispute Act. The workman is therefore not entitled to any relief. The Industrial Dispute is accordingly disposed on contest.

Hence,

ORDERED

that the Industrial Dispute in both the cases are dismissed on contest. An Award be drawn up in the light of my above findings. Copies of the Award be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 22 जुलाई, 2025

का.आ. 1392.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,केन्द्रीय सरकार **प्रबंधन, केंद्रीय जल आयोग, मध्य ब्रह्मपुत्र संभाग, गुवाहाटी** प्रबंधतंत्र के संबद्ध नियोजकों और **श्री गोविंद बासफोर, गुवाहाटी, कामगार,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, गुवाहाटी पंचाट(संदर्भ संख्या आईडी नंबर 05 of 2021), को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/171-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1392.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID. No. 05 of 2021),** of the **Central Government Industrial Tribunal cum Labour Court, Guwahati** as shown in the Annexure, in the Industrial dispute between the employers in relation **The Management, Central Water Commission, Middle Brahmaputra Division, Guwahati** and **Sri Govind Basfore, Guwahati, Worker,** which was received along with soft copy of the award by the Central Government on 17.07.2025,

[No. L-42025/07/2025/171-IR (DU)]

DILIP KUMAR, Under Secy.

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

PRESENT: Shri Ananda Kumar Mukherjee.
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.

REFERENCE CASE NO. 05 of 2021.

PARTIES: Sri Govind Basfore, New Goshala, Railway Qtr. No.298/D, Maligaon,
Near Nepali Mandir, Guwahati-781011. **…… Workman/Applicant.**

-Vrs-

The Management, Central Water Commission, Middle Brahmaputra Division, CWC Complex, Behind Adabari Bus stand, PO- Guwahati University, Guwahati-781014 and the Proprietor, M/S BIPICIRI, PNGB Road, Santipur, Bharalumukh, Guwahati-781009. **….OP/Management.**

REPRESENTATIVES:

For the Workman : Govind Basfore, in person.
For the Management. Mr. Hareesh Gupta, Ld. Advocate.
For the Contractor None

INDUSTRY : Central Water Commission.
STATE : Assam.
Date of Award : 17/06/2025.

AWARD

In exercise of power vested 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, Ministry of Labour and Employment through the Deputy Chief Labour Commissioner (Central) Guwahati issued Order **No. F. G/R. 8(02)/2021-CGIT** dated 01-02-2021 has been pleased to refer the scheduled Industrial Dispute to CGIT, Guwahati for disposal.

SCHEDULE

(1) "Whether the action of the Central Water Commission (CWC), Guwahati and their Contractor M/s BIPICIRI, Guwahati in terminating the services of Sh. Govind Basfore, Ex-Casual Labour (workman) of CWC, New Goshala, Maligaon, Guwahati is legal and justified without compliance of Sec.25F of I.D. Act, 1947 ?

(2) Whether the action of the CWC in changing the service condition of the workman from casual labour to contractual labour in the year 2019 after putting continuous service since 2010 is legal and justified in violation of Sec. 9A of the I. D. Act,1947?

(3) Whether the demand of the workman/casual labour for payment of wages @ 1/30th of the pay at minimum of the pay scale as applicable to the regular employees of CWC is legal and justified? If not, what relief he is entitled to and from which date?

1. On the basis of the order received **Reference case No. 05 of 2021** was registered on 02-02-2021. Notice was issued to the parties under registered post for filing Claim Statement/ Written Statement, along with documents and list of witnesses.

2. Govind Basfore filed his Written Statement on 10-08-2021. Management of Central Water Commission, Middle Brahmaputra Division, Guwahati filed Written Statement through their Executive Engineer on 27-07-2022.

3. In gist the fact of the case as disclosed in the Written Statement filed by the aggrieved workman is that, the workman join the service of Central Water Commission, Middle Brahmaputra Division, Guwahati (herein after referred as CWC) as a Casual Safai Karmi with effect from 22-05-2010 to 24-06-2019 on a consolidated pay. From 25-06-2019 the workman was engaged in the same work through a Contractor firm namely M/S Challenger Detective, New Delhi and the same was a paper arrangement with only CWC. On 24-03-2020 a lockdown was declared by the Government of Assam, when he reported for his duty on 16-04-2020, the Management of CWC informed him that his service had been terminated due to expiry of the contract period of the Contractor. It is further stated that the contract of conservancy and sweeping/cleaning work was given to M/S BIPICIRI, Guwahati on 15-07-2020 for supply of contract workers and they supplied new workers in place of earlier workers. The old workers did not get any job opportunity under the new contract. It is contended that termination of service of Govind Basfore is illegal and not justified and retracement compensation under section 25-F of Industrial Dispute Act,1947 is required to be paid. The workman also objected for change of his service condition from casual labour to a contractual labour after putting in service from 2010. The workman herein prayed for his reinstatement in service with all incidental benefits.

4. Management in their Written Statement has disclosed that 120 workmen were engaged by the CWC, Guwahati on Outsourcing basis during monsoon period in 2019 and during the non-monsoon period from November,2019 to March,2020, the number of outsourced staff was reduce to 47 for functional requirement. It is further stated that CWC, Guwahati floated tender at Government-e-Marker (GeM) offered during the financial year 2019-2020 for engagement of 4 number of cleaning workers through Contract. M/S Challenger Detective, Khasra, New Delhi was the lowest bidder which received the service order for the above work. The period of Contract was valid till 31-03-2020.

5. It is their claim that during lockdown period for pandemic from 25-03-2020, office of CWC was closed and there is no question of termination of worker during lockdown. For the financial year 2020-2021 e-tender was floated and different Contractor was engaged. So far as the alleged change of service condition of the workman, it is stated that Section 9-A is applicable to workman in the matters specified in the Fourth Schedule of the Act. According to the Management, petitioner or workman under the Contractor firm were engaged from 24-06-2019 to 31-03-2020. After completion of the period fresh tender notice was issued and the claim regarding change of service condition of the petitioner is not applicable after expiry of period of contract.

6. The Management of Central Water Commission, Middle Brahmaputra Division, Guwahati interalia contended that the workman was never given the status of casual worker as such the demand of payment for 1/30th of the pay at minimum pay scale applicable to regular employees is not attracted to contractual employees. Management accordingly prayed for dismissal of the Industrial Dispute.

7. The short question for consideration is whether the termination of Govind Basfore w.e.f. 01-04-2020 is legally tenable? If not, whether the workman is entitled to reinstatement in service and receive retrenchment compensation under section 25-F of Industrial Dispute Act?

8. I have heard the argument advance Mr. Hareesh Gupta, Ld. Advocate for the Management of Central Water Commission, Middle Brahmaputra Division, Guwahati also considered the pleadings and evidence adduced. The workman claimed that he was engaged as a casual labour under Middle Brahmaputra Division of Central Water Commission, Guwahati for Sweeping and cleaning of the Division and Sub-Division office at a consolidated pay of Rs. 1,000/- per month. Five orders of engagement produced are marked as Ext. W-1 to Ext. W-5, where from it appears that the concerned workman was appointed for a period of three months at a time and the consolidated pay was increased from Rs.1,000.00 to Rs. 6,900.00 per month over this period. In his affidavit-in-chief the workman

stated that his last salary was Rs. 8,105.00 per month on 22-04-2020. In his evidence-in-chief the workman deposed that he was terminated from service from March, 2020. In para six (6) of the Written Statement the workman clearly admitted that he was engaged through M/S Challenger Detective, New Delhi w.e.f. 25-06-2019 and in paragraph eight he also admitted that his service was terminated due to expiry of the period of contract.

9. From the facts and circumstances of the case it tranpires that initially Govind Basfore was engaged as a part time Sweeper from 2010 till 23-06-2019, directly by CWC. The arrangement of employment was changed and conservancy staff were being engaged through Contractor who participated in the bid through GeM. The workman instead of raising any dispute at the initial stage for being appointed through Contractor, he participated in the system and enjoyed the benefit. The workman at this stage is estopped from challenging his engagement through the Contractor firm.

10. According the provision of Law laid down in section 2 (00) (bb) of the I.D. Act, 1947, retrenchment does not include termination of service of the workman as a result of non renewal of the contract for employment between the employer and workman. Therefore, the workman is not entitled to any retrenchment compensation under section 25 F of the Industrial Disputes Act, 1947 for termination on expiry of contract period. In the present case the workman was admittedly engaged through a contractor firm M/S Challenger Detective, New Delhi w.e.f. 25-06-2019 till 31-03-2020. On expiry of the period of contract, the workman is neither entitled to retrenchment compensation nor to the relief of reinstatement, as his employment under Central Water Commission, Middle Brahmaputra Division, Guwahati was co-terminus with the scheme of his employment which expired on 31-03-2020.

11. I therefore hold that there has been no illegality with discontinuation of employment of Govind Basfore under Central Water Commission, Middle Brahmaputra Division, Guwahati from the date of expiry of the contract. The workman being a subject of contractual workman is not entitled to the safeguards of 9-A of the Industrial Dispute Act which provides that for the purpose of effecting in any change in condition of service in respect of matters of Fourth Schedule workman, would be entitled to a 21 days' notice. The Industrial Dispute is accordingly dismissed on contest.

Hence,

ORDERED

The Industrial Dispute is dismissed on contest. The workman is not entitled to the reliefs as sought for. Let an Award be drawn up in the light of my above findings

Copies of the Award may be communicated to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer/Link Officer

नई दिल्ली, 22 जुलाई, 2025

का.आ. 1393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,केन्द्रीय सरकार **क्षेत्रीय प्रबंधक, बीईएमएल लिमिटेड, बिलासपुर (छत्तीसगढ़); निदेशक मेसर्स बेनमेन एंड एसोसिएट्स, दुर्ग (छत्तीसगढ़)** प्रबंधतंत्र के संबद्ध नियोजकों और **श्री विनायक पांडे, बिलासपुर (छत्तीसगढ़)** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट**(संदर्भ संख्या आईडी नंबर सीजीआईटी/एल/ आर/38/ 2022),** को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 16.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/174-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1393.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID.No. CGIT/LC/R/38/2022),** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Regional Manager, BEML Limited, Bilaspur (CG); The Director M/s Benmen and Associates, Durg (CG) Shri Vinayak Pandey, Bilaspur (CG), Worker,** which was received along with soft copy of the award by the Central Government on 16.07.2025,

[No. L-42025/07/2025/174-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/38/2022

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Vinayak Pandey,
S/o Shri Daulat Ram Pandey,
At- Arvind Nagar, Ward No. 05,
Sarkands, Bilaspur District – Bilaspur (CG)

Workman

Vs

1. **The Regional Manager,**
   BEML, Limited, Sirgitti, Tifra,
   Bilaspur, District – Bilaspur (CG)
2. **The Director M/s Benmen and Associates,**
   Qtr. No. 5/C, Near DPS School,
   Morada Sector, Bhilai Nagar,
   Distt. – Durg (CG)

Management

(JUDGMENT)

(Passed on this 19th day of June- 2025)

As per letter dated (17/30)/08/2022 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. RP-5(1-1)/2022-ES.III** dt. (17/30)/08/2022. The dispute under reference relates to:

> ***"Whether the action on the part of the Management of BEML Limited Bilaspur (CG) and Contractor Agency M/s Benmen and Associates, Bhilai, Dist. Durg (CG) in Terminating the services of workmen Shri Vinayak Pandey without holding any domestic inquiry as per the Principals of Natural Justice is legal and justified ? If not, to what relief the workman is entitled to?"***

The Case of the Workman as taken by him**,** in the statement of claim is that, he was initially appointed by Management of BEML as a Labour in 2007 and was issued **ESIC Card bearing No. 10672131,** he was also allotted PF Code which was **CG/RAI/0011535/00/0000036** his employer contribution in his PF Account was deposited by BEML. He continued to work as a Employee of BEML continuously from 2007 to December 2019 and it was in December 2019, he came to know that his services are now being shown as employee of Contractor against his will and consent. Later on he was disengaged from his services on 10.01.2020 without any notice or compensation.

According to the Workman, he continuously worked with the Management of BEML at its direction on the site of BEML and had matured a right to get permanent status which was not granted, hence, the action of Management is unjust, arbitrary and illegal. The Workman has prayed that holding the action of Management i.e. disengaging him since 10.11.2020 illegal and he be held entitled to be reinstated with all back wages and benefits.

Management has taken a case, in their written statement of defense that, the Workman was engaged as a unskilled labour by the Outsourcing Agency M/s Benmen and Associates in pursuance of work order from the Management of BEML for supply of unskilled labour and was deployed in the premises of the BEML as outsourced employee. His PF and ESI contributions being done by the Outsourcing Agency. The employees contribution were also paid by the Outsourcing Agency. His PF No. was CG/RAI/00017104/100013656217 and ESIC No. was 59520061850051001/596185101 which was allotted to him through Contractor of Outsourcing Agency. Hence, he was never their employee in any capacity, rather he was the employee of Outsourcing Agency supplied by them to Work on the site of BEML under the Work Contract and his services were also terminated by the Outsourcing Agency and not by BEML as there were certain complainants against him.

The Management of BEML has further pleaded that sometime they have deposited the Employee Contribution, regarding PF of the Workman being the Principle Employee. BEML has requested that the reference be answered against the Workman.

In evidence, the Workman has filed his affidavit as his examination-in-chief. He has been cross-examined by the Management of BEML. He has filed a copy of his EPF Contribution regarding to year of 2008-09 and 2009-10. The Workman has further filed and proved his PF Slip of the year 2008-09. He has also field and proved certain applications filed by him before the Labour Commissioner for settling his dispute.

The Contractor M/s Benmen and Associates never appeared nor did they filed any Written Statement of defense, though they were also served the notice, hence the case is proceeded ex-parte against them.

Management has filed affidavit of its witness Arshad Siddiqui, Senior Manager BEML. He has been cross-examined by the Workman side. He has also field and proved Work Agreement dated 01.04.2004, 07.06.2005 and 01.12.2009 between Management of BEML and Outsourcing Agency, also Monthly Bill of December, 2009 and October, 2010 with attendance sheet as well letter dated 06.05.2006 sent by Management of BEML to Contractor and list of permanent employees and officers of BEML generated through computer which are Exhibit M-1 to M-7. He has cross-examined by the Workman side.

I **have heard argument of Learned Counsel for Workman,** Shri Yogesh Chandra Sharma. None appeared from the side of the Management for arguments. Though they have fled written arguments which have been taken on record. I have gone through the Written Arguments also.

On the perusal of record in the light of rival arguments following issues comes for determination:

1. ***Whether the Workman has successfully proved his continuous employment with BEML or with the Outsourcing Agency?***
2. ***Whether the disengagement of the Workman is legal?***
3. ***To relief which the workman is held entitled for?***

Issue No. 1 :

Before entering into any discussion, Section 25B of the Act is being reproduced as follows.

25B. Definition of continuous service —

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than —

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

In his affidavit, as his examination-in-chief, the workman has corroborated his case taken in the statement of claim filed by him. He has stated further that, while he was in service of BEML, he was allotted PF No. CG/RAI/0011535/0000036 and when his services were transferred to the Outsourcing Agency, he was allotted a different PF No. under the Outsourcing Agency, and which was CG/RAI/0017104/0000000100. He has filed and proved photocopy of his PF Slip for the year 2008-09 and 2009-10. I have gone through the Photocopy PF Slips, in which the PF has been deposited against the PF Account No. CG/RAI/0011535/0000036 and the Employees contribution has been deposited by the Management of BEML. The name of the employee is mentioned as BEML in these PF slips.

Case of the Management of BEML is that, they deposited the PF Contribution being Principal Employer. Management witness has filed and proved their Work Agreement mentioned above, which are the Work Contracts between the Management of BEML and M/s Benmen & Associates, the Outsourcing Agency for supply of Unskilled Labours to work at the site of the Management of the BEML to show that they have been engaged Outsourced Unskilled Labours through Outsourcing Agencies till 2004.

Management has further filed and proved letter said to be written by them to the Outsourcing Agency in which the Management has mentioned that it has been decided that EPF and PF with respect to Outsourced Labour will be paid by BEML itself. In absence of any evidence to contrary, the contention of the Management of BEML and their case that they have paid PF Contribution in 2008-09 and 2009-10 being the Principal Employer inspires confidence and militates against the case of the Workman that he has been engaged since 2004 by the Management of BEML. As regards the allotment of two PF Accounts this is not unusual, even Management of BEML also have not refuted that Workman has been worked continuously since 2004 till days of his disengagement. **Hence, the fact that the Workman Vinayak Pandey has successfully proved his engagement with the Outsourcing Agency M/s Benmen as outsourced labour at the site of BEML is held proved.**

Issue No. 1 is answered accordingly.

Issue No. 2 –

It is undisputed that, no notice or compensation has bene given to the workman on his disengagement. Though the Management of BEML has taken a case that there were some complaints against the Workman, and hence he was disengaged by the Contractor. Even if it is accepted, then the disengagement will be quantified without enquiry and on this score also **his disengagement is held in violation of section 25G and 25F of the Act**.

Issue No. 2 is answered accordingly.

Issue No. 3 –

In the light of findings above recorded**,** reinstatement of the Workman as a employee of the Outsourcing Agency will not be just a relief for him. In the light of facts and circumstances of the case in hand, the Workman is held to a lump sum compensation of Rs. 5,00,000/- in lieu of all his claims from the Outsourcing Agency M/s Benmen to be paid by them within 30 days from the date of publication of the Award in Gazette. Failing which interest @8% per annum from the date of Award till payment.

Issue No. 3 is answered accordingly.

In the light of above discussion and findings, reference is answered as follows.

AWARD

Holding the action of the Contractor Agency M/s Benmen and Associates in terminating the services of the Workman Vinayak Pandey, unjust and arbitrary, he is held entitled to a lump sum compensation of Rs. 5,00,000/- in lieu of all his claims from the Outsourcing Agency M/s Benmen, to be paid by them, within 30 days from the date of publication of the Award in Gazette failing which interest @8% per annum from the date of Award till payment.

No order as to cost.

DATE:- 19/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2025

का.आ. 1394.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में,केन्द्रीय सरकार **छावनी परिषद जबलपुर, (मध्य प्रदेश)** प्रबंधतंत्र के संबद्ध नियोजकों और **सुश्री रेखा ठाकुर, जबलपुर (मध्य प्रदेश)** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट**(संदर्भ संख्या आईडी नंबर सीजीआईटी/एल/आर/38/2024),** को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 16.07.2025 को प्राप्त हुआ था।

[सं. एल-42025/07/2025/173-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1394.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID.No. CGIT/LC/R/38/2024),** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Cantonment Board Jabalpur, (M.P.)** and **Rekha Thakur, Jabalpur (M.P.), Worker,** which was received along with soft copy of the award by the Central Government on 16.07.2025,

[No. L-42025/07/2025/173-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/38/2024

Present: P.K.Srivastava

H.J.S..(Retd)

Rekha Thakur,

Empire Talkies,

Rajkumar Shukla Compound,

Sadar Bazar,

Jabalpur (M.P.) - 482001

Workman

Vs

Cantonment Board Jabalpur,

Cantt Board Sadar,

Jabalpur (M.P.) - 482001

Management

(JUDGMENT)

(Passed on this 27th day of June- 2025)

As per letter dated 18/03/2024 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. J-8(39)/2023.ALC** dt. 18/03/2024. The dispute under reference relates to:

"Whether the action of the management of M/s Maa Narmada Cleaning solution, Cantonment Board Jabalpur to terminate the services of the workman Smt Rekha Thakur without complying the provision of the ID Act 1947 is correct? If not what relief the workman is entitled toi?"

The case of the Workman is mainly that he was appointed as a Security Guard with the Management since 2013 on a monthly salary of 6000/- per month and has been working continuously for more than 10 years when his services were terminated by Management in 2024 without any notice or compensation which is unjust, arbitrary, and illegal. The Workman has prayed that holding her termination illegal, she be reinstated with back wages and benefits.

In spite of sufficient service on Management, none appeared on their behalf. Hence, the reference preceded ex-parte against them.

In evidence, the workman filed her affidavit, as her examination-in-chief which is on record. Management appeared through their Learned Counsel but preferred not to contest the case and absented thereafter. They did not filed even their written statement of defense.

Workman side preferred to filed written arguments which is on record. I have gone through the record as well.

The reference itself is the issue for determination in the case in hand.

In her affidavit as her examination-in-chief the Workman side has stated that she was appointed by M/s Narmada Cleaning Solution and work with Cantonment Board continuously since 2013 to 2024 thereafter here services were terminated by M/s Maa Naramada Cleaning Solution without any notice or compensation.

There is no pleading or evidence from the side of the Management in their argument. Hence, there is no petition to decreed the affidavit of the Workman which is not rebutted even by the pleadings.

Hence, holding that the Workman has successfully proved here engagement with M/s Maa Narmada Cleaning Solution for 240 days, since 2013 to 2024 and her disengagement without notice or compensation by Management her disengagement is held unjust and illegal.

As regards to the reliefs since the Workman was engaged by an Outsourcing Agency and was not working against any sanctioned post on regular basis, a lump sum compensation of Rs. 50,000/- in lieu of her all claims will meet the ends of the justice which she is held entitled from M/s Maa Narmada Cleaning Solution, within 30 days from the date of publication of Award. Failing which interest @6% per annum from the date of Award till payment.

Reference stands answered accordingly.

No order as to cost.

DATE:- 27/06/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2025

का.आ. 1395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में,केन्द्रीय सरकार **प्रबंध निदेशक, रिलायंस जियो इन्फोकॉम प्राइवेट लिमिटेड, मुंबई; एच.आर. प्रमुख, स्ट्रेटेजिक मैनपावर सॉल्यूशंस लिमिटेड, इंदौर (म.प्र.)** प्रबंधतंत्र के संबद्ध नियोजकों और **श्री आर.बी. त्रिपाठी, सतना (म.प्र.),** कर्मी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, जबलपुर पंचाट**(संदर्भ संख्या आईडी नंबर सीजीआईटी/एल/आर/33/2018),** को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 16.07.2025 को प्राप्त हुआ था।

[सं. एल-40012/27/2016-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1395.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID.No. CGIT/LC/R/33/2018),** of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing DirectorReliance Jio Infocom Pvt. Ltd., Mumbai; The H.R. Head, Strategic Manpower Solutions Ltd., Indore (M.P.)** and **Sh. R.B. Tripathi, Satna (M.P.), Worker,** which was received along with soft copy of the award by the Central Government on 16.07.2025,

[No. L-40012/27/2016-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/33/2018

Present: P.K.Srivastava

H.J.S.(Retd.)

R.B. Tripathi
S/o. Shri Ramdas, R/o. Behind Parijat Niwas
Near Nami Kirana Stores, Bamahangawan,
Ward No.-6, Satna (M.P.)-485001

Workman

Versus

1. **The Managing Director**
   Reliance Jio Infocom Pvt. Ltd.
   3rd Floor, Court House, Lokmanya Tilak Marg
   Dhobi Talao, Mumbai

2. The H.R. Head
Strategic Manpower Solutions Ltd.
C/o. Reliance Jio Infocom Pvt. Ltd.
7th Floor, Metro Tower, A Wing, AB Road
Vijay Nagar, Indore (M.P.)-452010

Management

With RC/05/2017

R.B. Tripathi
S/o. Shri Ramdas, R/o. Behind Parijat Niwas
Near Nami Kirana Stores, Bamahangawan,
Ward No.-6, Satna (M.P.)-485001

Workman

Versus

1. The Managing Director
Reliance Jio Infocom Pvt. Ltd.
3rd Floor, Court House, Lokmanya Tilak Marg
Dhobi Talao, Mumbai

2. The H.R. Head
Strategic Manpower Solutions Ltd.
C/o. Reliance Jio Infocom Pvt. Ltd.
7th Floor, Metro Tower, A Wing, AB Road
Vijay Nagar, Indore (M.P.)-452010

Management

AWARD

(Passed on this 23rd day of June-2025.)

The workman R.B. Tripathi has filed the petition u s 10(2A) of The Industrial Disputes Act 1947 against termination of his services.

As per letter dated 18/07/2018 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 as per reference number L-40012/27/2016/IR(DU) dt. 18/07/2018. The dispute under reference related to :-

"***Whether Sh R B Tripathi, who was working as Field Engineering Officer in supervisory capacity in the establishment of Reliance Jio Infocom Private Limited (Principal Employer) through their contractor M/s. Strategic Manpower Solutions Limited from 04.02.2014 till his termination on 22.03.2016, can be considered as a workman under Sec 2(s) of the ID Act, 1947 ? If yes, whether the action of management and their contractor in terminating the service of Sh Tripathi without retrenchment compensation is fair, just & legal ? if so/not so, to what benefits the disputant is entitled to? "***

After registering separate cases R/33/2018 on the basis of the reference and Case no. RC/05/2017 on petition, notices were sent to the parties and were duly served on them. Management appeared and filed their Written Statement of Defense.

Both cases were consolidated under an order of this Tribunal.

Parties filed during the proceedings, a written settlement reached at and signed by Mr. Rahul Rai for management and Ram Balak Tripathi the applicant workman, identified by Mr. Neeraj Kewat and Mr. Aditya Ahiwasi, respectively. Management delivers a Demand Draft No. 791464 drawn at HDFC Bank for Rs. 1,80,000/- (in words One Lac and Eighty Thousands) only in favour of the workman Ram Balak Tripathi as compensation who receives it before this Tribunal and signs an endorsement in this respect of the order sheet.

Since, the dispute has been settled between the parties in the light of the settlement filed, the petition and reference stand disposed in the light of settlement which shall form part of the Award.

DATE: 23/06/2025

P.K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 जुलाई, 2025

का.आ. 1396.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डाक विभाग, नालंदा डिवीजन, बिहारशरीफ** प्रबंधतंत्र के संबद्ध नियोजकों और **श्री महेश प्रसाद, ईडीडीए कामगार,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1,धनबाद पंचाट(**संदर्भ संख्या आईडी 2004 का 59**), को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.07.2025 को प्राप्त हुआ था।

[सं. एल-40012/223/2003-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1396.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID. No. 59 of 2004),** of the **Central Government Industrial Tribunal-Cum-Labour Court-I, Dhanbad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Management of Department of Posts, Nalanda Division, Biharshariff** and **Sh. Mahesh Prasad, EDDA, Worker,** which was received along with soft copy of the award by the Central Government on 17.07.2025,

[No. L-40012/223/2003-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference Case No. 59/2004

Employer in relation to the management of Department of Posts, Nalanda Division, Biharshariff.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- None.

For the workman. :- None.

State : Jharkhand. Industry:-Post Office

Dated 06/06/2025

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-40012/223/2003-(IR(DU)) dated 07/06/2004 has been pleased to refer the following dispute between the employer i.e. management of Department of Posts, Nalanda Division, Biharshariff and their workman namely Sh. Mahesh Prasad for adjudication by this Tribunal:

SCHEDULE

"Whether theaction of the management of Department of Posts Distt. Nalanda, Biharshariff, Bihar in terminating the services of Sh. Mahesh Prasad, EDDA instead of regularising his services even after working for more than 3 years and also completing 240 days in a calendar is legal and justified? If not to what relief the workman Sh. Mahesh Prasad is entitled to?"

2. On receiving order no. L-40012/223/2003-(IR(DU)) dated 07/06/2004 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 59 of 2004 was registered on 05.07.2004 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. Sri Mahesh Prasad, workman concerned appeared and filed W/S whereas the W/S was filed on behalf of the management later on through Sri S. Prasad, Advocate. But the records shows that even after issuing registered notice on 25.11.2021, none appeared from both sides which shows that the workman has lost his interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed due to 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, 22 जुलाई, 2025

का.आ. 1397.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डाक विभाग, बिहार परिमंडल, पटना** प्रबंधतंत्र के संबद्ध नियोजकों **श्री नंद कुमार साह, कामगार,** के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1,धनबाद पंचाट (**संदर्भ संख्या आईडी 2014 का 54**), को जैसा कि अनुलग्नक में दिखाया गया है,प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 17.07.2025 को प्राप्त हुआ था।

[सं. एल-40012/17/2014-आईआर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 22nd July, 2025

S.O. 1397.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award **(Ref. No. ID. No. 54 of 2014),** of the **Central Government Industrial Tribunal-Cum-Labour Court-I, Dhanbad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Management of Department of Posts, Bihar Circle, Patna** and **Sh. Nand Kumar Sah, Worker,** which was received along with soft copy of the award by the Central Government on 17.07.2025,

[No. L-40012/17/2014-IR (DU)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 54/2014

Employer in relation to the management of Post Offices, Bihar Circle, Patna.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- None.

For the workman. :- None.

State : Jharkhand. Industry:-Post Office

Dated 07/06/2025

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-40012/17/2014 (IR(DU)) dated 05/05/2014 has been pleased to refer the following dispute between the employer i.e. management of Post Offices, Bihar Circle, Patna and their workman namely Sri Nand Kumar Sah for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Director Postal Accounts Patna to terminate the service of Shri Nand Kumar Sah workman when he demanded for regularization is valid? If not what relief the workman is entitled for."

2. On receiving order no. L-40012/17/2014 (IR(DU)) dated 05/05/2014 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 54 of 2014 was registered on 23.05.2014 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. Even after issuance of notice, none appeared from either side. The case record shows that after issuance of notice, the workman never appeared before the Tribunal since the year 2014 nor any step was taken on his behalf 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, 23 जुलाई, 2025

का.आ. 1398.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 88 के साथ पठित धारा 91क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कृषक भारती कॉआपरेटिव लिमिटेड के कारखानों और स्थापनों के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से छूट प्रदान करती है और यह छूट राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए प्रभावी रहेगी।

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

(1) कारखाने और स्थापन छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेंगे;

(2) कर्मचारी उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे जिनको पाने के लिए वे छूट प्रदान करने की तारीख से पूर्व संदत्त अभिदायों के आधार पर हकदार हो जाते हैं;

(3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही संदत्त कर दिया गया है तो वापस नहीं किया जाएगा;

(4) उक्त कारखाने और स्थापन का नियोजक ऐसे प्रारूप में और ऐसी विशिष्टयों के साथ ऐसी विवरणियां प्रस्तुत करेगा जो उस अवधि के संबंध में उससे देय थी जिसके दौरान वह कारखाना कर्मचारी राज्य बीमा (साधारण) विनियम 1950 के अधीन, उक्त अधिनियम के प्रवर्तन के अध्यधीन था;

(5) उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन निगम द्वारा नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या निगम द्वारा निम्नलिखित प्रयोजनों के लिए इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी-

(i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन उक्त अवधि के लिए प्रस्तुत की गई किसी विवरण में अंतर्विष्ट विशिष्टयों को सत्यापित करने; या

(ii) यह अभिनिश्चित करने के लिए कि उक्त अवधि के लिए कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख अनुरक्षित किये गए थे या नहीं; या

(iii) यह अभिनिश्चित करने के लिए कि कर्मचारी, नियोजक द्वारा नकद में और वस्तु के रूप में, दिए गए उन फायदों को पाने का हकदार है या नहीं जिसके लिए इस अधिसूचना के अधीन छूट दी जा रही है; या

(iv) यह अभिनिश्चित करने के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, और स्थापन-

(क) प्रधान या अव्यवहित नियोजक से ऐसी सूचना की अपेक्षा कर सकेगा जिसे वह इस अधिनियम के प्रयोजन के लिए आवश्यक समझें; या

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश कर सकेगा और उसके प्रभारी से यह अपेक्षा कर सकेगा कि वह उसे व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वह आवश्यक समझते हैं; या

(ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य अधिकारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी रहा है, परीक्षा कर सकेगा; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की प्रतियां तैयार कर सकेगा या उद्धरण ले सकेगा:

6. अपविनिधान या निगमीकरण की दशा में, प्रदत्त छूट रद्द हो जाएगी।

[फा. सं. एस-38014/07/2020-एस एस-I]

डी. एम. खरे, अवर सचिव

New Delhi, the 23rd July, 2025

S.O. 1398.—In exercise of the powers conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), (herein after referred as the said Act,) the Central Government hereby exempts the regular employees of factories and establishments of Krishak Bharti Cooperative Limited from the operation of the said Act and the exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

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

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

(2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date of exemption;

(3) the contribution for the exempted period, if already paid, shall not be refundable;

(4) the employer of the said factory and establishment shall submit such returns in such forms and containing such particulars as were due from it in respect of the period during which that factory was subject to the operation of the said Act, under the Employees' State Insurance (General) Regulations, 1950;

(5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purposes of —

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment may —

(a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of the said Act; or

(b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce and allow him to examine accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, account

book or other document maintained in such factory, establishment, office or other premises.

(6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled.

[F.No. S-38014/07/2020-SS-I]

D. M. KHARE, Under Secy.

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