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

भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-सा.-15092025-266110
CG-DL-W-15092025-266110

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 34] नई दिल्ली, अगस्त 31—सितम्बर 6, 2025, शनिवार/भाद्र 9—भाद्र 15, 1947
No. 34] NEW DELHI, AUGUST 31—SEPTEMBER 6, 2025, SATURDAY/BHADRA 9– BHADRA 15, 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)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 3 सितम्बर, 2025

का.आ. 1584—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्द्वारा, केंद्र सरकार, सितम्बर 03, 2025 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशनों/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री ओमप्रकाश राबड़,सहायक अनुभाग अधिकारी	भारतीय दूतावास, अबु धाबी

2	श्री चैतन्य यादव,सहायक अनुभाग अधिकारी	भारतीय दूतावास, कोनाक्री
3	श्री रोहित गुप्ता,सहायक अनुभाग अधिकारी	भारत के प्रधान कोंसलावास, न्यूयॉर्क

[फा. सं. टी. 4330/01/2025(35)]

नबा कुमार पाल, निदेशक (सीपीवी)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 3rd September, 2025

S.O. 1584.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from September 03, 2025:

S. No	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Shri Omprakash Rabad, Assistant Section Officer	Embassy of India, Abu Dhabi
2	Shri Chaitanya Yadav, Assistant Section Officer	Embassy of India, Conakry
3	Shri Rohit Gupta, Assistant Section Officer	Consulate General of India, New York

[F. No. T.4330/01/2025 (35)]

NABA KUMAR PAL, Director (CPV)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 अगस्त, 2025

का.आ. 1585.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार की अधिसूचना सं. जी.ओ. (एमएस.) सं. 43/2025/गृह, दिनांक 02.03.2025, गृह (एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ.संख्या-239/2025) के माध्यम से जारी सम्मति से श्री किरण पी.पी., प्रबंध साझेदार, मेसर्स कैट्रिक्स ल्यूमिनैन्ट्स &सोलर सिस्टम्स, श्री अजय मोहन, श्री दीपक धर्मापालन और श्री आगस्टीन चैंडी मेसर्स कैट्रिक्स ल्यूमिनैन्ट्स & सोलर सिस्टम्स के साझेदारों, और अज्ञात लोक सेवकों और अन्य, यदि कोई हो, के विरुद्ध भारतीय दंड संहिता की धाराएँ 120बी सपठित धाराएं 420 और 468, 471 सपठित धाराएं 468, 406 और 409 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 की उपधारा (2) सपठित धारा 13 की उपधारा (1) का खण्ड (सी) & धारा 13 की उपधारा (1) का खण्ड (डी) के अंतर्गत दंडनीय अपराधों और उसके मूल अपराधों तथा उक्त अधिनियम के तहत दंडनीय अपराधों को कारित करने और इस मामले के संदर्भ में, संपूर्ण केरल राज्य के अंदर, उन्हीं तथ्यों से उत्पन्न उसी संव्यवहार में कारित किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त केरल राज्य में करती है।

[फा. सं. 228/64/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 27th August, 2025

S.O. 1585.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification No.G.O.(Ms.) No.43/2025/HOME, dated 02.03.2025, Home (M) Department, Thiruvananthapuram (S.R.O.No. 239/2025),hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the wholeState of Kerala for investigation of offences punishable under section 120B read with sections 420 and 468,471 read with sections 468, 406 and 409 of Indian Penal Code and sub section (2) of Section 13 read with clause (c) of sub section (1) of section 13 & clause (d) of sub section (1) of section 13 of Prevention of Corruption Act,1988 and substantive offences thereof against Shri Kiran P.P., Managing Partner, M/s CatrixLuminants& Solar Systems, Shri Ajay Mohan, Shri Deepak Dharmapalan and Shri Augustine Chandy Partners of M/s CatrixLuminants& Solar systems, and unknown public servants and others, if any, for commission of offences punishable under the said Acts and any other offense committed in the course of transaction arising out of the same fact, in regard to this case, within the whole State of Kerala.

[F. No. 228/64/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 23 मई, 2025

का.आ. 1586.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **बी बी एम बी** के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह- श्रम न्यायालय, चंडीगढ़ -2** के पंचाट **(संदर्भ संख्या 73/2018)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **17/04/2025** को प्राप्त हुआ था।

[सं.एल- 23012/132/2018- आई.आर.सी.एम-II]

मणिकंदन.एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 23rd May, 2025

S.O. 1586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 73/2018*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court-2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and **their workmen** received by the Central Government on **17/04/2025.**

[No. L-23012/132/2018– IR (CM-II)]

MANIKANDAN. N, Dy. Secy.

ANNEXURE

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

Present: Mr. Kamal Kant, Presiding Officer.

ID No.73/2018

Registered on:-11.12.2018

Lekh Ram son of Sh. Gokal Ram, R/o Village Rouna, PO Jagatkhana, Tehsil Nainadevi, Distt. Bilaspur, Himachal Pradesh.

……....Applicant/Workman

Versus

1. The Chairman, Bhakra Beas management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.

2. The Chief Engineer, Bhakra Beas Management Board, BSL Project, Sundernagar-175038.

…..Respondents/Management

Present:- Mr. S C Gupta, AR for workman.

Sh. Ravinder Rana (Law Officer), AR for Management.

Award

Passed on:- 01.04.2025

Central Government vide Notification No.L-23012/132/2018 (IR(CM-II)) dated 19.11.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

"*Whether the action of management of BBMB in not accepting the demand of Sh. Lekh Ram S/o Sh. Gokal Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief, the workman concerned is entitled to and from which date?*"

1. The brief facts, related to the case are that the construction of Beas Sutluj Link Project {hereinafter called as BSL(P)} started in the year 1962 under Beas Control Board, which was constituted on 10.02.1961 with its headquarter at Sundernagar. After passing of Pb. Re-Organization Act, 1966 (hereinafter called "Re-Organization Act") Beas Control Board was replaced by Beas Construction Board (hereinafter called "BCB"). The workman was employed by BSL Project, Sundernagar on 04.02.1972. The workman who was employed in Beas Project(Unit-1) become the employee of Bhakra Beas Management Board(hereinafter called as BBMB) in pursuance of proviso (1) of Section 80(3) and Section 80(5) of Re-organization Act and the workman become the employee of the Centre Government under the management of B.B.M.B. from 15.05.1976. The workmen of this project were considered as the employees of the Central Government by the Hon'ble Supreme Court in case titled ***as Jaswant Singh and others Versus Union of India and others (AIR 1980 Supreme Court page 115)*** . The workman has completed 240 days in every calendar year and was not interrupted till his retrenchment. The employer made a bulk retrenchment of project employees in the year 1977 and 1978 and also in stages thereafter till 1984. The workman was also retrenched by the employer on 24.08.1977 and copy of discharge certificate was issued by the office of Sub Divisional Officer, BBMB Sundernagar in accordance with provision of the Act. After the retrenchment of the workman, the management appointed fresh workmen/employees, violating Section 25-F, Section 25-H, Rule 77 & 78 of the I.D. Act, 1947. The BSL Project is an industrial establishment as per Section 25 L of the Act. This action of the management also violates the directions of Hon'ble Supreme Court as mentioned in Para 40 of the case of ***Jaswant Singh (supra)***. No notice as per Rule 78 of the Industrial Disputes (Central) Rules, 1957, which is statutory requirement, has been issued to the workman. Not only this no seniority list as per law was prepared and principle of last come first go was violated by the management at the time of retrenchment of the workman, which also violates Section 25G of the Act.

2. It is also maintained that similar matters have been decided by the Hon'ble Punjab & Haryana High Court vide its judgments dated 7.5.2007 in CWP Nos.3061-64 of 2006, 3069 of 2006,3073-3083 of 2006,3085-3087 of 2006,3090-3137 of 2006 and 3148-3149 of 2006. These judgments of the Hon'ble High Court have been upheld by the Hon'ble Apex Court in the case titled ***Bhakra Beas Management Board Vs. Biri Singh and others etc. in SLP Nos. 16939-17007 of 2007*** vide of orders dated 8.7.2014. Vide order dated 8.7.2014 the Hon'ble Supreme Court has ordered that the matter to be taken up before the Industrial Tribunal. Many of the workmen have already taken up the matters before the learned Central Govt. Industrial Tribunal-cum-Labour Court No.1 and 2 Chandigarh. It may also not be out of context to mention here that the present matter is covered by the Judgment of the Hon'ble Supreme Court in the case titled as ***Raghubir Singh V/s General Manager, Haryana Roadways, Hissar reported in JT 2014 (10) SC 168***. It is therefore, prayed that the claim petition of the workman may kindly be allowed and retrenchment/discharge order dated 24.08.1977 of the workman be held illegal since workman has already retired in January 2007, so he may be released consequential benefits till date.

3. Management filed written statement, alleging therein that workman is Ex-work charged employee of Beas Construction Board, which was constituted under Section 80(1) of the Re-organization Act. The workman was retrenched after completion of the work of BCB in accordance with the provisions of the Act and settlement in this behalf. The workman was paid terminal benefits i.e. retrenchment compensation, gratuity, ex-gratia amount on account of his retrenchment from BCB as per provisions of Act. It is further maintained that BCB and present management are two distinct and separate entities. It is also maintained that construction of Beas Project was undertaken by the Irrigation Department Punjab Govt. prior to the re-organization of the erstwhile State of Punjab on 01.11.1966. After re-organization the work of BSL(P) was taken over by the Central Govt. on behalf of partner states of Punjab, Haryana and Rajasthan. The Central Govt. constituted BCB under Section 80(5) of the Re-organization

Act and further stipulated that any component of Beas Project in relation to which the construction has been completed be transferred by the Central Govt. to Bhakra Management Board(hereinafter called as BMB) constituted under Section 79(1) of the Re-organization Act. It is further stated under Section 80(5) of the Re-organization Act that BMB would be re-named as BBMB when any component of Beas Project was transferred under Section 80(6) of the Re-organization Act. The workman was employed by the BCB. Thus, the workman never remained the employee of management. Even work-charged employees of the BCB had filed a petition in the Hon'ble Supreme Court of India, titled as ***Jaswant Singh and another Vs. Union of India &Anr., 1979 SCC 440,*** in which their claim for absorbing them in BBMB is not granted instead their retrenchment from BCB was upheld. Remaining averments have been denied and it is stated that the claim of the workman is hopelessly time barred and the workman has no legal enforceable right to claim employment in BBMB. It is prayed that claim be dismiss.

4. A rejoinder was also filed by workman contravening the facts taken in written statement as reiterating the facts as stated in claim petition.

5. Parties were given opportunity to lead evidence.

Evidence of workman:

6. The workman has examined himself as WW1 and filed his affidavit in evidence as Ex.WW1/A and has been cross-examined by the law officer of management. He also tendered document Ex.WW1/1 Discharge Certificate and AR for workman closed evidence on 06.10.2023.

Evidence of respondents:-

7. The respondents have filed affidavit of Er. Dinesh Kumar son of Sh. Hawa Singh, Executive Engineer, Balancing Reservoir Slit Clearance & Plant Design Division, BBMB Sundernagar, who filed his affidavit in evidence as Ex.MW1/A and has been cross-examined by the learned counsel of workman. He also tendered photocopy of Service Record of workman as Ex.MW1/B and management evidence was closed on 16.10.2024 and the matter was fixed for arguments.

Submissions of Management:

8. While arguing the case, learned Law Officer for the respondents contended that initially Beas Control Board was constituted in the year 1960. BCB was constituted in the year 1966 and all the projects were transferred from Beas Control Board to BCB in the year 1966 thereafter as per Section 79 of the Punjab Re-organization Act, BMB was constituted for administrative, maintenance and operation of various works as mentioned in Section 79 itself. Section 80(6) of the Punjab Re-organization Act provides that BMB constituted under Section 79 of the Act shall be re-named as BBMB when any of the components of the Beas Project has been transferred under sub-section 5 and the BCB shall cease to exist when all the component of the Beas Project have been so transferred. All the projects under BCB were completed in the year 1984 and BCB ceased to exist in 1984. Present workman was employed as work charged employee on 04.02.1972 and was retrenched on 24.08.1977. All similar work charged employees including the present workman were engaged by the BCB which ceased to exist in the year 1984 therefore, the workmen cannot be termed as the employees of the BBMB because there does not exist BCB which was his parent department. Moreover, the Hon'ble Supreme Court in the case titled as ***Jaswant Singh and another Vs. Union of India & Anr., 1979 SCC 440*** has held that work charged employees were bound by the settlement dated June 28, 1977 effected by the management and also by the award 2-C of the year 1971 before Sh. H.R. Sodhi, Presiding Officer, CGIT-Chandigarh between workman and employees of the Beas Construction Board, Sunder Nagar and published in the gazette on 15.06.1974 of the Govt. of India.

9. So far as the claim of the workman regarding re-employment after retrenchment on 24.08.1977 is concerned, workman was not entitled for re-instatement as in a case under reference no.2-C of 1971 decided by Sh. H.R. Sodhi, the then Presiding Officer, CGIT-Chandigarh, it was held that management in order to establish an industrial peace and to secure the work charge employees after completing the work can engage after completion of project at any time within 6 months for the maintenance of staff for project of any work if it is required to those work charged employees in order to seniority who have put 10 years of service. The relevant portion of para is reproduced as below:

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

10. Because the present workman had not completed 10 years of service so he is not entitled for re-employment. Learned representative for the management further contended that in this case workman was retrenched on 24.08.1977 after receiving due retrenchment compensation etc. and now he is claiming re-employment under Section

25-H of the Act and his claim is hopelessly time barred as he has filed the present claim petition in the year 2018. To support this view he has placed reliance in the case titled as ***Chief Engineer Ranjit Sagar Dam & Anr. Vs. Sham Lal, AIR 2006, Supreme Court 2682,*** wherein in identical matters Court has not entertained writ petition due to inordinate delay. In the present case there is a delay of about 32 years. He also relied upon the case titled as ***Ram Chand Vs. The BBMB and another, CWP no.2787 of 2018, decided on 03.12.2018*** where the Hon'ble Himachal Pradesh High Court has held that dispute if any ought to be raised within a reasonable period as the Act does not prescribed time limit for referring such dispute. AR for respondents also relied upon the judgment passed by Hon'ble High Court of Himachal Pradesh Shimla in ***CWP No.3057 of 2023 titled as Ghunghriya Ram versus Himachal Pradesh State Electricity Board Limited and others*** and judgment passed by Hon'ble High Court, Madras in ***WP Nos.5556 of 2021 titled as Mr. D Poomaran versus The General Manager, Bharat Petorloum Corporation Ltd. and others,*** wherein it is stated that as per Section 2-A(3) of the Act, the order should be challenged within 3 years from the date of dismissal, discharge, retrenchment or otherwise termination of service as specified un sub-section (1) of Section 2-A. In the present case workman was engaged on 04.02.1972 and was discharged on 24.08.1977 and he has sought re-employment after 32 years which was held to be highly time barred. Thus, he contended that claim of workman is time barred. Workman was discharged on 24.08.1977 and thereafter he filed present claim before the Labour Conciliation Officer.

Submissions of applicant:-

11. While arguing the case, learned AR for the workman contended that in this case workman was discharged on 24.08.1977 illegally and he was issued discharge certificate WW1/1 by Sub Divisional Officer, BBMB Sundernagar. He referred to Section 25-H of the Act which provides re-employment of retrenched workman. He further has drawn the attention of the Court towards the statement of the workman. He was required to be adjust in view of Section 25-H of the Act by the management. He was not given any employment. While arguing further, learned AR for the workman referred to Rule 77 and 78 of the Industrial Dispute Central Rule 1957 (hereinafter called Industrial Rule). Rule 77 provides maintenance of seniority list of workman and it states that before any worker is retrenched the appellant-establishment is required to place on the notice board the seniority list of all the workmen who were to be retrenched but nothing has been done in this regard before retrenchment of the present worker. She also referred to Rule 78 which provides that as and when any vacancy incurred then retrenched workmen were required to be given registered notice but nothing was done by the management. Moreover, question of limitation does not arise as no limitation period has been prescribed under the Act for seeking relief under Clause (d) of Sub-Section (1) of Section 10 of the Act.

Findings:-

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

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

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

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

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

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

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

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

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

45. There were in all about 36000 work-charged employees working on the Beas Project. Out of them, about 26000 have already accepted retrenchment compensation under the settlement arrived between the workmen and the management in the conciliation proceedings held by the Regional Labour Commissioner (Central), New Delhi, under section 12 of the Industrial Disputes Act, 1947. All the 12 unions of which the work-charged employees are members were parties to the said conciliation proceedings. By reason of section 18(3)(d) of the Industrial Disputes Act, a settlement arrived at in the course of a conciliation proceeding is binding on all persons who were employed in the establishment to which the dispute relates, whether they were employed on the date of the dispute or subsequently. In Ramnagar Cane and Sugar Co. Ltd. v. Jatin Chakravorty and ors., it was held by this Court that it is not even necessary, in order to bind the work men to the settlement arrived at before the conciliator, to show that they belonged to the union which took part in the conciliation proceedings, since the policy underlying section 18 of the Act is to give an extended operation to such settlements. In the instant case, all the 12 unions which represented the workmen on the work-charged establishment were parties to the conciliation proceedings. The settlement will therefore bind all the work-charged employees.

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

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

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

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

In the last para 47 itself specifically stated that work charged employees are bound by the settlement and award May 15, 1974 and they were entitled to rights those flowing from the settlement and award.

18. So far as the settlement executed between the work charged employees and management through unions, the same has not been produced by the management despite opportunity was given to file the same. Thus, adverse interference can be drawn against them. To support this view, reliance can be placed to the judgment of Hon'ble Punjab & Haryana High Court in case held as ***2001(3) RSJ 382 Ambika Parashad Versus Punjab Urban Planning and Development Authority Chandigarh and Another*** **wherein it has been** held **"that respondent has not produced record in the Labour Court to prove that Workman has not completed 240 days of service though application was submitted by the Workman for production of record held that a person in possession of the best evidence has to produce the same, otherwise adverse inference can be drawn against the said party".** In this case also as per order dated 24.02.2025 of this Tribunal, respondents were asked to produce the settlement arrived between the 12 union of the work charged employee and management under Section 12 of Act before the Regional Labour Commissioner, New Delhi and all the work charged employee were bound by the said settlement. On 13.03.2025, Mr. Ravinder Rana, Law Officer appeared on behalf of respondents and stated that aforesaid settlement is not traceable. It is also added here that in similar decided matters, wherein number of opportunities were given to the respondents to produce the said settlement, however, despite of availing specific directions, the said policy was not produced. Those cases are ***ID No.247/2005 titled as Dharam Singh Versus BBMB and another, ID No.127/2005 titled as Narpat Ram versus Bhakra Beas Management Board and another*** and other similar matters. As such adverse inference can be drawn against the management in view of the above law.

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

"Regulation of Services of the workcharged employees.

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

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

irrigation branch as well at the workman who held from Punjab continue to stay in their parents state the services of those who had put in 10 years or more would have been regularized the respondent management too in pursuance of its policy to follow the Punjab pattern might have regularized the services of at least of those workmen who had come from Punjab but any such course would have created awkward situation as the workmen from other States could not be discriminated in this respect. Moreover financial implications and other complications are involved.

In such circumstances stated above, would have directed that the services of those of the workman who have been continuously employed for more than 10 years should be regularized. But the other problems arising from such a direction including financial impact on the employer cannot be lost sight of The Central Government through the board is only managing on behalf of the state of Punjab, Rajasthan Haryana and Himachal Pradesh who are partners in the venture. Several aspects of the question were discussed with the workmen and the management in the course of arguments and a formula evolved to which the workman virtually agreed and I feel that such a solution as stated hereunder is quite just to all the parties provided it is work out, honestly stated. No doubt, what is referred to me is the matter of regularization of the services of work charge employees, but the directions that I am issuing in my opinion, amount to only granting lesser relief than claimed by the workmen. The management can also have no grievance if it wants industrial peace and is anxious to secure employment to the work-charged employees after the completion of the work. It is accordingly, directed that at the time of completion of the Project or at any other time within six months thereof for the maintenance staff for the Project or any of its Works if it is required to be recruited or transferred from any department of the State Governments or of the Central Government, the offer shall first be made to the work-charged employees in order of their seniority who have put in 10 years' continuous service or more under the Board in that category or trade where the vacancy occurs subject to the medical fitness of such workmen. The scale of wages as applicable to the workmen will not, however, be disturbed to their prejudice nor their continuity of service affected. The workmen have expressed an apprehension that near the completion of the Project trades of some of them might be changed so that it could be said that a suitable workman needed for a particular job was not available and an outsider was therefore necessary to be employed. To protect the workmen against this possible denial of their rights it is further directed that category or trade of no workman shall be changed within one year preceding the completion of the Project without his consent in writing and that if any such change without consent is made it will have no consequence inasmuch as such a workman will be entitled to the job of his earlier trade provided the vacancy relates to that trade. As regards those of the workmen who cannot be absorbed on the regular maintenance staff. I have no reason to doubt that the State Government who are beneficiaries under the Project and also the Central Government will make every reasonable effort to get them re-employed at any other Project or work whether in any one of these States or in any other part of the country where there is a need for workmen of those trades."

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

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

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

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

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

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

referred to in rule 77 the number of such senior-most workmen being double the number of such vacancies:

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

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

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

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

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

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

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

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

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

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

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

27. So far this argument of Law Officer for the respondent that the case is hopelessly time barred is concerned, the same is again devoid of merits as there was non-compliance of Rule 77 and 78 of Industrial Rules which has been

reproduced above. Moreover, there is no limitation period prescribed for filing a reference. Moreover, reference was received in the year 2018. So far as case laws on the point of limitation the same are not attracted in the present case as there was no compliance of Judgment of ***Jaswant Singh case (Supra)***. Moreover, limitation was added in Section 2A of the Act in the year 2010 (15.09.2010) and workman was dismissed from service on 24.08.1977 and AR for respondents has failed to bring this fact that the aforesaid provision was retrospective.

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

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

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

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

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

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

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

31. However, it is added that workman in his cross examination has admitted that he was served with discharge certificate as well as notice at the time of his retrenchment but he did not recollect how much the amount was. So, there is no breach of Section 25 F of the Act.

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

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

i. Workcharged employee who has completed 5 years of service or more shall be entitled for Rs.50,000/- along with interest @9% per annum as compensation from the date of moving of application till the realization of amount.

ii. Workcharged employee who has completed less than 5 years but more than 1 year would be entitled Rs.25,000/- along with interest @9% per annum from the date of moving of application till the realization of amount.

iii. Those employees who have not completed 1 year will not be entitled for any compensation in the present case.

34. The present work charged workman was employed on 04.02.1972 and was retrenched on 24.08.1977 as mentioned in Discharge Certificate (Ex.WW1/1) issued by Sub Divisional Officer, BBMB Sundernagar, and has worked for 5 years and about 6 months (more than 5 years), so he is entitled of Rs.50,000/- along with interest @9% per annum from the date of moving the application till its realization.

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

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

KAMAL KANT, Presiding Officer

नई दिल्ली, 20 अगस्त, 2025

का.आ. 1587.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 5/2003)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/117/2002-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 5/2003*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of B**CCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/117/2002– IR (CM-I)]

SALONI, 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. 5/2003

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/117/2002-IR(C-I) dated 10/12/2002 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL and their workman through Branch Secretary, Rashtriya Colliery Mazdoor Sangh, Moodidih Colliery, Dhanbad for adjudication by this Tribunal:

SCHEDULE

क्या राष्ट्रीय कोलियरी मजदूर संघ की भारत कोकिंग कोल लिमिटेड, सिजुआ क्षेत्र के प्रबंधतंत्र से माँग कि श्री सुकुमार कोले को उनसे कनिष्ठ कर्मकारों की पदोन्नति की तारीख से टैक्नीकल एण्ड सुपरवाइजर ग्रेड में पदोन्नत किया जाये उचित एवं न्यायसंगत है? यदि हाँ तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?"

2. On receiving order no. L-20012/117/2002-IR(C-I) dated 10/12/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 5 of 2003 was registered on 01.01.2003 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 notices, none appeared on behalf of the workman/union. It further appears from the case record that after a long gap regd. notices were issued to both the parties on 16.08.2021 but the registered notice of workman/union was returned with remarks "Not Traced" and thereafter no further step was taken from the side of the workman/union, whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management and filed his letter of authority but the workman/union never appeared before the Tribunal since 01.01.2003.

4. On perusal of the entire case record it is transpires that the workman/union never appeared before this Tribunal for a period of 22 years which shows that the workman/union has no interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1588.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्यागिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 106/2002)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/163/2002-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1588.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 106/2002*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **CCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/163/2002– IR (CM-I)]

SALONI, 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. 106/2002

Employer in relation to the management of N.K. Area of M/s. CCL, Ranchi.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/163/2002-IR(C-I) dated 07/10/2002 has been pleased to refer the following dispute between the employer i.e. management of N.K. Area of M/s. CCL and their workman through (i)Area Secretary, Rashtriya Colliery Mazdoor Sangh, Ranchi (ii) Chairman, Janta Mazdoor Sangh, Ranchi (iii) Area Secretary, CCL, Colliery Karamchari Sangh, Ranchi (iv) Zonal Secretary, NCOEA, Ranchi (v) Secretary, United Coal Workers Congress Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the management of N.K. Area of M/s Central Coalfields Ltd. is justified in introducing staggered weekly off in place of the existing Sunday weekly off? If so, what directions are required to be issued for smooth functioning of the new system?"

2. On receiving order no. L-20012/163/2002-IR(C-I) dated 07/10/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 106 of 2002 was registered on 18.10.2002 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 notices, none appeared on behalf of the unions. It further appears from the case record that after a long gap regd. notices were issued to both the parties on 16.08.2021 but the three registered notices of unions were returned with remarks "Incomplete Address", "खलारी मे राष्ट्रीय कोलियरी मजदूर संघ नहीं है वापस" and "Insufficient Address." Thereafter no further step were taken from the side of the unions whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management and filed his letter of authority but the unions never appeared before the Tribunal since 18.10.2002.

4. On perusal of the entire case record it is transpires that the unions never appeared before this Tribunal for a period of 23 years which shows that the unions have no interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डी.वी.सी.बेर्मो माइंस के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रोय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 116/2002)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-42012/125/2002-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 116/2002*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **D.V.C.Bermo Mines.** and **their workmen** received by the Central Government on 19***/08/2025***

[No. L-42012/125/2002– IR (CM-I)]

SALONI, 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. 116/2002

Employer in relation to the management of D.V.C. Bermo Mines, Bokaro.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- None.

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 28/07/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),Government Of India through the Ministry of Labour, vide its Order No.L-42012/125/2002-(IR(CM-II)) dated 30/10/2002 has been pleased to refer the following dispute between the employer i.e. management of D.V.C. Bermo Mines and their workman through Secretary, DVC Karamchari Sangh, Bermo Mines Units for adjudication by this Tribunal:

SCHEDULE

"Whether the denial of management to give the regular employment to the workers who were supplying the water regularly in difference places of premises of Bermo coal mines of DVC is justified? If not, to what relief the workmen concerned are entitled to?"

2. On receiving order no. L-42012/125/2002-(IR(CM-II)) dated 30/10/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 116 of 2002 was registered on 18.11.2002 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 service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2012 this case was put up after a long gap on 05.08.2021 and registered notices were issued to both the parties but neither the workman nor management appeared before this Tribunal. The registered notice sent to the Secretary, D.V.C. Karamchari Sangh, Bermo Mines Units, returned with endorsement "No such person in this address" and both the parties did not appear since the year 2021 which shows that the they have lost their interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 85/2003)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/89/2003-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1590.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 85/2003*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of B**CCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/89/2003– IR (CM-I)]

SALONI, 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. 85/2003

Employer in relation to the management of Mugma Area of M/s. E.C.L., Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- None.

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/89/2003-IR(C-I) dated 19/08/2003 has been pleased to refer the following dispute between the employer i.e. management of Mugma Area of M/s. E.C.L and their workman through General Secretary, Koyla Mazdoor Union, Asansol, Barddhaman for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the Management of Rajpura Colliery under Mugma Area of M/s ECL in denying employment to Sri Mahendra Baratia as the dependent son of Late Nari Baratia is fair and justified? If not to what relief is the said dependant entitled?"

2. On receiving order no. L-20012/89/2003-IR(C-I) dated 19/08/2003 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 85 of 2003 was registered on 06/13.10.2003 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 this case was put up after a long gap on 17.09.2021 and the regd. notices were issued to both parties but even then no one appeared. Thereafter again regd. notices were issued to both the parties on 30.05.2025 and the same was returned with endorsement "Addressee Left".

4. It transpires from the case record that both the parties neither appeared before the Tribunal since the year 2003 nor any step were taken on their behalf which makes it clear that they have lost their interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1591.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, धनबाद-1 के पंचाट **(संदर्भ संख्या 161/2001)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/167/2001-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 161/2001*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 19***/08/2025***.

[No. L-20012/167/2001– IR (CM-I)]

SALONI, 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. 161/2001

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Md. Faishal Asstt. Manager

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/167/2001-IR(C-I) dated 11/07/2001 has been pleased to refer the following dispute between the employer i.e. management of Katras Area of M/s. BCCL and their workman through Vice President, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of East Katras Colliery of M/s BCCL in dismissing Sri Somar Mahato No.2 from the service of the company w.e.f. 30.09.92 is justified? If not, to what relief is the concerned workman entitled?"

2. On receiving order no. L-20012/167/2001-IR(C-I) dated 11/07/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 161 of 2001 was registered on 09.08.2001 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 service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2006 this case was put up after a long gap on 17.09.2021 and registered notices were issued to both the parties but neither the workman nor management appeared before this Tribunal. Though on 27.06.2025 Sri Md. Faishal Asstt. Manager appeared on behalf of the management but the workman/union did not appear before this Tribunal since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1592.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 239/2001)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/373/2001-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 239/2001***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/373/2001– IR (CM-I)]

SALONI, 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. 239/2001

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/373/2001-IR(C-I) dated 07/11/2001 has been pleased to refer the following dispute between the employer i.e. management of Western Jharia Area of M/s. BCCL and their workman through Sri B. Mohanti, Area Secretary, Bihar Colliery Kamgar Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether denial of subsistence allowance for the period of 4 months during suspension and then demoting Sri Bideshi Bauri from conveyer Khalasi Cat-V to General Mazdoor Cat-I, is jusfied and proportionate to the offence committed? If not, to what relief is the workman entitled?"

2. On receiving order no. L-20012/373/2001-IR(C-I) dated 27/11/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 239 of 2001 was registered on 02.01.2004 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2006 this case was put up after a long gap on 15.01.2021 and registered notices were issued to both the parties but workman/union did not appear before this Tribunal. However Sri D.K. Verma, Ld. Advocate on behalf of the management appeared. Thereafter again regd. notice was sent to workman/union on 30.05.2025 and the same was returned with endorsement "प्राप्तकर्ता मर गया है इसलिए वापस" and workman/union did not appear since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 84/2002)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/121/2002-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 84/2002***)* of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/121/2002– IR (CM-I)]

SALONI, 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. 84/2002

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/121/2002-IR(C-I) dated 25/07/2002 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL and their workman through Secretary, Bihar Janta Khan Mazdoor, Sijua, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of M/s. BCCL, Sijua Area in not regularising Shri Jamal Khan as Loading Supervisor is fair & Justified? If not, to what relief is the concerned workman entitled and from what date?"

2. On receiving order no. L-20012/121/2002-IR(C-I) dated 25/07/2002 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 84 of 2002 was registered on 02.08.2002 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 service of notice, both parties appeared previously and filed their authorities, W/S and subsequently rejoinder. It further appears that after 2006 this case was put up after a long gap on 29.07.2021 and registered notices were issued to both the parties but workman/union failed to appear before this Tribunal. However Sri D.K. Verma, Ld. Advocate on behalf of the management appeared. Thereafter again regd. notice was issued to workman/union but workman/union did not appear since the year 2021 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 96/2001)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/496/2000-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 96/2001*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/496/2000– IR (CM-I)]

SALONI, 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. 96/2001

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri N.Nath O.S. Legal, H.Q.

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 28/07/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),Government Of India through the Ministry of Labour, vide its Order No. L-20012/496/2000-(C-I) dated 29/03/2001 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL and their workman through Area Secretary, Bihar Colliery Kamgar Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"**क्या भा.को.को.लिमि., ई.जे. क्षेत्र के प्रबंधतंत्र द्वारा श्री सुदर्शन ओझा, जनरल मजदूर को दि. 5.10.98 से बर्खास्त किया जाना विधिवत, न्यायोचित एवं सही है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?**"

2. On receiving order no. L-20012/496/2000-(C-I) dated 29/03/2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 96 of 2001 was registered on 24.04.2001 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice, none appeared on behalf of the workman. It further transpires from the case record that when the case record was put up after a long gap, registered notices were sent on 26.05.2020 for appearance of the parties but thereafter no step was taken from either side. Whereas Sri Naresh prasad, Ld. Advocate appeared from the side of the management on 17.03.2021 and filed his letter of authority and subsequently from 22.11.2021 to 21.03.2022 he appeared before this Tribunal and thereafter failed to appear but the workman never appeared before the Tribunal since 2001, though on 20.06.2025, Sri N. Nath O.S Legal, H.Q appeared for the management.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 24 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 11/2011)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/67/2010-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 11/2011*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of B**CCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/67/2010– IR (CM-I)]

SALONI, 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. 11/2011

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 01/08/2025

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-20012/67/2010 (IR(CM-I)) dated 16/03/2011 has been pleased to refer the following dispute between the employer i.e. management of Sijua Area of M/s. BCCL and their workman through Organising Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Tetulmari Colliery of M/s BCCL in not regularizing Sri Kanhaiya Lal as Attendance Clerk is fair and justified? To what relief the concerned workman is entitled to?"

2. On receiving order no. L-20012/67/2010 (IR(CM-I)) dated 16/03/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 11 of 2011 was registered on 08.04.2011 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 though on 30.05.2025, Sri Mukesh Kumar, Legal Inspector of management appeared. Again regd. notice was sent to the workman on 30.05.2025 that was delivered to him on 06.06.2025 and even after that he did not turn up.

4. Today Sri N. Nath O.S, H.Q (Legal) of management appeared.

5. The case record shows that after issuance of two regd. notices, 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.

6. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 293/2000)**

को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल-20012/132/2002-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 293/2000*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/132/2002– IR (CM-I)]

SALONI, 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. 293/2000

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri S.N. Ghosh, Advocate

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 28/07/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),Government Of India through the Ministry of Labour, vide its Order No.L-20012/132/2000-IR(C-I) dated 27.09.2000 has been pleased to refer the following dispute between the employer i.e. management of Kusunda Area of M/s. BCCL and their workman through Vice President, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Industry Colliery of M/s BCCL in not providing employment to Sri Ashok Kumar Mahato, S/o Late Bhupali Mahato is justified? If not, to what relief is the concerned workman entitled?"

2. On receiving order no. L-20012/132/2000-IR(C-I) dated 27/09/2000 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 293 of 2000 was registered on 04.10.2000 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 service of notice, both parties appeared previously and filed their authorities,W/S and rejoinder. It transpires from the case record that after 2006 this case was put up after a long gap on 12.06.2017 and registered notices were issued to both the parties and both parties appeared but again after 17.01.2018 this case was put up after a long gap on 3.7.2019 and again regd. notices were issued to both the parties and workman/union appeared on 27.09.2019 and 26.12.2019 and thereafter failed to appear before this Tribunal. Though on 26.06.2025 Sri S.N. Ghosh, Advocate appeared on behalf of the management but the workman/union did not appear before this Tribunal since 26.12.2019 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 20 अगस्त, 2025

का.आ. 1597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1 के पंचाट **(संदर्भ संख्या 140/2001)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **19/08/2025** को प्राप्त हुआ था।

[सं. एल- 20012/101/2001-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 20th August, 2025

S.O. 1597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 140/2001*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 19***/08/2025.***

[No. L-20012/101/2001– IR (CM-I)]

SALONI, 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. 140/2001

Employer in relation to the management of Bhowra Colliery under E.J. Area of M/s.BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri N.Nath O.S. Legal, H.Q

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 28/07/2025

AWARD.

In exercise of powers conferred under clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947),Government Of India through the Ministry of Labour, vide its Order No. L-20012/101/2001-C-I dated 18/24.05.2001 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL and their workman through Secretary, B.C.K.U, Hirapur, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"**कर्मकार श्री बी.एन.डे. की सेवानिवृत्ति, उनकी बीमारी (कैंसर), एवं उससे पूर्व उन्हे शारीरिक रूप से सेवा के लिए घोषित न किए जा सकने की परिस्थितियों पर दृष्टि रखते हुए क्या बिहार को. कामगार यूनियन को भा.को.को.लि., ई.जे.क्षेत्र,**

के प्रबंधतंत्र से, कर्मकार के आश्रित पुत्र को अनुकम्पा आधार पर नियुक्ति दिए जाने की मांग उचित एवं न्यायसंगत है? यदि हाँ तो क्या निर्देश आवश्यक हैं?"

2. On receiving order no. L-20012/101/2001-C-I dated 18/24.05.2001 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 140 of 2001 was registered on 20.06.20011 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 service of notice, both parties appeared previously and filed their authorities and W/S. It further appears that workman/union also filed some documents and led evidence from his side. It transpires from the case record that after 2007 this case was put up after a long gap on 30.09.2020 and registered notices were issued to both the parties but neither the workman nor management appeared before this Tribunal. Thereafter on 17.03.2021 Sri Naresh Prasad, Ld. Advocate for management appeared and filed his letter of authority after that he appeared on different dates till 21.03.2022 and subsequently failed to appear before this Tribunal. Though on 20.06.2025 Sri N. Nath, O.S. Legal, H.Q appeared on behalf of the management but the workman/union did not appear before this Tribunal since the year 2020 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the 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, 25 अगस्त, 2025

का.आ. 1598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रॉडकास्टिंग इंजीनियरिंग कंसल्टेंट इंडिया लिमिटेड.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय नं.** II, नई दिल्ली के पंचाट **(आई डी नम्बर 06/2019)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/08/2025** को प्राप्त हुआ था।

[सं. एल-20013/01/2025-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 25th August, 2025

S.O. 1598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(ID No. 06/2019*)*** of the **Central Government Industrial Tribunal-cum-Labour Court N0.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **BroadCasting Engineering Consultant India Ltd.** and their workmen, received by the Central Government on ***25/08/2025.***

[No. L-20013/01/2025– IR (CM-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDSUTRIAL TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI

I.D. NO. 06/2019

Sh. Pawan Das, S/o Sh. Hari Das,

R/o- B-1248, Gautampuri Phase-II,

Badarpur, New Delhi-110020.

VERSUS

1. The Director,

All India Institute of Medical Science (AIIMS),

Ansari Nagar, New Delhi-110029.

2. **M/s Broadcasting Engineering Consultant India Ltd.,**

Besil Bhawan, C-53, A/17, Sector-62,

Noida-201307.

AWARD

1. This is an application **U/s 2A of the Industrial Disputes Act (here in after is referred as an Act)** filed by the claimant.

2. Claimant in his claim statement has stated that he was working as Data Entry with the management-1 through contractor i.e. Bedi & Bedi Associate Company, since 18.02.2012 and his last drawn salary was Rs. 16,468/-. He did his work well and has not given any chance of making any complaint to the management nor was he charged while he was in service. Thereafter, his contract period had expired on 30.09.2016 and a new contract was taken over by M-2 i.e. BECIL on 01.10.2016, but none of the old employees including workman by Bedi & Bedi Associate Company were removed. Apart from the above data entry, he was also made to do dealing head (online tender, uploading, price BOQ, tender process, tender comparative/tender price comparative, tender corrigendum, making tender rate contract, reply of RTI/company letters, reply of internal audit AIIMS, EMD refund and hospital transport work, officer dealing/company representative dealing etc.). He complaint about the above workload and mental stress to the hospital store officer and company manager but the company manager and store officer did not pay any heed to his complaint. Thereafter, on 17.04.2018 he was terminated without issuing any notice, without any rhyme or reason. He informed the company management on 03.05.2018about his illegal termination and also gave him a written complaint, but no hearing was held and he was not taken back on job. He has gone to the conciliation officer, but it was resulted into failure. Hence, he filed the present claim with the prayer that he be reinstated with full back wages.

3. Management no. 1 has already been proceeded ex-parte vide order dated 02.08.2019.

4. Management no. 2 has filed its written statement stating that claim of the claimant is not maintainable because the employment of the complaint with the M-2 was for a fixed period purely on contractual basis and the same had expired by efflux of time. He also submitted that claimant has raised the present false and frivolous claim against the management, the same is not maintainable and liable to be dismissed. .

5. After completion of the pleadings, following issues have been framed on 18.12.2019 i.e.-

(i) Whether the proceeding is maintainable.

(ii) Whether there exist any employer or employee relationship between the workman and he management no. 2.

(iii) Whether the service of the workman was illegally terminated by the management.

(iv) Whether the workman is entitled to the benefit of reinstatement and other consequential benefits.

6. Thereafter, AR of the workman has filed an application for amendment in claim. Now, the matter is listed for filing of reply against the said application. However, neither the workman nor his AR has been appearing since long to substantiate his claim.

7. In these circumstances, when the claimant is not interested in perusing his case, this tribunal has no option but to dismiss his claim. Hence, his claim stands dismissed. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 29.05.2025

नई दिल्ली, 25 अगस्त, 2025

का.आ. 1599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जेट एयरवेज इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **कन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय नं.** II, नई दिल्ली के पंचाट **(आई डी नम्बर 01/2013)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **25/08/2025** को प्राप्त हुआ था।

[सं. एल- 20013/01/2025-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 25th August, 2025

S.O. 1599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(ID No. 01/2013*)*** of the **Central Government Industrial Tribunal-cum-Labour Court N0.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Jet Airways India Ltd.** and their workmen, received by the Central Government on ***25/08/2025.***

[No. L-20013/01/2025– IR (CM-I)]

SALONI, Dy. Director

ANNEXURE

EFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI

I.D. No. 01/2013

Sh. Sube Singh vs. Jet Airways India Ltd.

Sh. Sube Singh, C/o Sh. Master Hukum Chand,

A-164, 3rd Floor, Road No.-4, Street No.-11,

Mahipalpur, New Delhi-110037.

…Applicant/Claimant

Versus

Jet Airways India Ltd.,

Terminal-3, IGI Airport,

New Delhi-110037.

… Management/respondent

Counsels:

For Applicant/ Claimant*:*

Sh. Akhilesh Singh and Ms. Radhika Goyal, Ld. ARs.

For Management/ Respondent*:*

None for the management.

Award

30.06.2025

The present application has been filed under Section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'). The claimant claims to have been employed with the management as a Senior Ground Technician w.e.f. 08.02.2007, and his last drawn salary was Rs. 19,375/-. On 18.07.2011, when the claimant requested the management to grant him leave for one day, i.e., 21.07.2011, for the operation of his mother, Col. Kulwant Singh, GSD, Manager of the management, refused to grant leave, forcibly detained him in the office, confined him for 2–3 hours, and thereafter coerced him into giving his resignation letter. He tried to approach the senior officials, but they did not allow him to rejoin duties at the instance of Manager GSD, Col. Kulwant Singh. It was submitted that the said act of the management is unlawful and arbitrary. Therefore, he has filed the present claim with the prayer that he be reinstated with full back wages, continuity of service, and other consequential benefits.

In response, the management appeared and filed a written statement denying the claimant's averments. As a preliminary objection, it was submitted that the present claim is not maintainable before the Tribunal as the claimant was employed as a Senior Ground Support Technician and was performing functions of supervisory and administrative nature, and therefore, did not fall within the definition of 'workman' under Section 2(s) of the Act. It was further submitted that the claimant had submitted a resignation letter dated 18.07.2011 citing personal reasons, which was accepted by the management upon his request. The claimant was accordingly relieved from his services with immediate effect.

On merits, the management denied each and every allegation made by the claimant in his claim statement. It was specifically denied that the claimant had sought leave, or was forcefully detained and coerced into writing the resignation letter. Lastly, the management prayed that the claim be dismissed in view of the above submissions.

A Rejoinder had been filed by the claimant where he denied the averments made by the management in its written statement and reaffirmed the averments of his claim statement.

After completion of pleadings, following issues were framed:

1. Whether the claimant is a workman within the meaning of section 2(s) of the Industrial Disputes Act, 1947?
2. Whether services of the claimant were dispensed with by the management illegally on 18.07.2011?
3. Whether the claimant is entitled to relief of reinstatement in service?

In order to prove his claim, the claimant examined himself as WW1. He reiterated the contents of his claim statement and relied upon the following documents:

- A copy of the salary slip (Ex. WW1/1).
- A copy of confirmation letter issued by the management (Ex. WW1/2).
- A copy of leave application (Ex. WW1/3).
- A copy of medical case sheet of the claimant's mother (Ex. WW1/4).
- Termination letter issued by the management (Ex. WW1/5).
- Legal notice sent by the claimant (Ex. WW1/6).
- Speed post receipt (Ex. WW1/7).
- Order of Ld. P.O.L.C., Karkardooma Court, Delhi whereby the claimant was granted liberty to file the claim before the Conciliation Officer (Ex. WW1/8).
- Failure certificate issued by the conciliation officer (Ex. WW1/9)

The claimant was cross-examined at length by AR for the management, during which he admitted that :

- The resignation letter was signed by him but it was taken under compulsion.
- No police complaint was made by him in respect of the forced resignation.
- He denied that the leave application was forged and fabricated and was never submitted to the management.
- He admitted that up to 2011, he used to take leaves as usual like other employees.
- He admitted that the employees who were working as assistants were getting instructions and guidance in respect of work from assistant technicians and assistants technicians were working under senior technicians.

The entire case of the claimant rests on the premise that he was a workman and was coerced into writing his resignation letter when he sought leave, thereby being wrongfully terminated on 18.07.2011. On the other hand, the management's case is that the claimant is not a 'workman' as defined under Section 2(s) of the Act. In this regard, Section 2(s) of the Act is required to be reproduced herein:

> ***2 [(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—***
>
> ***(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or***
>
> ***(ii) who is employed in the police service or as an officer or other employee of a prison; or***
>
> ***(iii) who is employed mainly in a managerial or administrative capacity; or (iv) who, being employed in a supervisory capacity, draws wages exceeding 3[ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]***

On a fair reading of the provisions in section 2(s) of the Act, it is clear that 'workman' means any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward including any such person who has been dismissed, discharged or retrenched.

The latter part of the section excluded four classes of employed mainly in a managerial or administrative capacity, or a person employed in a supervisory capacity drawing wages exceeding Rs. 1600/- per month or exercises

functions mainly of a managerial nature. It has to be taken as an accepted principle that in order to come within the meaning of the expression 'workman' under section 2(s), the person has to be discharging any one of the types of the works enumerated in the first portion of the section. If the person does not come within the first portion of the section then it is not necessary to consider the further question whether he comes within any of the classes of workmen excluded under the latter part of the section. The question whether the person concerned comes within the first part of the section depends upon the nature of duties assigned to him and/or discharged by him.

Now coming to the evidence led by the claimant: admittedly, he was working as a 'Senior Technician' and was drawing a salary above Rs. 10,000/- per month. In his cross-examination, the claimant himself admitted that assistant technicians and assistants were working under senior technicians and received instructions from them.

The claimant also relied upon a judgment of Hon'ble Supreme court of India in **Sharad Kumar vs. Government of NCT of Delhi & Ors., Appeal (civil) 2622 of 2002,** passed on 11.04.2002, where the Hon'ble Supreme Court had directed GNCTD to refer the dispute raised by the appellant to the labour court including the question whether the appellant is a 'workman' under the Act. However, in the present case, evidence has already been led, and the claimant himself admitted that he worked in a supervisory capacity as a Senior Technician, with subordinates reporting to him, and earned a salary of Rs. 19,375/-, which exceeds the statutory ceiling.

Considering the evidence discussed, the claimant cannot be said to be a 'workman' under section 2(s) of the Act. Accordingly, issue no.1 is decided in favor of the management, and against the claimant.

In view of the findings on issue no. 1, there is no need to decide issue no. 2 & 3. The claim of the claimant stands dismissed. Award is accordingly passed. A copy of this award be sent to the appropriate government for notification under section 17 of the Act. The file is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Dated 30.06.2025

नई दिल्ली, 28 अगस्त, 2025

का.आ. 1600.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रिय लोक निर्माण विभाग सेवा केंद्र के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं I दिल्ली के पंचाट (02/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई.आर.(बी-I)-108]

सलोनी, उप निदेशक

New Delhi, the 28th August, 2025

S.O. 1600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.02/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.* I *Delhi* as shown in the Annexure, in the industrial dispute between the management of CPWD Service Center and their workmen.

[No. L-12025/01/2025– IR(B-1) -108]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No.02/2024

Smt. Anita & 43 ors, Through Indian National Migrant Workers' Union, 1770/8, 3rd Floor, Govind Puri Extn., Main Road Kalkaji, new Delhi.

…Claimant

Versus

1. CPWD Service Centre, Hudco Place, Andrews Ganj Exttn., Andrews Ganj, New Delhi-110049.
2. M/s MIA Construction Pvt. Ltd., A-31, Plot No.1, Gaurav Apptts, Patparganj, Delhi-110092.
3. M/s Rajesh Kumar Jain & Sons, GG-62/2A, Vikas Puri, New Delhi-110018.

…Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND-25/II-108/2023-IR dated 26.12.2023 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

''Whether the demands (details mentioned in Annexures-A) of Smt. Anita & 43 others (Details mentioned in Annexure-B) through Indian National Migrant Workers Union against the management of M/s Rajesh Kumar Jain & Sons contractor of CPWWD Service Centre, Hudco Place, New Delhi, are legal and/or justified? And if so, then what relief are the workmen entitled to what directions are necessary in this regard?"

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

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

ATUL KUMAR GARG, Presiding Officer

Date: 23.07.2025

नई दिल्ली, 28 अगस्त, 2025

का.आ. 1601.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रिय लोक निर्माण विभाग सेवा केंद्र के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं I दिल्ली के पंचाट (03/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई.आर.(बी-I)-109]

सलोनी, उप निदेशक

New Delhi, the 28th August, 2025

S.O. 1601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/2024*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.* I *Delhi* as shown in the Annexure, in the industrial dispute between the management of CPWD Service Central and their workmen.

[No. L-12025/01/2025– IR(B-1) -109]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No.03/2024

Shri Sikander Kumar Parihar & 52 ors, Through Indian National Migrant Workers' Union, 1770/8, 3rd Floor, Govind Puri Extn., Main Road Kalkaji, new Delhi.

…Claimant

Versus

1. CPWD Service Centre, Hudco Place, Andrews Ganj Exttn., Andrews Ganj, New Delhi-110049.
2. M/s MIA Construction Pvt. Ltd., A-31, Plot No.1, Gaurav Apptts, Patparganj, Delhi-110092.
3. M/s Rajesh Kumar Jain & Sons, GG-62/2A, Vikas Puri, New Delhi-110018.

…Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND-25/II-107/2023-IR dated 26.12.2023 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

The Schedule

'Whether the demands (details mentioned in Annexures-A) of Shri Sikender Kumar Parihar & 52 others (Details mentioned in Annexure-B) through Indian National Migrant Workers Union against the management of M/s Rajesh Kumar Jain & Sons contractor of CPWWD Service Centre, Hudco Place, New Delhi, are legal and/or justified? And if so, then what relief are the workmen entitled to what directions are necessary in this regard?'

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

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 23.07.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 28 अगस्त, 2025

का.आ. 1602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडसइंड बैंक के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं I दिल्ली के पंचाट (166/2017) प्रकाशित करती है।

[सं. एल-12012/11/2017-आई.आर.(बी-I)]

सलोनी, उप निदेशक

New Delhi, the 28th August, 2025

S.O. 1602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.166/2017*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.* I *Delhi* as shown in the Annexure, in the industrial dispute between the management of Indusind Bank and their workmen.

[No. L-12012/11/2017– IR (B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No. 166/2017

Sh. Sunil Kumar Dwivedi, (F.C. No. 3195), H. No. F-47, Uttam Nagar, New Delhi-110059.

…Claimant

Versus

1. Indusind Bank, Zonal Office, Human Resource Department Unit NOIS TF-2 to TF-8, 3rd Floor, Vasant Kunj Square Mall, New Delhi.

2. Indusind Bank Ltd., Through its General Manager, Pitampura Branch, New Delhi.

…Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-12012/11/2017(IR(B-I)) dated 09.06.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

''1. Whether Shri Sunil Kumar Dwivedi is a workman within the provisions of I.D. Act.

2. Whether penalty of dismissal from service w.e.f. 08.06.2015 imposed on Shri Sunil Kumar Dwivedi, Associate Manager Indusind Bank after enquiring is just and fair. If not, what relief he is entitled to?"

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

3. On receipt of the above reference, notice was sent to the workman as well as the management. But then, the claimant opted not to file statement of claim statement. Hence, the matter was resulted in no dispute. No dispute Award dated 08.01.2018 was passed accordingly.

4. Thereafter, on 10.05.2019, an application for setting aside/recall the No Dispute Award was moved by the claimant and the matter was fixed for reply and consideration of that application. Then, on 22.01.2025, the said application was decided and stood allowed. The case came to its original status and the claimant was directed to file statement of claim. But again, despite several opportunities, neither the claimant appeared nor filed any statement of claim.

5. In these circumstances, when the claimant is not pursuing his case, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12.08.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 28 जुलाई, 2025

का.आ. 1603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, नागपुर के पंचाट (सीजीआईटी/एनजीपी/02/2013-14)को प्रकाशित करती है, जो केन्द्रीय सरकार को **27/07/2025** को प्राप्त हुआ था।

[सं. एल-22012/265/2012-आई.आर.(**सी.**एम- II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 28th July, 2025

S.O. 1603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(CGIT/NGP/02/2013-14)**of the **Central Government Industrial Tribunal-cum-Labour Court,Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **28*/07/2025*.**

[No. L-22012/265/2012– IR (CM- II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER,

CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/02/2013-14 Date: 20.05.2025.

Party No.1: The Sub Area Manager,
Kumbharkhani U/G Mines of Rajur Sub
Area of Wani North Area of WCL,
Post Rajur, Tah. Wani, Distt. Yavatmal,
Yavatmal (M.S.)

V/s.

Party No.2: The General Secretary,
Rashtriya Colliery Mazdoor Congress,
Dr. Ambedkar Ward, Ballarpur,
Post Ballarpur, Distt. Chandrapur
Chandrapur (M.S.)

AWARD

(Dated: 20th May, 2025)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Kumbharkhani U/G Mines of Rajur Sub, and their workman Shri. Narendra, dependent son of Shri Konkat Narsayya, for adjudication, as per letter **No. L-22012/265/2012 (IR(CM-II)) dated 05.03.2013,** with the following schedule:-

"Whether the action of the Management of Kumbharkhani U/G Mines of Rajur Sub Area of Wani North Area of Western Coalfields Limited, in denying employment to Shri Narendra the dependent son of Shri Konkat Narsayya who has already put in more than 37 years' service, which is contrary to the provision of Para 9.4.4 of NCWA is legal and justified? If not, to what relief the workman is entitled to?"

2. Case is called out. Both parties are absent. Both parties are not responding and attending the Court since 21.12.2016. Although statement of claim and written statement have been filed by the parties respectively. Petitioner has not filed any other evidence to prove his case. Petitioner is not coming to the Court since 21.12.2016. It appears that petitioner is not interested to contest the case further more. Claim of the petitioner is not proved. So, it is closed.

Hence, it is ordered.

ORDER

The action of the Management of Kumbharkhani U/G Mines of Rajur Sub Area of Wani North Area of Western Coalfields Limited, in denying employment to Shri Narendra the dependent son of Shri Konkat Narsayya who has already put in more than 37 years' service, which is contrary to the provision of Para 9.4.4 of NCWA is legal and justified. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 1 सितम्बर, 2025

का.आ. 1604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **भुवनेशवर** के पंचाट (88/2017) प्रकाशित करती है।

[सं. एल-38012/03/2017-आई.आर.(बी- II)]

सलोनी, उप निदेशक

New Delhi, the 1st September, 2025

S.O. 1604.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 88/2017*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bhubaneswar* as shown in the Annexure, in the industrial dispute between the management of Paradip Port Trust and their workmen.

[No. L-38012/03/2017- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,

Presiding Officer, C.G.I.T.-cum-Labour Court,

Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 88/2017

Date of Passing Order – 23rd April, 2025

Between :-

1. The Chairman, Paradip Port Trust,
   Paradip, Dist. Jagatsinghpur, Odisha.
2. The Executive Engineer (EE), PHD,
   Paradip Port Trust, Paradipt, Jagatsinghpur.

… 1st Party-Managements.

(And)

Shri Bhagaban Das,

Infront of Ambika High School Gate,

Gopinath Colony, P.O. Atharbanki, Paradip

… 2nd Party-Workman.

Appearances:

Sri Binayak Pradhan, Executive Engineer, PPT	…	For the 1st Party-Managements.
Shri Bhagaban Das.	…	For the 2nd party-Workmen.

AWARD

In the present case, a reference was received from the Section Officer to the Government of India, Ministry of Labour & Employment, New Delhi vide order No. L-38012/03/2017 – IR(B-II), dated 11.12.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

> "Whether the alleged termination of the workman Shri Bhagaban Das, Ex-Pump Operator by the Executive Engineer, PHD of M/s. Paradip Port Trust, Paradip allegedly working from 31.07.1987 to 1.1.2005 is legal and/or justified? If not so, what relief the workman is entitled to?"

2. The case of the 2nd party-workman Sri Bhagaban Das as per his statement of claim is as follows:-

He was an employee under the 1st Party-Management of Paradip Port Trust which is an autonomous body and as an "Industry" under the Industrial Disputes Act (in short Act). He was appointed on 01.11.1991 and was posted at Brundaban Colony Water Supply Pump House as an Operator where he was operating the water supply valve, electric motor pumps as well as diesel motor pump and he was paid Rs. 700/- as fixed wages. Subsequently he was transferred to Balighara Water Treatment Plant on 05.06.1996 by the 1st Party-Management No. 2 (Executive Engineer/Asst. Engineer) and he continued to discharge his work on fixed monthly wages of Rs. 900/- per month.

He was paid wages of Rs. 1482/- per month from 01.05.1997 to 31.04.2001. Rs. 1248/- per month from 1.5.2001 to 31.07.2003 and thereafter Rs. 1650/- per month by the 1st party-Management No. 2. He was discharging his duties smoothly, but on 27.07.2004 he and seventeen others were not allowed to continue their duties by Sri S.K. Das Executive Engineer, PHD (M). Thereafter from 27.07.2004 till 31.03.2005 the 1st Party-Management No. 2 resumed the operation of water supply by deploying some regular and casual workers of other departments of the Paradip Port Trust and from 01.04.2005 the 1st Party-Management had engaged eight other persons without any intimation. In the meantime, after three years the 1st Party-Management No. 2 again engaged 12 workmen out of 18 workmen who were terminated on 27.07.2004 without any knowledge to rest of six workers. The 1st Party-Management had discriminated between the workers by appointing 12 other workmen. After that, the 2nd party-workman along with two others raised a complaint before the 1st Party-management No. 1 which had directed the Chief Engineer to make arrangement for reinstatement of all the three persons, but out of three workers, Sri D. Maharana was re-employed without the knowledge of other two persons. The 2nd party-workman was continuously visiting the office of the Chief Engineer (PHD) (M) on frequent intervals and had submitted a representation to the Management No. 2 for re-employment as an Operator as there were vacancies at Balijhara Pump. Thereafter the 2nd party-workman had raised a dispute before the Deputy Chief Labour Commissioner (Central) and after failure of conciliation the matter was referred to Ministry of Labour for adjudication. The termination by the 1st Party-Managements without any reason or show cause and without following due procedure of law stipulated under section 25-F, 25-G & 25-H of the I.D. Act, is an abuse of power and principles of natural justice.

A prayer has been made to hold the date of termination of the workman from his employment on 27.07.2004 is void, ab-nitio, illegal and reinstatement with all back wages and all consequential benefits along with interest.

3. The case of the 1st Party-Management No. 1 and 2 are as follows:-

That the 2nd party-workman was neither an employee of the 1st party-management nor the 1st party-Management was an employer of him. As the 2nd party-workman along with other 17 others had raised the dispute before the Deputy Chief Labour Commissioner (Central) mentioning that they were working under contractor, so the employer must have been made party in this case. The management of Paradip Port Trust is a statutory body under the Ministry of Shipping and the recruitment/selection/termination etc. are governed under the Paradip Port Trust Employees (Recruitment, Seniority & promotion) Regulation 1967. The 2nd party-workman had not been appointed by the Paradip Port Trust and he had not submitted any appointment order in support of his employment so as to enable him to raise the industrial dispute against the Paradip Port Trust. Further the 2nd party-workman has not been appointed by the Paradip Port Trust so there is no question of his termination by the 1st Party-Management. The 1st party-Management had not appointed any Pump Operator in the name of Bhagaban Dash (workman) and the Executive Engineer, P.H. Division is not competent to appoint/terminate an employee of Paradip Port Trust, so the statement of the 2nd party-workman is false. The 2nd party-workman has raised a dispute after the gap of fourteen years, so it is a stale dispute. The workman has not submitted any appointment order issued in support of his claim that he had been appointed as Operator in Paradip Port Trust. The statement of the 2nd party-workman was contradictory as at one hand he had stated that he was an employee of a contractor and the other hand he was saying that he was appointed by the Paradip Port Trust. There is no master and servant relationship and employer and employee relationship between the 1st party-management and the 2nd party-workman.

A prayer has been made to pass an award that the reference is not maintainable as there is no merit in the demand of the 2nd party-workman.

4. The 2nd party-workman has submitted rejoinder to the written statement of the 1st Party-management in which he had denied all the averments made in the written statement filed by the 1st Party- Managements.

5. On the basis of the pleadings of both the parties following issues are framed:-

ISSUES

i) Whether the reference is maintainable?

ii) Whether any employer and employee relationship was existing between the workman and the Management No. 1 & the Management No. 2?

iii) Whether the termination of the services of the workman w.e.f. 27.07.2004 by the Management No. 2 is illegal and unjustified due to non-compliance of Section 25-F of the I.D. Act, 1947?

iv) What relief the workmen are entitled to?

6. In course of the proceedings, the 2nd party-workman has examined two witnesses namely W.W.-1 Bhagaban Das, the workman himself and W.W.-2 Sri Niranjan Das.

7. The 2nd party-workman proved and exhibited the following documents which are marked as exhibits:-

Ext.-1 is the photocopy of experience certificate issued by Sri N. Das, Asst. Engineer.

Ext.-2 is the photocopy of I. Card.

Ext.-3 is the photocopy of subscription to the Union.

8. The 1st Party-Managements has examined only one witness. He is Binayak Pradhan. The 1st Party-Managements has not proved and exhibited any documents.

FINDINGS

9. For the sake of convenience, the Tribunal thinks it proper to discuss first of all the Issue No. I & II.

ISSUE NO. I & II

10. The Tribunal first of all with regard to this issue thinks it proper to discuss the oral and documentary evidence of both the parties.

The most competent witness on this point is W.W.-1 Shri Bhagaban Das who is the concerned workman. He has deposed before the Tribunal that on 1.11.1991 he was engaged as Pump Operator at Brundaban Colony Water Supply Pump house to operate water supply valve, heavy electrical mother pump as well as diesel motor pump and his training on operation of different pumps was given by the office of the Chief Engineer, Paradip Port Trust. He has also deposed that he was later engaged at new Balighara Water Treatment Plant on 05.06.1996 and at that time he was being paid his monthly wages as Rs. 900/-. He has also deposed that since 1.5.1997 to 31.4.2001 his monthly wages was Rs. 1482/-, and during the period from 1.5.2001 to 31.07.2003 his salary was reduced to Rs. 1248/- per month, but it was again revised as Rs. 1650/- per month. He has also deposed that on 27.07.2004 the Executive Engineer, PHD(M) did not allow him and other 17 workmen to continue their duty at Balijhara Water Treatment Plant so he was illegally terminated without any notice, without any valid reason and without following the provisions of Section 25-F, 25-G and 25-H of the Act.

He has proved the Xerox copy of experience certificate issued by Shri N. Das Asst. Engineer Xerox copy of I-Card as, the Xerox copy of subscription to the Union which are marked as Ext.-1, Ext.-2 and Ext.-3 respectively.

In the cross examination he has deposed that he had not filed any appointment letter to show that he was engaged/employed by the Managements, but he has deposed hat he was orally asked to work under the Managements. He has also deposed that he has not filed any documents to show that he was an employee of Paradip Port Trust and he was receiving any wages from the said authority. He has denied the suggestion that there was no "employer and employee" relationship between the Management and him. He has also denied the suggestion that he was an employee of a contractor and he was receiving his wages by him. He has also denied the suggestion that he had admitted before the conciliation officer that he was disengaged by the Contractor Gouranga Charan Das.

11. W.W.-2 Sri Niranjan. Das has deposed that he was working as Assistant Engineer in PHD Department, ECM Division of Paradip Port Trust and the concerned workman namely Shri Bhagaban Das was working under his supervision since 1992. He has also deposed that after his retirement. Bhagaban Das continued to work on same profile on contractual basis in the same department by the order of the Chairman of Paradip Port Trust. He has further stated that Sri Bhagaban Das was a hard working person and his ability to work as Pump Operator was most satisfactory and he had issued a certificate on 24.3.1998 to Bhagaban Das in this regard. He has also deposed that Bhagaban Das was well known to him as Pump Operator at Brundaban Colony Water Supply Pump and he was equally paid wages along with other DLRS in the Paradip Port Trust. He has also stated that at the time of his retirement Bhagaban Das was engaged at Balighara Water Treatment Plant but he and other 17 workers from Balighara Water Treatment Plant were illegally disengaged in the year 2004.

In the cross examination he had deposed that he was not the appointing and disciplinary authority of the 1st Party-Management and he was a regular employee of the 1st Party-Management. He has also stated that there is a recruitment rules and provisions of appointment to various posts in 1st Party-Management and the post of Pump Operator is a feeder post as well as promotional post. He has also stated that he has no knowledge about the eligibility criteria of holding the post of Pump Operator. He has also deposed that he had issued an experience certificate to the 2nd party-workman since he was working under him before 1998. He has also stated that he had issued experience certificate as per Form No. 15 prescribed by the 1st party-Management as no service book was opened for the 2nd party-workman because he was not a regular staff. He has also stated that he was not authorized by the Management to issue certificate and he had not issued the experience certificate in official capacity.

12. On the other-hand on this issue the M.W.-1 Sri Binayak Pradhan has deposed that the concerned workman had not been appointed by the Paradip Port Trust and he was not posted at Brundabana Colony Water Supply Pump house by the 1st Party-Management. He has also deposed that the concerned workman and seventeen others were working under the contractor, so he was not an employee of the 1st Party-Managements and there is no "employee and employer" relationship between the 2nd party-workman and the 1st Party-Management. He has further stated that the schedule of the reference is erroneous as the workman has already mentioned the name of the contractor Gouranga Charan Das in subject matter of the representation, so the case of termination and back wages with interest along with penal interest till the date of reinstatement can be ascertained from the contractor only. He has also

deposed that there is no question of disengagement or termination of the concerned workman as he was not an employee of the Management No. 1.

In the cross examination by the workman he has denied the suggestion that the concerned workman was appointed as daily wager and he was working directly under the control and supervision of the Assistant Engineer of the Management and was paid wages He has admitted that the services of the workman were hired through a contractor and he was paid wages through the said contractor. He has also deposed that he could say that the concerned workman was working since 31.07.1987 to 1.1.2005 as he was hired through different contractor. He has also stated that he could not say that the concerned workman had worked for 240 days in every calendar year and he was removed/disengaged from job without compliance of the provisions of Section 25-F of the Industrial Disputes Act.

13. Now coming to the documentary evidence it appears that Ext.-1 is the certificate issued by the Assistant Engineer, PHD PPT mentioning therein that Shri Bhagaban Das is working as a valve Operator as Brundabana Housing Colony Pump House and now working as such at Balijhara Water Plants. It has also mentioned in the said certificate that the concerned workman knows the operation of heavy Electric Pump Sets as well as Diesel Engine Pump Sets installed in different pump house at Paradip Port Trust. Ext.-2 is the copy of the I-Card of Bhagaban Das mentioning his department/Section as PHD, Employer-Paradip Port Trust and the date of issue as 28.01.1997 and Ext.-C is the subscription receipt issued by the Paradip Port & Dock Mazdoor Union.

14. Now after analysing the oral evidence of both the parties on this issue the Tribunal finds that there is consistent evidence that the concerned workman was working under the 1st party-management since 1.11.1991 on payment of wages which was revised from time to time and he was disengaged from service on 27.7.2004. Further, the 1st Party-Management has tried to establish that the workman was working under a contractor G.C. Das, but surprisingly the Management has neither filed nor produced any document to show that the 1st Party-Management had engaged a contractor for engaging labourers/workers for running the Pump House in Paradip Port Trust. Moreover, the Management has not brought on record the labour license, it has obtained for engaging casual labourers through contractor as per C.L (R & A) Act.

15. It is important to mention here that the workman has been defined u/s 2(s) of Industrial Dispute Act. The Section 2(s) of I.D. Act reads as follows:-

> "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-
>
> (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
>
> (ii) who is employed in the police service or as an officer or other employee of a person, or
>
> (iii) who is employed mainly in a managerial or administrative capacity, or
>
> (iv) who, being employed in a supervisory capacity, draws wages exceeding (ten thousand rupees) per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature

16. At this stage it is relevant to mention here that the Hon'ble Supreme Court in a case as reported in 2011 LAB. I. C. 2799 (S.C) has been pleased to observe as follows:-

> "14. It is apposite to observe that the definition of workman also does not make any distinction between full-time and part-time employee or a person appointed on contract basis. There is nothing in the plain language of Section 2(s) from which it can be inferred that only a person employed on regular basis or a person employed for doing whole-time job is a workman and the one employed on -temporary, part-time or contract basis on fixed wages or as a casual employee or for doing duty for fixed hours is not a workman.
>
> 15. Whenever an employer challenges the maintainability ground that the employee is not a workman within the meaning of Section 2(s) of the Act, what the Labour Court/Industrial Tribunal is required to consider is whether the person is employed in an industry for hire or reward for doing manual, unskilled, skilled, operational, technical or clerical work in an industry. Once the test of employment for hire or reward for doing the specified type of work is satisfied, the employee would fall within the definition of 'workman".

17. It is required to mention here that the concerned workman namely Sri Bhagaban Das had worked in the establishment of the Paradip Port Trust as Pump Operator on payment of wages so he was employed in the

management of PPT on hire and consequently he was a workman. In view of such, there is a relationship between concerned workman and the management as employee and employer, so there is an Industrial Dispute.

After considering all the facts and circumstances of the case Issue No. I & II are decided in favour of the 2nd party-workman and against the management of Paradip Port Authority.

ISSUE NO. III

18. It is relevant to mention here that the word "retrenchment" has been defined under section 2(oo) of the I.D. Act, definition of continuous service has been mentioned u/s 25-B of I.D. Act and the condition precedent to retrenchment have been mentioned u/S 25 F of I.D Act.

Section 2(oo) of the I.D. Act reads as follows:-

Section 2(oo)-"retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include-

(a)Voluntary retirement of the workman; or

(b) Retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(bb) Termination of the service of the workman as a result of the non-renewal of contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

(c)Termination of the service of a workman on the ground of continued ill-health.

The Section 25-F of the Industrial Dispute Act reads as follows:-

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

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

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

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

25-B. Definition of continuous service – For the purpose 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 authorized 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 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)……..

19. Now in this case there is categorical evidence that the concerned workmen had worked in Paradip Port Trust as Pump Operator since 1991 continuously till 27.07.2004 so he had worked under the management of Paradip Port Trust for more than 240 days in each and every calendar year. Therefore, the concerned workman was in continuous service under the management of Paradip Port Trust as per definition mentioned u/s 25-B of I.D. Act. Moreover, there is also evidence that the concerned workman was removed from his service w.e.f. 27.07.2004. Further there is no evidence before the Tribunal that the concerned workman had been given any notice in writing indicating the reasons for his retrenchment/ removal or had been paid compensation equivalent to 15 days of average pay as per provision of 25-F of the I.D. Act.

20. Hence, in view of above the discussion the Tribunal finds and holds that the 2nd party-workman had been working as Pump Operator on payment of wages and he had been removed from service w.e.f. 27.07.2004. Further the action of the management in terminating the services of concerned workmen w.e.f. 27.07.2007 is not legal and justified. Hence the concerned workman is entitled for relief.

ISSUE NO. IV

21. The Tribunal has already decided in this case that the concerned workman Sri Bhagaban Das had been working as Pump Operator on payment of wages in the Paradip Port Trust since his appointment and he was terminated from the service w.e.f. 27.07.2004 without being given any notice of retrenchment which is not legal and justified.

22. Now, the termination of service of the 2nd party-workman is not justified and legal, so he is liable to be reinstated, in service if he has not attained the age of superannuation as per rules of the 1st Party-Management. As the matter of termination relates back to the year 2004, nearly 21 years back, it will not be justifiable if he was given back wages, but he was surely entitled to receive compensation. Considering all the facts and surrounding circumstances the Tribunal thinks it proper to award an amount of Rs. 2,00,000/- (Rupees Two Lakhs) to the disputant-workman as compensation. The dictates of the award shall be complied with within two months from the date of publication of the award failing which the 1st Party-Managements shall also be liable to pay interest on the amount of compensation at the rate of 9% per annum.

23. This is the Award of the Tribunal. The reference is answered accordingly.

24. Office is directed to send the copy of the Award to the appropriate government for publishing in the official gazette notification.

25. Case record be consigned to record room.

Dictated & Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 1 सितम्बर, 2025

का.आ. 1605.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एचडीएफसी बैंक लिमिटेड के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **भुवनेशवर** के पंचाट (14/2020) प्रकाशित करती है।

[सं. एल-12012/04/2020-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 1st September, 2025

S.O. 1605.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 14/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bhubaneswar* as shown in the Annexure, in the industrial dispute between the management of HDFC Bank Ltd. and their workmen.

[No. L-12012/04/2020– IR (B-1)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Sri Dinesh Kumar Singh,

Presiding Officer, C.G.I.T.-cum-Labour Court,

Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 14/2020

Date of Passing Order – 06.06.2025

Between :-

1. M/s. Kore Security Services (P) Ltd.,
   G-7. Mezzamine Model Town – III
   Delhi – 110 033.
2. HDFC Bank Ltd., Zonal Office,
   Patra Pada Branch, Bhubaneswar (Orissa)

… 1st Party-Managements.

(And)

Sri Sulekh Kumar Majhi,
At./Po. Nimani, Via – Bhapur,
Dist. Nayagarh – 752 063.

… 2nd Party-workman.

Appearances:

Sri Amulya Ranjan Singh	…	For the 1st party-
Auth. Rep.		Management No. 1.
None	…	For the 1st Party-
		Management No. 2.
Sri Sulekh Kumar Majhi. …		For Himself-2nd Party-
		Workman.

ORDER

In the present case, a reference was received from the Under Secretary, Government of India, Ministry of Labour vide order No. L-12012/04/2020 IR(B-I), dated 26.02.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication of a dispute, under the following schedule:-

> "Whether the management of M/s. Kore Security Services Pvt. Ltd., contractor of HDFC Bank Ltd., Bhubaneswar is legally bound to pay higher amount of terminal benefits under section 25-F of I.D. Act, 1947 and differential amount of wages for the period July, 2018 to March, 2018 to Shri Surech Kumar Majhi? If yes, what relief the workman is entitled to?"

2. The case of the 2nd party-workman in brief is as follows:-

That he was engaged in the employment of watch and ward in the Zonal Office of the HDFC Bank, Patrapada Branch, Bhubaneswar through the contractor, M/s. Kore Security Services Pvt. Ltd. from 18.07.2018 to 31.09.2019 and he continued there without any break. He was entitled to get the benefit of Central Minimum Wages as per the Government of India gazette notification but during the service period he was being paid the minimum rate of wages as was fixed by the State Government and as such he was being paid Rs. 8000/- for thirty days work. In the mean while in course of his working all of a sudden he was terminated from his service by the Management No. 2 with effect from 01.04.2019 without any terminal benefits/notice pay as per I.D. Act. He requested several times to the Management for his reinstatement and payment of unpaid differential minimum wages and retrenchment benefits, but the Management did not respond. He had raised a dispute before the labour machinery and on failure of conciliation proceeding the present reference has been made.

The 2nd party-workman has prayed to pass an award directing the Management for his reinstatement and to pay him terminal benefits along with differential wages.

3. On the other hand, though the Management No. 1 M/s. Kore Security Services (P) Ltd. has appeared but not filed any written statement. The Management No. 2 has not yet appeared and filed any written statement in this case in spite of several opportunities given to it.

4. However, during the course of adjudication, both the 2nd Party-Workman and the 1st Party-Management No. 1 have settled the present dispute out of court and filed original copy of their Memorandum of Settlement in Form – H containing certain terms & conditions as agreed between them in this dispute with signatures of workman, authorized representative of the 1st Party-Management No. 1 and one witness. Submitting their Memorandum of Settlement, both the 2nd party-workman and Management No. 1have prayed the Tribunal to close this case in terms of the settlement arrived at between them. The terms of Memorandum of Settlement executed between Sri Sulekh Kumar

Majhi (2nd Party Workman) and Sri Amulya Ranjan Singh (Authorised representative of the 1st Party Management No. 1) are as under.

"1. That, the Management agrees to pay a sum of Rs. 20,000/- (Rupees Twenty Thousand Only) to the workman Sulekh Kumar Majhi as full and final settlement of all claims, dues and demands in connection with his past employment with the Management No. 1.

2. That, the Workman accepts the above mentioned sum in full and final settlement of all claims and has no further grievance or demand against the Management and undertakes not to raise any further dispute in any court or forum in relation to this matter.

5. Considering the facts and circumstances and the submissions of the stake holders of this case, the Tribunal is of the opinion that whatever dispute was existing between the 2nd Party-Workman and the 1st Party-Managements, the same have already been settled and no further adjudication is required under the Act.

6. Hence, this order is passed in terms of the Memorandum of Settlement arrived at between the 2nd Party-Workman and the 1st Party-Managements. The Memorandum of Settlement filed by the parties in this case forms part of the order.

7. This is the Order of this Tribunal.

Dictated &Corrected by me.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 2 सितम्बर, 2025

का.आ. 1606.—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-1, के पंचाट **(संदर्भ संख्या 146/2000)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल-20012/500/1999-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 146/2000*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 0***1/09/2025***.

[No. L-20012/500/1999– IR (CM-I)]

SALONI, 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. 146/2000

Employer in relation to the management of Putki Colliery of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- Sri R.R. Prasad, Ld. Advocate

State : Jharkhand. Industry:-Coal

Dated 13/08/2025

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-20012/500/1999- IR(C-I) dated 01/03/2000 has been pleased to refer the following dispute between the employer i.e. management of Putki Colliery of M/s BCCL and their workman through Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh to designate Sri Bharat Sharma as Loading Supervisor is proper and justified? If so, to what relief is the workman entitled and with what consequential benefits and from what date?"

2. At the outset it is important to mention that previously this reference case was decided against the workman by this tribunal vide Award dated 18.11.15 but when the same was challenged by the workman before the Hon'ble Jharkhand High Court in W.P.(L) No.2535 of 2016, the Hon'ble Court vide his Lordship's order dated 26.09.22, was pleased to set aside the impugned Award dated 18.11.15 holding the same as cryptic and remitted back this case for taking a decision in accordance with law after giving due opportunity to the parties.

3. The case of the workman/union as per the written statement is that he was initially employed as Mining Sirdar and being impressed by his efficient work the management engaged him as Loading Supervisor for bringing improvement of the standard and quality of loading appreciating his merit and efficiency which he showed during his continuous employment of several years since 1988. Subsequently the concerned workman was issued a copy of letter No. CI/ADA(WB) dated 25.7.88 which was sent to the Manager of Pootki Colliery of BCCL by Commercial Manager, S.E. Railway., Adra and by this letter the concerned workman amongst others was cautioned against overloading of wagons at Pootki Colliery Depot to be sent to Bhojudih Coal Washery. Vide office order No. 113 dated 13.05.91, the concerned workman was sent to attend training programme in Kustore Club. He was also nominated and sent in the capacity of Loading Supervisor to participate in seminar on Coal Quality Improvement held at Moonidhi on 12.8.93 which is evident from office order No. 252 dated 9th August 93. Again by office order No. 1955 dated 17.3.94 the concerned workman was released for attending training programme on quality circle in the capacity of Loading Supervisor. Vide letter No. 166 dated 1.7.1994 also it is evident that the concerned workman working as Loading Supervisor was asked by the management to submit the list of wagon loaders working under him with their names and other details. By another Letter No. PC/94 dated 28.10.94, he was directed by the management to collect the details of Weightment of wagons in the capacity of Loading Supervisor. After being diverted from the post of Mining Sirdar from 1988 to work as Loading Supervisor, the concerned workman was stopped payment of underground allowance and charge allowance for quite a long time, putting him to heavy loss but when he requested orally as well as through written representations to regularize him as Loading Supervisor with proper grade because of his working for several years on the said post of Loading Supervisor undergoing heavy loss due to stoppage of payment of underground allowance and charge allowance to him, the management did not attend the same, the industrial dispute was raised for regularizing him as Loading Supervisor. The conciliation also failed due to management that resulted in present reference and at last it was prayed to pass award to regularize the workman Sri Bharat Sharma as Loading Supervisor in T & S Grade-A from 1989 with all consequential benefits as per NCWA and grant other reliefs as this Tribunal may deem fit and justified.

4. On 25.07.2006 the management filed written statement cum rejoinder submitting therein that the present reference is not maintainable. Sri Bharat Sharma, an employee of Pootkee Colliery was originally employed as C.C.M. helper in Category-IV and subsequently on the basis of his Mining Sirdarship Certificate, he was promoted as a Mining Sirdar in Technical & Supervisory Grade 'C' and was accordingly paid salary of Mining Sirdar in that grade. On the basis of his designation and request, he was upgraded in Technical & Supervisory Grade-B as per NCWA-V. The concerned workman never worked or employed as Loading Supervisor and as such the demand of the union to designate the workman as Loading Supervisor is false.

5. In rejoinder the management has submitted that the contents of Para-1 of the W/S of the workman are terms of reference hence not denied. Regarding contents of Para-2 and 3 of the W/S of the workman it is stated that he worked as a Mining Sirdar but it is denied that he was ever employed as Loading Supervisor. The contents of Para 4 to 8 of the W/S of the workman are matters of record. The contents of Para 9 of the W/S is denied as baseless and false. The workman raised the dispute before the Assistant Labour Commissioner (C), Dhanbad in 1997 whereas he is claiming the relief from 1989, which is contrary to the facts of the case and it was prayed that the demand of the union to designate Sri Bharat Sharma as Loading Supervisor be held as not proper and not justified and he is not entitled to any relief.

6. Rejoinder on behalf of the union/workman to the written statement of the management has also been filed on 25.09.2008 in which it was submitted that the averments made in Para 1 of the W/S of the management is true and correct, hence admitted. The contents of Para 2 of the W/S of the management is neither true nor correct and misleading, hence denied. The present reference is legally maintainable. The contents of Para 3and 4 of the W/s of the

management are matters of record, hence admitted. The averments made in Para 5 of the W/S of the management is misleading and contradictory, hence denied. It is submitted that the management have assigned the job to perform duty as Loading Supervisor on vacant and sanctioned post of Loading Supervisor from July 1988 of their own. The concerned workman has raised objection due to stoppage of Underground Allowance and Charge Allowance which are privileges in vogue for the performances of Mining Sirdar. It has further been submitted that the concerned workman's designation was Mining Sirdar, working since 1984 and he was transferred from Pootkee Colliery to Balihari Colliery in the same capacity of Mining Sirdar till August 1988 and thereafter the management diverted the duty of the workman into the Loading Supervisor to perform his job of the same and since then he is continuously doing his duty in the same capacity, Apart from the same the management has issued several office order in which the designation of the workman has been as Loading Supervisor. Thus he was performing his duty as the job assignment of Loading Supervisor since 1988 duly engaged to perform his duty as such and therefore the concerned workman is legally entitled for regularization in the post of Loading Supervisor with Pay Scale of T & S Gr. A and other consequential benefits. His demand is proper, legal and justified and it was prayed to consider the same.

7. In support of his case the workman Bharat Sharma has examined himself as WW-1.

8. He has also got Exhibited the following documentary evidence:

Exhibit W-1- Office Order of BCCL, Pootkee Colliery dated 10.01.1984.

Exhibit W-2- Office Order of BCCL dated 1.7.1987.

Exhibit W-3- Office Order of BCCL dated 2.7.1987.

Exhibit W-4- Office Order of BCCL dated 24.6.1987.

Exhibit W-5- Office Order of BCCL dated 2.4.1993.

Exhibit W-6- Office Order of BCCL dated 9.8.1993.

Exhibit W-7- Letter of BCCL dated 28.10.1994.

Exhibit W-8- Office Order of BCCL dated 23.12.2006.

Exhibit W-9- Office Order of BCCL dated 31.01.2007.

Exhibit W-10- Office Order of BCCL dated 06.08.2008.

Exhibit W-11- Application by Bharat Sharma dated 13.12.88.

Exhibit W-12- Application by Bharat Sharma dated 17.09.1989.

Exhibit W-13- Letter of Rashtriya Colliery Mazdoor Sangh dated 22.04.1997.

9. The management has not adduced any evidence in support of his case.

10. Heard both sides and perused the materials on record.

11. The Ld. Counsel for the workman has submitted that the workman Sri Bharat Sharma was initially appointed as Mining Sirdar in Tech. Grade-C and posted at Balihary Colliery vide office order dated 10.01.1984 and thereafter he was deployed to work as Loading Supervisor since 1988 and he performed the duty of Loading Supervisor well till his retirement on 30.06.2013. During this tenure the workman participated in Seminar as Loading Supervisor. Several office orders were issued by the BCCL in which his designation was shown as Loading Supervisor. Vide direction passed in W.P. (S) No. 2127/2007 by the Hon'ble Jharkhand High Court, the management had to allow him his duty as Loading Supervisor working as mining sirdar but ultimately at the time of his superannuation on 30.06.2013 he was retired with designation Mining Sirdar. Neither he was regularized even after working for such a long period on the post of Loading Supervisor nor any salary or any consequential benefits for the same was given and at last he has prayed to direct the management to regularize the workman, Bharat Sharma at the post of Loading Supervisor in Technical and Supervisor Grade-A Pay scale/wages and other consequential benefits since 1989.

12. On the other hand the Ld. Counsel for the management has submitted that the workman Sri Bharat Sharma was originally employed as C.C.M. helper in Category-IV and subsequently on the basis of his Mining Sirdarship Certificate he was promoted as a Mining Sirdar in Technical & Supervisory Grade 'C' and ultimately he was paid salary of Mining Sirdar in Technical & Supervisory Grade-'B' on the basis of his designation and request. A mining Sirdar is promoted to the post of Overman after passing departmental examination and so the demand of the union to regularize him and designate him as Loading Supervisor is unjustified and the concerned workman is not entitled to any relief as demanded. He has already retired in the year 2013 and received all the retiral benefits and therefore, prayed to dismiss the reference case.

13. Admittedly the workman Bharat Sharma was originally employed as C.C.M. helper in Category-IV and later on he was promoted as Mining Sirdar in Supervisory Grade 'B'. It further transpires that the workman got superannuated on 30.06.2013 with the same designation of Mining Sirdar.

14. The claim of the workman Bharat Sharma is that though previously he was working as Mining Sirdar but from the year 1988 the management started taking the work of Loading Supervisor from him and even after his request the management did not regularize him nor given him the designation of Loading Supervisor and so he has claimed for regularization at the post of Loading Supervisor, though the management has denied this claim in his W/S submitting that the workman Bharat Sharma was never employed as Loading Supervisor.

On perusal of documentary evidence of the workman in support of his submissions it transpires that Exhibit W-1 is the office order of BCCL dated 10.01.1984 which reveals that the workman Sri Bharat Sharma, Clerk of Pootkee Colliery was promoted as Mining Sirdar in Technical Grade 'C' and posted at Balihari colliery was released, Exhibit W-2 is the office order dated 01.07.1987 of BCCL and on its perusal it transpires that the workman Bharat Sharma was working as Mining Sirdar and was transferred to Putkee Colliery, Exhibit W-3 which is office order of BCCL dated 02.07.1987 it further reveals that the workman Bharat Sharma was permitted to join at his new place of transfer at Putkee Colliery since 01.07.1987, Exhibit W-4 is the Office order dated 24.06.1987 of the BCCL which reveals that the workman Bharat Sharma, Mining Sirdar was transferred to Putkee Colliery and he was directed to report for duty to Agent, Putkee Colliery after his release.

15. Now as regards the documentary evidence that the workman has adduced in support of his claim that he was working as Loading Supervisor and therefore he is entitled to be regularized and designated as such, on perusal of Exhibit W-5 which is office order of BCCL dated 02.04.1993, it transpires that the same has been written by D.R. Gupta, Officer on Spl. Duty to the General Manager, P.B. Area regarding joint findings of derailment and it transpires that copy of the same has also been sent to Bharat Sharma in which his designation has been mentioned as L/Supervisor. Likewise on perusal of Exhibit W-6 which is office order of the BCCL dated 09.08.1993 it transpires that some officers/staff have been nominated to participate in Seminar on Coal Quality Improvement to be held at Moonidih on 12.08.1993 and out of whom the workman Sri Bharat Sharma is also one of the nominated participant and a copy of the same has also been sent to him with the designation L/Incharge, Pootkee Colliery, Exhibit W-7 is a letter dated 28.10.1994 of BCCL written by the Project Officer, Putkee Colliery to the Chief Controller, S.E. Rly, Bhojudih in which it has been mentioned that the workman Sri Bharat Sharma was being sent with this letter to collect the weighment of wagons and in this letter also the designation of Bharat Sharma is mentioned as Loading Supervisor, Exhibit W-9 is the Office order of the BCCL dated 31.01.2007 in which it has been mentioned that considering the representation of Sri Bharat Sharma, Mining Sirdar working as Loading Supervisor of Pootkee Colliery, the office order dated 23/27.12.2006 issued by the then Project Officer was kept-in-abeyance till further order and on perusal of Exhibit W-8 which is office order of the BCCL dated 23.12.2006 it transpires that by this order the Project Officer had transferred the workman, Bharat Sharma, Mining Sirdar working as Loading Supervisor to Gopalichak Colliery and was directed to contact the manager of the same but it further transpires that it was stayed by Exhibit W-9 which is another office order of BCCL dated 31.01.2007 and in this document also the designation of the workman Bharat Sharma has been mentioned as Mining Sirdar working as Loading Supervisor. On perusal of Exhibit W-10 it transpires that this is an office order of the BCCL dated 06.08.2008 in which it has been mentioned that in pursuance of the order of the Hon'ble High Court Jharkhand, Ranchi dated 4/5.2.2008 in WP(S) No. 2127/2007 and subsequent approval, the designation of Sri Bharat Sharma shall be read as mentioned in Annexure-10 of the writ petition and on perusal of the case record it transpires that the same is Mining Sirdar working as Loading Supervisor.

16. Exhibit W-11 is a hand written letter dated 13.12.1988 by Bharat Sharma, Mining Sirdar working as Loading Supervisor to the Agent, Pootkee Colliery in which he has requested that he was working as Mining Sirdar but for some time the work of Loading Supervisor was being taken from him and accordingly his charge allowance and underground allowance has been stopped by which he was suffering too much and so he requested to allow him to go to his work as Mining Sirdar. Likewise Exhibit W-12 is also hand written letter by Bharat Sharma dated 17.09.1989 by which he has requested that he was being taken the work of Loading Supervisor and his underground allowance and charge allowance was stopped causing him loss but he was not permitted to go to his work and at last it was requested to designate him as Loading Supervisor or compensate him. But as against these both Exts.(Ext.W-11 & Ext.W-12), in his Cross-examination, WW-1, Sri Bharat Sharma has admitted that it is a fact that he refused to work as Mining Sirdar when he was asked to work as such.

17. Ext.W-13 is the letter dated 22nd April 1997 which appears to have been written by the Vice President, Rashtriya Colliery Mazdoor Sangh to Shri A K Gupta, Director (P), BCCL, Koyla Bhawan Dhanbad in which he has raised the issue of diversion of some workers from one cadre to the other and also objected the payment of underground and charge allowances to them.

18. As regards the oral evidence, the workman Bharat Sharma who has been examined as WW-1 has testified that previously he was working as Mining Sirdar at Pootkee Colliery but thereafter the management engaged him to perform the duty as Loading Supervisor since 1988 and since then he has been performing his duty as such. During this period he was also authorized to participate in seminar as Loading Supervisor. During this period his underground allowance and charge allowance was also deducted causing him irreparable loss. He has been performing the job of Loading Supervisor against the sanctioned and vacant post with the approval of competent authority since 1989 and therefore he is entitled to receive pay scale and differences of wages of T & S Grade-A since 1989 with designation

confirmation and consequential benefits. In the cross-examination he has admitted that his designation is Mining Sirdar. The job of Mining Sirdar is Supervisory. He supervises the work of safety in the mines and it is a fact that he refused to work as Mining Sirdar when he was asked to work as such. A Mining Sirdar after passing examination gets promotion to over man. Loading Supervisor's job is supervisory job. He does not know about cadre post and he does not know in which cadre he was working.

19. On perusal of the above materials and documentary evidence adduced from the side of the workman as well as oral testimony of the workman it transpires that the workman Bharat Sharma was initially appointed as CCM helper in category- IV and there after on 10.01.84 he was promoted at the post of Mining Sirdar in Tech grade C(Ext.W-1) and he continued to work as such but it further appears that thereafter the management started taking from him the work of Loading Supervisor(Ext.W-5 to Ext.W-10) and that is why in all the above mentioned exhibited documents, the designation of Loading Supervisor or Mining Sirdar working as Loading Supervisor has been mentioned with the name of Bharat Sharma but the workman Bharat Sharma has himself admitted in his cross-examination as WW-1that after passing examination, a Mining Sirdar is promoted to the post of Overman and so it is self evident that when the workman has not taken and passed any examination, he has no legal right to demand the relief of regularization/designation on the post of Loading Supervisor which does not come in the channel of promotion and which is a post beyond the cadre of safety and mining operation in which he was initially appointed and secondly, the workman has stated in his examination-in-chief as WW-1that he has been performing the job of Loading Supervisor against the sanctioned and vacant post with the approval of competent authority but he has failed to adduce any documentary evidence showing any order/approval of his appointment/ promotion to the post of Loading Supervisor which is a post of different cadre and so it appears that he was only officiating at the post of Loading Supervisor and only because of his officiating, the workman has no legal right of regularization to the post of Loading Supervisor.

20. The Hon'ble Apex Court have been pleased to hold in case of **Ramanuj Prasad Vs. Coal India Ltd and Others reported in 2004 Supreme Court Cases (L&S) 264** that claim based on officiation in the promotional post in the absence of order of promotion passed in favour of the employee, he has no legal right to the said post."

21. Thus on the basis of the above discussion of entire oral as well as documentary evidence and materials on record as also following the above authority of the Hon'ble Apex Court this tribunal finds and holds that the workman has failed to prove his entitlement of designation/regularisation to the post of Loading Supervisor and so the demand of the Rashtriya Colliery Mazdoor Sangh to designate Sri Bharat Sharma as Loading Supervisor is neither proper nor justified and so he is not entitled to any such relief.

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, 2 सितम्बर, 2025

का.आ. 1607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल सिल्क बोर्ड, खरसवां, सरायकेला के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1, के पंचाट **(संदर्भ संख्या 38/2006)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल- 20012/123/2004-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 38/2006*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of Central Silk Bord,Kharswan ,saraikela and **their workmen** received by the Central Government on 0***1/09/2025.***

[No. L-20012/123/2004– IR (CM-I)]

SALONI, 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. 38/2006

Employer in relation to the management of Central Silk Board, Kharswan, Saraikela.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Nitish Sahay, Ld. Advocate.

For the workman. :- None.

State : Jharkhand. Industry:-Textile

Dated 13/08/2025

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-42012/123/2004-(IR(CM-II)) dated 14/02/2006 has been pleased to refer the following dispute between the employer i.e. management of Central Silk Board, Saraikela and their workman Shri Sur Singh Hembram for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Central Silk Board in denying regularization of services of Shri Sur Singh Hembaram is legal and justified? If not, to what relief the workman is entitled?"

2. On receiving order no. L-42012/123/2004-(IR(CM-II)) dated 14/02/2006 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 38 of 2006 was registered on 24.02.2006 and thereafter the notices were sent to the parties with a direction to appear and submit their written statements along with relevant documents in support of their claims and the witnesses.

3. After issuance of regd. notice, none appeared on behalf of the workman. It further transpires from the case record that when the case record was put up after a long gap, registered notices were sent on 20.12.2021 to the parties and thereafter no step was taken from the side of the workman. Whereas management appeared on some dates but the workman never appeared before the Tribunal since 24.02.2006, though on 04.07.2025, Sri Nitish Sahay, Ld. Advocate appeared for the management.

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

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 2 सितम्बर, 2025

का.आ. 1608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1, के पंचाट **(संदर्भ संख्या 58/2015)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल-20012/121/2015-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 58/2015***)* of t**he Central Government Industrial Tribunal-**

cum-Labour Court, Dhanbad-1 as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 0***1/09/2025***.

[No. L-20012/121/2015– IR (CM-I)]

SALONI, 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. 58/2015

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 13/08/2025

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-20012/121/2015 (IR(CM-I)) dated 03/11/2015 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL, Dhanbad and their workman through Central Secretary, Jharkhand Colliery Mazdoor Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Bhowra(N) Colliery of M/s BCCL in dismissing Shri Bablu Rai, pers. No. 03008190, Ex-Miner Loader from the services of the company vide order no. PS/(N)/ UG. Mines/05/593, dated 06/07.06.2005 is justified and fair? To what relief the concerned workman is entitled to?"

2. On receiving order no. L-20012/121/2015 (IR(CM-I)) dated 03/11/2015 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 58 of 2015 was registered on 02.12.2015 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, Sri Bhuwan Rewani, Central Secretary of workman/union appeared on 12.05.2016 and filed letter of authority as also the written statement on behalf of the sponsoring union but after 23.06.2016 he failed to appear before this Tribunal, whereas Sri D.K. Verma, Ld. Advocate appeared from the side of the management and filed his letter of authority on 27.07.2016. It transpires that written statement and rejoinder has been filed by the management on 05.07.2017. On 15.11.2016, Sri Balmiki Prasad, Advocate appeared for the workman/union and filed his letter of authority. Thereafter both parties appeared till 27.02.2020 after that workman/union failed to appear before this Tribunal. However, Sri D.K. Verma, Advocate on behalf of the management appeared but the workman/union never appeared before the Tribunal since 2020.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 5 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 2 सितम्बर, 2025

का.आ. 1609.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1, के पंचाट **(संदर्भ संख्या 80/2014)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल- 20012/71/2014-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 80/2014*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 0***1/09/2025.***

[No. L-20012/71/2014– IR (CM-I)]

SALONI, 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. 80/2014

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri Dhiraj Kumar, Legal Inspector.

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 13/08/2025

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-20012/71/2014 (IR(CM-I)) dated 14/08/2014 has been pleased to refer the following dispute between the employer i.e. management of E.J. Area of M/s. BCCL and their workman through Joint General Secretary, Bahujan Mazdoor Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the Management of Patherdih Colliery under EJ. Area of M/s BCCL in dismissing Sri Tapan Roy, Ex-M/Loader from the services of the Company vide office order dated 21/27-Nov. 2008 is fair and justified? To what relief the concerned workman is entitled to?"

2. On receiving order no. L-20012/71/2014 (IR(CM-I)) dated 14/08/2014 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 80 of 2014 was registered on 26.08.2014 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. After issuance of notice, none appeared on behalf of both the parties. The case record shows that this case was put up after a long gap and the regd. notices were issued to both parties on 17.01.2022 and Sri R.R. Ram, Representative of the workman appeared on 25.04.2022 but thereafter failed to appear. However management did not appear before this Tribunal since 2014. Though on 04.07.2025, Sri Dhiraj Kumar, Legal Inspector appeared for the management but the workman failed to appear.

4. It transpires from the case record that workman neither appeared before the Tribunal since the year 2022 nor any step was taken on his behalf which makes it clear that workman has lost his interest in this case and therefore, this Tribunal is of the opinion that this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 2 सितम्बर, 2025

का.आ. 1610.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1, के पंचाट **(संदर्भ संख्या 08/2012)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल- 20012/45/2011-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 08/2012*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 0***1/09/2025.***

[No. L-20012/45/2011– IR (CM-I)]

SALONI, 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. 08/2012

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri N. Nath, O.S. Legal H.Q

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 13/08/2025

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-20012/45/2011 (IR(CM-I)) dated 20/12/2011 has been pleased to refer the following dispute between the employer i.e. management of Kusunda Area of M/s. BCCL and their workman through Secretary, Rashtriya Colliery Mazdoor Sangh, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the management of Dhansar Colliery of M/s BCCL in not regularizing Sri Mohan Prasad in the post of Despatch Clerk, though he has been performing the said job for the last several years with due authorization is fair and justified? To what relief the workman concerned is entitled to?"

2. On receiving order no. L-20012/45/2011 (IR(CM-I)) dated 20/12/2011 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 08 of 2012 was registered on 06.01.2012 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 service of notice, both parties appeared previously and filed their authorities, W/S, rejoinders and subsequently evidences. It further appears that after 2017 this case was put up after a long gap on 14.02.2022 and registered notices were issued to both the parties but both the parties failed to appear before this Tribunal. Though on 04.07.2025, Sri N. Nath, O.S Legal H.Q on behalf of the management appeared but workman/union did not appear since the year 2017 which shows that workman/union has lost his interest in this case and therefore, this Tribunal is of the opinion that the case deserves to be dismissed due to non prosecution.

4. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 2 सितम्बर, 2025

का.आ. 1611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1, के पंचाट **(संदर्भ संख्या 28/2015)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल-20012/53/2015-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 28/2015*)*** of t**he Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 0***1/09/2025***.

[No. L-20012/53/2015– IR (CM-I)]

SALONI, 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. 28/2015

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

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

For the Employers :- Sri S.N. Ghosh, Ld. Advocate.

For the workman. :- None.

State : Jharkhand. Industry:-Coal

Dated 13/08/2025

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-20012/53/2015 (IR(CM-I)) dated 07/07/2015 has been pleased to refer the following dispute between the employer i.e. management of Lodna Area of M/s. BCCL, Dhanbad and their workman through Central Secretary, Jharkhand Colliery Mazdoor Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"Whether the action of the Management of North Tisra Colliery under Lodna Area of M/s BCCL in dismissing Shri Hemlal Mahli, Pers. No. 02941920, Ex-M/Loader from the services of the company, vide letter No. BCCL/NTC/2004/PER/1133, dated 16/26.07.2004 is fair and justified? To what relief the concerned workman is entitled to?"

2. On receiving order no. L-20012/53/2015 (IR(CM-I)) dated 07/07/2015 Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, Reference case no. 28 of 2015 was registered on 17.07.2015 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, Sri Bhuwan Rewani, Central Secretary of workman/union appeared on 12.05.2016 and filed letter of authority as also the written statement on behalf of the sponsoring union and after 23.06.2016 he failed to appear before this Tribunal, whereas Sri U.N. Lall, Ld. Advocate appeared from the side of the management and filed his letter of authority on 27.07.2016. It transpires that written statement and rejoinder has been filed by the management on 25.01.2017. After a long gap on 19.04.2017, Sri Balmiki Prasad, Advocate appeared for the workman/union and filed his letter of authority. Thereafter both parties appeared till 15.12.2017 after that workman/union failed to appear before this Tribunal. It further transpires that after a long gap this case was put up on 01.03.2019 and regd. notices were again sent to the parties but workman/union failed to appear before this Tribunal. However, Sri U.N. Lall, Advocate on behalf of the management appeared. After 28.05.2019, Sri S.N. Ghosh, Advocate appeared on behalf of the management on 20.06.2019 and filed his letter of authority, thereafter he continued to appear before this Tribunal but the workman/union never appeared before the Tribunal since 2018.

4. On perusal of the entire case record it is transpires that the workman never appeared before this Tribunal for a period of 8 years which shows that the workman has lost his interest in this case and therefore, for the ends of justice, this case deserves to be dismissed for non prosecution.

5. Hence,

ORDERED

that this case is hereby dismissed for non prosecution 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, 2 सितम्बर, 2025

का.आ. 1612.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय**, धनबाद-1, के पंचाट **(संदर्भ संख्या 04/2019)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **01/09/2025** को प्राप्त हुआ था।

[सं. एल- 20012/86/2018-आई.आर.(**सी.**एम-I)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award **(Ref. No. 04/2019*)*** of **the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-1** as shown in the Annexure, in the industrial dispute between the Management of **BCCL.** and **their workmen** received by the Central Government on 0***1/09/2025***.

[No. L-20012/86/2018– IR (CM-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference Case No. 04/2019

Employer in relation to the management of Govindpur Area No.III of M/s. BCCL, Dhanbad.

AND.

Their workman.

Present: **Shri Sachindra Kumar Pandey**

Presiding Officer

Appearances:

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

For the workman :- Sri Pintu Mondal, Representative

State : Jharkhand. Industry:-Dhanbad

Dated 01/08/2025

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-20012/86/2018-(IR(CM-I)) dated 03/12/2018 has been pleased to refer the following dispute between the employer i.e. management of Govindpur Area No.III of M/s BCCL and their workman through Asstt. General Secretary, Jharkhand Janta Mazdoor Union, Dhanbad for adjudication by this Tribunal:

SCHEDULE

"i) Whether the action of the management of Jogidih Colliery under Govindpur Area of M/s BCCL in dismissing Sri Tulsi Bouri, Ex. Line Helper vide order dated 9/13.04.2011 is fair, proper and justified?

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

2. The case of the workman namely Sri Tulsi Bouri as per his WS, is that he was a permanent employee of Jogidih Colliery under Govindpur Area of M/s. BCCL working as Line Helper and keeping unblemished record of service. On 26.05.2010 he was unable to perform his duty due to sickness and reported the same to the management. After recovery he reported to the management to allow him to resume his duty with Medical Certificate but the management of Jogidih Colliery did not allow him to resume his duty illegally and issued a charge sheet dated 17/21.06.2010 to him for commission of misconduct as per the Certified Standing Order clause 26.1.1. The workman has not committed any misconduct as mentioned in the Certified Standing Order of the company. The charge sheet was issued with a view to deal the absence for minor punishment. The workman was unable to perform his duty because he was under treatment. The enquiry was conducted without giving him proper notice and he was not given opportunity to defend his case. Principle of natural justice was not followed during the enquiry and so the same is not fair and proper and ultimately the Project Officer of Jogidih Colliery of M/s BCCL illegally dismissed him vide dismissal order dated 9/13.04.2011 whereas he was appointed by the General Manager. As per Clause 27.2.6 of the Certified Standing Order no order of discharge or dismissal from service shall be made by an authority lower than the appointing authority of the workman. The Project Officer is lower in rank than the General Manager, hence he was not competent authority to pass the order of dismissal of the workman and so the order of dismissal is non-est and liable to be set aside. The Disciplinary Authority has not disposed of the appeal as per the provisions of Certified Standing Order which is violation of the provision of clause 30 of the Certified Standing Order. The management as per decision taken in FDs meeting issued instruction vide letter No. 1067-1167 dated 20.03.2012 to reinstate the ex-employees who were dismissed on the ground of long absenteeism during the period 01.01.2000 to 30.11.2011. The

workman fulfilled all such criteria and applied for the same as per circular before the management but he was not considered arbitrarily and illegally. As per FDs Decision he was entitled for reinstatement. The punishment of the dismissal for his unauthorized absence is shockingly disproportionate and at last it was prayed to hold the dismissal of the workman as illegal and unjustified and direct the management to reinstate him with full back wages.

3. On the other hand the management filed written statement cum rejoinder on 20.05.2019 before the Tribunal submitting therein that the present reference is not maintainable. The concerned workman was dismissed from the service of the company w.e.f. 09.04.2011, whereas the sponsoring union raised the present dispute after lapse of more than 7 years from the date of dismissal and so the dispute is stale dispute and not maintainable and not fit for adjudication. The sponsoring union has got no locus standi to raise the dispute in respect of individual workman. According to Section 2A of the I.D. Act, 1947 the dismissed employee can raise an industrial dispute in respect of his dismissal within three years from the date of dismissal. No explanation has been submitted by the workman regarding the delay of 7 years. The workman Tulsi Bouri was employee of Jogidih Colliery of Govindpur Area as Line Helper but he started absenting from his duty without permission and information of the management w.e.f. 26.05.2010. He remained absent without information and permission of the management which is the misconduct as per clause 26.1.1 of the Certified Standing Order. The Disciplinary Authority issued a charge sheet on 17/21.06.2010 to the workman concerned with direction to submit his explanation but the workman did not submit his explanation to the said charge sheet as such finding no alternative the Disciplinary Authority appointed Enquiry Officer to conduct domestic enquiry in respect of aforesaid charge sheet. Thereafter the Enquiry Officer issued several notices to the workman concerned to appear before him to defend his case but he did not appear, therefore finding no alternative the Enquiry Officer conducted Ex-parte enquiry and submitted his report holding therein that the workman concerned is guilty of the charges. Thereafter the Disciplinary Authority issued second show cause notice to the workman concerned but the he did not submit any reply to the same and thereafter considering his past record and report of the Enquiry Officer, the Disciplinary Authority dismissed the workman concerned from the services of the company w.e.f. 9/13.04.2011. The concerned workman is a habitual absentee. In the year 2008 his total attendance was 61 days, in the year 2009 his total attendance was 120 days and in the year 2010 his total attendance was 86 days. It proves that the workman concerned was not serious about his job. It has further been submitted that the dismissal of the workman concerned is legal and justified. The enquiry conducted by the Enquiry Officer is fair and proper and is in accordance with the principles of natural justice. The fairness of the domestic enquiry may be decided in a preliminary hearing and if it is found that the enquiry is not fair and proper, management may be allowed to adduce evidence afresh.

4. In its rejoinder, the management has submitted that the statement made in Paragraph 1 and 6 of the written statement of the workman is a matter of record. He was habitual absentee. On several occasions, he was allowed to resume his duty with strong warning but in spite of that he absented himself from duty without information and permission of the management. The statement made in Paragraph 3, 4 and 5 of the written statement of the workman are not correct. As per rule every workman is required to report medical officer of the company about his sickness and only medical officer of the company can grant sick leave, but the workman concerned never reported about his sickness to the medical officer of the company. The statements made in Paragraph 7 to 33 of the written statement of the workman are not correct and not relevant and lastly it was prayed to hold that the action of the management of Jogidih Colliery under Govindpur Area of M/s. BCCL in dismissing Sri Tulsi Bouri, from the service is legal and justified and further the workman concerned is not entitled to get any relief.

5. It is pertinent to mention here that the concerned workman has admitted the domestic enquiry as fair and proper vide application dated 05.01.2021 that was held by this Tribunal as fair and proper vide order dated 11.11.2021.

6. In support of his case the workman has adduced the following documentary evidence:-

Exhibit W-1- Photo Copy of letter dated 09/13.04.2011 of Project Officer of Jogidih Colliery of BCCL addressed to Sri Tulsi Bouri regarding order of dismissal from service.

Exhibit W-2- Photo Copy of letter dated 11/06/2010 of Tulsi Bouri addressed to Project Officer, Jogidih Colliery regarding Joining Report.

Exhibit W-3- Photo Copy of Medical Certificate from 26.05.2010 to 10.06.2010 of Tulsi Bouri issued by Dr. M. Prasad, MBBS, MS General Physician & Surgeon, Saraidhela (Dhanbad).

Exhibit W-4- Photo Copy of Service Record of concerned workman namely Tulsi Bouri

Exhibit W-5- Photo Copy of I.D. Card of concerned workman Tulsi Bouri issued by BCCL, Govindpur Area-III.

Exhibit W-6- Photo Copy of Letter dated 02/08/2013 of Tulsi Bouri addressed to Director of Koyla Bhawan BCCL regarding mercy appeal to contribute to the work.

Exhibit W-7- Photo Copy of Circular of Management dated 20/03/2012 addressed to All Areas General Managers.

Exhibit W-8- Photo Copy of Certified Standing Order.

7. In support of its case the management has adduced the following documentary evidence:-

Exhibit M-1- Photo Copy of Office order dated 08/10/2010 for appointment of Enquiry Officer.

Exhibit M-2- Photo Copy of Charge-sheet dated 17/06/2010.

Exhibit M-3- Photo Copy of Notices of Enquiry dated 18/11/2010, 04/17.12.2010 & 28/01/2011.

Exhibit M-4- Copy of Enquiry Proceeding and report.

Exhibit M-5- Copy of Note-Sheet dated 25.03.2011.

Exhibit M-5/1- Copy of Second Show Cause Notice dated 25.02.2011.

Exhibit M-6- Copy of order of dismissal dated 09/13.04.2011.

8. The Ld. Counsel for the applicant/workman has submitted that he was a permanent employee of Jogidih Colliery under Govindpur Area of M/s. BCCL and was working as Line Helper but on 26.05.2010 he fell ill and therefore he could not perform his duty and gave information of the same to the management but even after that he was issued charge sheet by the management on 17/21.06.2010 due to his absence from duty for minor punishment but ultimately the management dismissed him vide order dated 9/13.04.2011. The Order of dismissal is shockingly disproportionate and prayed to hold that the dismissal is illegal and direct the management to reinstate him with full back wages.

9. The Ld. Counsel for the management has submitted that the concerned workman was dismissed on 09.04.2011 whereas the sponsoring union raised the dispute in the year 2018 ie after lapse of 7 years from the date of dismissal and therefore the dispute is stale and not maintainable. He has further submitted that the workman Tulsi Bouri was working as Line Helper in Jogidih Colliery of Govindpur Area and he absented himself from his duty without permission and information to the management w.e.f. 26.05.2010 and therefore charge sheet was issued for his misconduct on 17/21.06.2010 but he did not submit any explanation/reply and ultimately finding no alternative the enquiry was conducted Ex-parte and he was held guilty of the charges. Thereafter second show cause notice was issued but the workman again did not file any reply and ultimately he was dismissed on his service w.e.f. 9/13.04.2011. The concerned workman was habitual absentee. In the year 2008 his total attendance was 61 days, in the year 2009 his total attendance was 120 days and in the year 2010 his total attendance was 86 days and thereafter the dismissal of the workman concerned is legal and justified and prayed to dismiss the reference as not maintainable.

10. **Points for Consideration**

(i) Is the domestic enquiry fair and proper?

(ii) Is the reference of the applicant stale and so not maintainable?

(iii) Is the dismissal of Sri Tulsi Bouri fair, proper, justified and proportionate? If not, what relief the concerned workman is entitled to?

11. As regards the first point, the workman has already admitted the enquiry as fair and proper by filing petition dated 05.01.2021 and accordingly this Tribunal has also held the enquiry as fair and proper by accepting the petition of the workman vide order dated 11.11.2021 and so this point is decided accordingly.

12. As regards the second point, on perusal of the case record it transpires that the workman Tulsi Bouri was dismissed by the management vide order dated 9/13.04.2011 and it further transpires that his case was brought before this Court by reference vide order dated 03.12.2018 of the Government of India, Ministry of Labour i.e. after 7 years of the dismissal and on perusal of the provisions of the I.D. Act, 1947, it is evident that there is no fixed time limit for reference of the industrial dispute u/s 10 of the I.D. Act, 1947 to the Industrial Tribunal and it says that where the appropriate government is of opinion that any industrial dispute exists or is apprehended, it may **at any time,** by order in writing refer the dispute.

Considering the above facts, circumstances and provisions of the ID Act 1947, it is held that the reference of this case is not stale and is well maintainable and this point is also decided accordingly.

13. Now, as regards the third point i.e. whether the dismissal of the workman is fair, proper, justified and proportionate, though on perusal of Exhibit M-5 which is copy of note sheet and Ext.M/1which is 2nd show cause notice it appears that the workman was absent for 61 days in the year 2008, 120 days in the year 2009 and 86 days in the year 2010 but there is no evidence on record to prove as to for the above alleged absence during three consecutive years, the workman was ever given any punishment or any enquiry was held for the same. Not only this, even the dismissal order dated 13.04.11 which are Ext M-6 and Ext. W-1, do not even whisper about the alleged previous absence of the workman during 3 consecutive years for certain period and therefore he can not be said to be a habitual absentee.

As regards the other documentary evidence of the management, Ext.M-1 is the office order dated 8.10.10 by which enquiry officer has been appointed for departmental enquiry against the workman Tulsi Bouri in respect of

his charge sheet, Ext.M-2 is the copy of charge sheet dated 17.06.2010 issued against the workman Tulsi Bouri for his alleged absence from duty without information and permission, Ext.M-3 is the fade copy of notice dated 18.11.10 by which the workman has been informed next date of the proceeding, Ext.M-4 is proceeding of the enquiry against the workman in which it appears that the workman did not appear, Ext.M-5 is the note sheet and Ext.M-5/1 is 2nd show cause notice and both these documents also show the previous absence of the workman during 3 consecutive years for certain days though there is no evidence on record for any action or punishment given to the workman for the said absence and Ext.M-6 is the dismissal order dated 13.04.11 which reveals that the workman Tulsi Bouri was dismissed on the ground of his habitually and deliberately being absent without reasonable cause though the management has failed to adduce any evidence on record to prove as to how the workman was habitual absentee when he was not given any warning nor he was ever punished earlier for the same. Likewise Ext.W-1 is the same as Ext.M-6 ie dismissal order dated 13.04.11 and it has already been discussed above. Ext.W-2 which is application of workman and Ext.W-3 which is medical report of the workman have lost their usefulness and importance as the workman has already admitted the fairness of the enquiry report. Ext.W-4 & W-5 are illegible and not of much importance in the facts and circumstances of this case. Ext.W-6 is the copy of mercy appeal dated 2.08.13 given by the workman to Director Personnel, Koyla Bhawan, BCCL, Ext.W-7 is the photocopy of circular dated 20.03.12 and Ext.W-8 is the photocopy of Certified Standing Order.

Thus on the basis of above facts, circumstances and discussion of evidence on record, this tribunal finds and holds that the charge of absence of the workman namely Tulsi Bouri from his service duty since 26.05.10 without information and permission of the management is proved but there being no evidence on record regarding previous warning or punishment of the workman, he can not be held to be a habitual absentee and in view of his long unblemished record of service since 1.01.1992, the action of the Management of Jogidih Colliery under Govindpur Area of M/s BCCL in dismissing Sri Tulsi Bouri, Ex.Line Helper vide order dated 9/13.04.11 is neither fair nor proper rather it is unjustified and quite disproportionate to the misconduct of the workman and hence the same is liable to be set aside. The workman shall not be entitled to any back wages though he shall be entitled to all other consequential benefits treating the period of his absence from duty as Dies Non.

Hence

ORDERED

That this case is allowed on contest against the management of BCCL and the order of dismissal dated 9/13.04.11 of the workman namely Tulsi Bouri is hereby set aside and the Management of BCCL is directed to reinstate the workman Tulsi Bouri without back wages in the service of the Company within three month from the date of receipt of a copy of the Award. The workman shall be entitled to all other consequential benefits treating the period of his absence from duty as Dies Non.

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, 2 सितम्बर, 2025

का.आ. 1613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईएनएस राजाली, नौसेना वायु स्टेशन के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **चेन्नई** के पंचाट (60/2015) प्रकाशित करती है।

[सं. एल-14012/07/2015-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 2nd September, 2025

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 60/2015*)* of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of INS Rajali, Naval Air Station and their workmen.

[No. L-14012/07/2015– IR (B-1)]

SALONI, Dy. Director

ANNEXURE

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

Date: 24-07-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

Industrial Dispute No. 60/2015

BETWEEN

Smt. M.Chokhubai,

W/o. Shri Vajiram,

157/A, Ambedkar Nagar,

Mosur, Ambrishapuram,

Ekhu Nagar Post,

Arakkonam Taluk,

Vellore-631 001. : 1st Party/Petitioner

AND

The Commandant,

INS Rajali, Naval Air Station,

Camp Post, Akash Ganga,

Arakkonam-631 006. : II Party/ Respondent

Appearance:

For the 1st Party/Petitioner : M/s. V.Ajoy Khose &
S.Manogaran, Advocates

For the Respondent : Mr. R.Kumar, Advocate

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-14012/07/2015-IR(DU) dated 11.05.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"*Whether the action of management of INS Rajali, Arakkonam regarding termination of the service of petitioner Smt. M.Chokhubai is justified or not? If not, to what relief the workman is entitled to?"*

2. The above Industrial Dispute has been earlier disposed off by this Tribunal vide its order dated 31.12.2015. Aggrieved by the order, II Party Management has filed an appeal before the Hon'ble High Court of Madras in W.P No. 6937 of 2016. The Hon'ble Court vide its order dated 06.04.2018 & 04.12.2018 has remitted the matter back to this Tribunal for re-opening and adjudicating the matter afresh by providing opportunity to the parties and pass order on merits in accordance with law.

3. The averments made in the Claim Statement filed by the petitioner are as below:

The Officers of INS Rajali formed a committee, approved by the Respondent to appoint casual workers such as sweepers, security guards, etc. The petitioner was appointed as sweeper through NAVAL Akashganga Committee from July 1992 and had worked till 02.11.2007. The petitioner and her co-workers were allocated duty to cut grass, sweep, clean, etc. in the school playground, swimming pool, gym and children's park, etc. by the Management Staff. She was also allocated work as Messenger. She had put in continuous service of 15 years. The last wages paid to her was Rs.1,300/- per month. The petitioner represented before the Management for a rise in the pay. Rather than listening to the petitioner and considering her request, the representatives of the Respondent abused her and treated her in an unjust and unfair manner. The petitioner was terminated from service on 02.11.2007 orally. The work of the petitioner was permanent, perennial, continuous and regular in nature. The termination of the petitioner is in violation of Section-25F and Section-25H of the Industrial Disputes Act. The petitioner is entitled to be reinstated in service. An order may be passed directing the Respondent to reinstate the petitioner with continuity of service, back wages and all other attendant benefits and also to absorb her as permanent/regular worker in the rolls of INS Rajali Naval Air Station and to extend all benefits as applicable to regular Group "D" Staff.

4. The respondent/management in its counter statement submits that there is no employee-employer relationship between the Petitioner and Respondent. A number of residential colonies namely sailors married accommodation, officers accommodation and welfare activities centre were constructed in the premises of INS Rajali Naval Air Station, Arakkonam, Tamil Nadu. These areas generally covered by heavily wild grass and other vegetation plants, therefore, occupants in the aforesaid colonies formed local committee and decided to go for hiring people from open market for grass cutting and cleaning of the aforesaid accommodation area as no manpower provision exists from the Government source for undertaking such kind of job/work. The claimant and others were employed by local committee only and no way connected to the respondent Defence establishment. Salary to these temporary

workers appointed by the local committee has been paid from the contribution made by the residents of the residential accommodation / quarters. The local committee consists of Naval Officers/Sailors who were occupying the residential accommodation, used to fix contributions to be made from time to time. The committee changes when the transfer of individuals holding accommodation.

5. The Respondent further submits that there are no appointments to the posts such as sweepers, security guards and gardner etc. for maintenance of these premises such as school, playground, swimming pool and children park. The committee never followed any procedure or recruitment rules for engaging these temporary workers, such workers were engaged to work four to five hours per day on part-time basis. No payment was made by the Central Government, such workers were not followed attendance system. Therefore, there is no relationship of master and servant exist between the Central Government and these temporary workers, as they have been engaged by the local committee of residents of officers/sailors accommodation quarters. The colonies were well developed after some time and the Petitioner's employment was no longer required. Hence, the Petitioner's services were discontinued in the year 2003. The respondent further submits that there is no relationship of employer-employee exist between the respondent and Petitioner. Hence, the provisions Industrial Disputes Act is not applicable.

Witnesses Examined:

For the First Party Petitioner : WW1 Ms. M.Chokhubai

For the 2nd Party/Management : MW1 Commander Susheel Dhyani

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	-	Temporary passes issued by 2nd Party to the 1st Party
Ex.W 2	-	Payment vouchers receipts for the period from 01.06.1992 to 2003.
Ex.W3	27.08.1998	Proposal for increase in the monthly wages to the casual employees including 1st Party.
Ex.W4	-	Representation made by Petitioner to the Hon'ble President of India
Ex.W5	-	Petition filed by the 1st Party before the Conciliation Officer, Chennai.
Ex.W6	26.03.2014	Counter filed by the Conciliation by the 2nd Party .
Ex.W7	24.09.2014	Failure Report
Ex.W8	11.05.2015	Order of reference.

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	-	Ty pass issued for entering the base (two pages)
Ex.M 2	30.11.2007	HQ ENC letter CE/9152
Ex.M3	01.08.2008	INS Rajali letter WK/138/GEN/11

6. The points for consideration are as under:-

(i) Whether the termination of service of the Petitioner by the Respondent is justified?

(ii) What if any, is the relief to which the Petitioner is entitled?

7. For proper adjudication of these above mentioned two points for consideration, all of first, we have to consider the definition of 'workman'. The ingredients of definition of workman may be described as –

i) The claimant has to prove that she was employed in any industry / she was employed by the respondent.

ii) The respondent comes under the definition of 'industry'.

8. The document submitted by the claimant marked as W2, is a payment receipt document to the claimant and other co-workman. The documents have stamp as 'S.M.A OFFICE, INS RAJALI'. The question arises is what does it mean the word "S.M.A Office". The term "S.M.A Office" refers to 'Station Maintenance Activity Office' for INS Rajali. This S.M.A. Office is under the control and management of the Commanding Officer . The S.M.A. Office is part of the station infrastructure. As per affidavit of the claimant, she had put in continuous service of 15 years. The last wages paid to her was Rs.1,300/- per month. As per Exhibit No.W2, in March, 2003, the Petitioner has received Rs.1,125/- as wages. Though the Petitioner has stated that she had worked with the respondent until 2007, but vouchers for the period subsequent to 2003 are not filed by the claimant. However, Ex.W6, in the counter claim, which was filed by the Respondent before the Assistant Labour Commissioner, would show that Petitioner was working with the Respondent upto this period.

9. The respondent claimed that contribution amount collected by the occupant residents of married officers/sailors for the maintenance of residential premises and the payment was made to the claimant from the collected contribution money. But, this fact is not proved. The respondent failed to adduce any documentary evidence on record to show that payment was made to the claimant from out of the contributed fund collected from the occupants of the residential accommodation/ quarters of officers/sailors.

10. Ex.W1 is a temporary pass issued in favour of the claimant, which shows that she was entitled to enter the premises which was under the control of the respondent.

11. Therefore, as per discussion above, there was relationship between the claimant and the respondent as workman and employer. Furthermore, the payment vouchers shown that the respondent has also paid bonus to the Petitioner. All these are sufficient to show that Petitioner was working with the respondent as casual labourer during the period 1992 to 2007.

12. This fact is established by the Petitioner through her affidavit that she was disengaged by the respondent without prior notice and without following the provisions of section 25F of the Industrial Disputes Act, 1947. The provisions of section 25F reads as under:-

"25F. Conditions precedent to retrenchment of workmen.

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until-

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

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

(c)notice to Government – the employer is also required to serve notice on the appropriate Government authority before retrenchment .

13. Continuous service – Section 25F of the Act applies to the employees, who have been in continuous service for at least one year. Now, in the case of Petitioner, the claimant has served from the year 1992 to 2007. The provisions of compensation under this section is intended to mitigate the hardship faced by the employee Petitioner upon retrenchment.

14. Now, I have to discuss one more aspect of this case. The claimant was terminated from service in the year 2007, but she raised the Industrial Dispute only in the year 2013. Further taking into consideration of the Petitioner's age factor i.e., 57 years old, I am of the view that the Petitioner is not entitled to reinstatement into service. However, the Petitioner is entitled to get compensation as per provisions of section 25F of the Industrial Disputes Act, 1947, and also additional compensation of Rs. 2,00,000/- (Rupees two lakhs only), because provisions of section 25F of the Act were not complied with by the respondent.

15. Accordingly, the Industrial Dispute raised by the Petitioner is allowed and the respondent is directed to pay the claimant equivalent to fifteen days average pay along with interest @ 6% per annum from the date of retrenchment till the date of payment. The respondent is further directed to pay the claimant additional compensation of Rs. 2,00,000/- (Rupees Two Lakhs only) for not complying with the provisions of section 25F of the Act within three months, if not paid within three months, interest @ 6% per annum will be payable from the date of filing the Industrial Dispute before this Tribunal, till the date of payment. Ordered accordingly.

SUSHIL KUMAR-II, Presiding Officer

(Dictated and transcribed by PA and
corrected and pronounced in the open
court on this day the 24.07.2025)

नई दिल्ली, 3 सितम्बर, 2025

का.आ. 1614.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (Ref.10 (C) of 2024) प्रकाशित करती है।

[सं. एल-39025/01/2025-आई.आर.(बी-II)-29]

सलोनी, उप निदेशक

New Delhi, the 3rd September, 2025

S.O. 1614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10 (C) of 2024) of the *Indus.Tribunal-cum-Labour Court Patna* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-39025/01/2025- IR(B-II)-29]

SALONI, Dy. Director

ANNEXURE

Before the Presiding Officer,

Industrial Tribunal, Patna.

Reference Case No.:- 10 (C) of 2024

Between the management of (1) Zonal Manager, Punjab National Bank, Zonal Office, Chankya Palace, 'R'Block, Patna-800001(2) The Circle Head, Punjab National Bank, Circle Office, Aghoriya Bazar, Muzaffarpur-842002 And Their workman Sri Deepak Kumar represented through the General Secretary, Punjab National Bank Employees Union (Bihar), S.K. Puri, A.N. College, Patna-800013.

For the management:- Mr. Zaki Ahmad, Chief Manager, PNB, C.O Muzaffarpur.

For the Workman:- Mr. B.K. Mishra, General Secretary, Punjab National Bank Employees Union, Bihar.

Present:- Manoj Kumar Sinha
Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated- 31st July, 2025

By the adjudication order no.- 1/ID/(07/2024/Dy.CLC Patna, dated- 18.06.2024 the Govt. of India, Ministry of Labour & Employment, Office of the Dy. Labour Commissioner (C), Maurya Lok Complex, A Block, 2nd Floor, Room No.- 6,16, & 17 Patna-800001 Patna has referred under sub-section-(5) of the section-12 read with sub-section-(2A) of section-10 of the Industrial Dispute

Act, 1947, (hereinafter to be referred to as "the Act"), the following dispute between the management of (1) Zonal Manager, Punjab National Bank, Zonal Office, Chankya Palace, 'R' Block, Patna-800001(2) The Circle Head, Punjab National Bank, Circle Office, Aghoriya Bazar, Muzaffarpur-842002 And Their workman Sri Deepak Kumar represented through the General Secretary, Punjab National Bank Employees Union (Bihar), S.K. Puri, A.N. College, Patna-800013 for adjudication to this tribunal:-

SCHEDULE

"Whether the demand of the union from the bank management to revoke the prolong suspensionof Sri Deepak Kumar, head cashier which is in continuance in violation of Bank Guidelines / Circulars on the matter of suspension is legal, fair and justified? If yes, then what relief the workman Sri Deepak Kumar is entitled to?"

2. After receiving of the reference, notices were issued to both sides. The workman appeared through General Secretary of Punjab National Bank Employees Union, Bihar and has filed his statement of claim on 06.08.2024, the management / bank has also filed their objections on 05.09.2024.

3. It is fair as well as reasonable to note here that during pendency of the proceeding, General Secretary namely Sri

Bijay Kumar of Punjab National Bank Employees Union, Bihar has filed written application dt- 03.07.2025 stating therein that the suspension of the workman Deepak Kumar has already been revoked and he has been posted at Dumari Manjhi Branch as CSA copy of the letter dt- 15.11.2024 issued by Dy. Circle Head of HRD department, Circle Office, Muzaffarpur, has also been filed.

4. It is equally fair as well as reasonable to note here that the workman Deepak Kumar is present physically in the court today and on asking he has supported the contention of the application dt- 03.07.2025 filed on his behalf by the General Secretary. The workman has also been examined today and during his presence in the witness box he has identified the writing and signature of Bijay Kumar Mishra on the application dt- 03.07.2025 and the same has been marked as Ext.-W. The workman has deposed in clear voice that he has already joined at Dumari Manjhi Branch on 15.11.2025 and he is working there, he has also said that he does not want to proceed in this case and has prayed to close the proceeding. The representative of the management / bank has no objection.

Now taking into consideration the above fact along with the circumstances on record, it is obvious that it is a case of no dispute and as such an award of "No Dispute Award" is

the requirement of this reference.. Thus this tribunal pass " No Dispute Award " accordingly, which shall be effective after the date of publication in the gazette.

Dictated & Corrected by me.

31.07.2025

MANOJ KUMAR SINHA , Presiding Officer

नई दिल्ली, 3 सितम्बर, 2025

का.आ. 1615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधतत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (Ref.19 (C) of 2018) प्रकाशित करती है।

[सं. एल-12011/79/2018-आई.आर.(बी- II)]

सलोनी, उप निदेशक

New Delhi, the 3rd September, 2025

S.O. 1615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.19 (C) of 2018 *)* of the *Indus.Tribunal-cum-Labour Court Patna* as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen.

[No. L-12011/79/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE

Before the Presiding Officer,

Industrial Tribunal, Patna.

Reference Case No.:- 19 (C) of 2018

Between the management of (1) Deputy General Manager, UCO Bank, Zonal Office, Maurya Lok Complex, Block 'A' 4th Floor, Dak Bungalow Road, Patna -800001 (2) The Senior Manager, UCO Bank, At & PO-Surajgarha, Distt. Lakhisarai, -811106 (Bihar) And Their workman Shri Indradeo Paswan, Part Time Sweeper represented through The State Secretary, UCO Bank Employees Association, Bihar State Committee, Saboo Complex, 2nd Floor, Exhibition Road, Patna – 800001 Bihar.

For the management:- Mr. Praveen Kumar, Advocate.

For the Workman:- Mr. B. Prasad, State Secretary, UCO Bank Employees Association.

Present:- Manoj Kumar Sinha
Presiding Officer,

Industrial Tribunal, Patna.

AWARD

Patna, dated- 11th August, 2025

By the adjudication order no.-L-12011/79/2018-IR(B-II) dated- 30.11.2018 & 15-04-.2019 the Govt. of India, Ministry of Labour, New Delhi has referred under clause (d) of sub-section-(1) and sub-section-(2A) of section-10 of the Industrial Dispute Act, 1947, (hereinafter to be referred to as " the Act"), the following dispute between The management of (1)Deputy

General Manager, UCO Bank, Zonal Office, Maurya Lok Complex, Block 'A' 4th Floor, Dak Bungalow Road, Patna (Bihar)-800001 (2) The Senior Manager, UCO Bank, At & PO- Surajgarha, Distt. Lakhisarai, (Bihar)-811106 And Their workman Shri Indradeo Paswan, Part Time Sweeper represented through The State Secretary, UCO Bank Employees Association, Bihar State Committee, Saboo Complex, 2nd Floor, Exhibition Road, Patna (Bihar) – 800001 for adjudication to this tribunal:-

SCHEDULE

" Whether the action of the management of UCO Bank, in not regularizing services of ShriIndradeo Paswan, Peon / Part Time Sweeper, working at Surajgarha Branch, Distt. Lakhisarai, is justified? If not, to what relief the workman concerned is entitled to?"

2. After receipt of the adjudication order, the reference was registered, notices were issued to the parties and in compliance the workman Sri Indradeo Paswan as well as the management of UCO Bank appeared and filed their statement of claim and written statement respectively. The rejoinder has also filed on behalf of the workman through his representative.

3. The laconic facts of the case of workman Indradeo Paswan (hereinafter referred as workman), as reveals from his statement of claim, is that he was appointed orally by the management of the bank to discharge the duties of a peon / sweeper at Surajgarha Branch w.e.f 30.11.2005, he has performed his duties from 10 A.M to 6 P.M regularly and some times worked even after 6 P.M as per instruction of the Branch Manager, initially the workman was paid Rs. 50/- per day as wages subsequently the amount was raised @ Rs. 200/- per day plus 34/- per day and no wages were paid for Sunday and holidays. Further case of the workman is that after his appointment, he used to discharge the duties of sweeping of the branch premises, taking out registers from the Almirah and place them on different tables as well as counters and also vice-versa, he is also performing the work of stiching of vouchers as well as currency notes, distribution of Dak through peon book, posting of mails in the post office, serving water to the staff, taking out cash box from strong room and placing the at cash counter. It has further been pleaded that there were no permanent peon at Surajarha branch since last several years and the workman was performing his duties against a permanent post of peon for over 13 years but his case for regularization has not been considered. In the year 2012 names of daily rated worker or part time sweeper working upto 31.03.2012 were called for by the head office of the bank and accordingly names of the workman was forwarded by the branch to the Zonal Office of the bank. It has also been contained that during the period, large number of fresh hands were appointed as peons and part time sweeper but the case of the workman was not considered which is neither legal nor justified and the action of the management constitute unfair labour practice. Accordingly it has been prayed by the workman for regularization of his services as house keeper cum peon along with payment of regular wages for the working period as well as Sundays and holidays. A payment of a some of Rs. 10,000/- has also been prayed for contesting the case.

4. The management of UCO Bank, Zonal Office, Patna and Senior Manager of UCO Bank Surajgarha branch, Lakhisarai (hereinafter referred as management) has filed their written statement on 29.05.2019 wherein it has specifically been mentioned that the dispute was raised before the Regional Labour Commissioner (C) at Patna, Bihar and conciliation took place and as such this case is not maintainable before this tribunal. It has further been pleaded that relief for regularization in service cann't be claimed under Industrial Dispute Act, 1947 (hereinafter referred as the Act). The further case of the management is that the workman was engaged for the purpose of cleaning of the premises occasionally at Surajgarha branch of UCO Bank on the basis of as and when required and he worked there for one or two hours a day, he was engaged for part time casual work as sweeper and the same was need based engagement, there is a permanent peon working in the said branch, there is no provision for oral appointment nor the branch manager have the power to appoint any person orally. The said workman was working in absence of the regular part time sweeper as he was residing near by the bank and he made his presence in the branch and was engaged on the basis of as and when required. Therefore, there was no relation of master and servant between the bank and the workman. It has also been pleaded on behalf of the management that the claim of regularization is misconceived as under the provision of law, the tribunal can give relief to the workman only against dismissal, discharge and termination and that too to a proved workmen. In the case of regularization in Piyara Singh's case the Hon'ble S.C (1992 SC 2130) has held that principle enshrined in Article 14 & 16 of the constitution of India cann't be ignored in the case of regularization. Ad-hoc regularization / appointment has been discouraged. It has been held by the Hon'ble Court that if there is a need for regularization in service a scheme must be framed first and then all person eligible for consideration under the scheme must be considered for regularization. Besides, the above the entire

claim made by the workman in his statement of claim has been specifically denied by the management in their written statement. Accordingly it has been prayed to reject the contention of the workman.

5. Rejoinder on behalf of the workman has also been filed on 03.07.2019 wherein the contention of the management were denied and has been pleaded that the management is public sector bank which is a State within Article 12 of the Indian constitution. The Branch Manager are agent of the bank who discharge their duties on behalf of the bank, the appointment of the workman is within the knowledge of the higher officers of the bank, the wages were paid to the workman by the bank and workman has been discharging his duties as per the instruction of the branch manager and as such their exist master servant or employer and employee relationship. The action of the management constitute unfair labour practice and the management being a State should keep in mind the principle of equal pay for equal work. The case of Piyara's Singh deals with the issue of regularization, Article 14 and 16 of constitution do not come in regularization as reference has been made as per the provision of Industrial Dispute Act, 1947. It has also been contented that bank has formulated scheme from time to time for permanent absorbtion of the services of daily rated, casual, temporary workman, who worked for 240 days in three years preceding to the settlement which was done in the year 1989. After 2003 the management formulated scheme to regularized the services of part time sweeper to 1/3 scale wages and converted them to full time class IV employee in 2016 with change designation of house keeper cum peon (HKP) and the management regularized the services of more than 100 personal drivers of the Executives of the bank who worked for more than 5 years. Services of canteen boys were also regularized as peons on earlier occasion. The Surajgarha Branch had two peons namely (1) Ram Chandra Mandal (2) Bishambhar Prasad, one part time sweeper Prabhu Ram and one Armed Guard namely C.D. Singh were also there. Ram Chandra Mandal was promoted to clerical cadre and other three persons I.e Bishambhar Prasad, C.D Singh and Prabhu Ram died. After death of Prabhu Ram his son was engaged as daily rated worker and his services were regularized as part time sweeper and from September-2016 he has been redesignated as a House Keeper-cum-Peon. There is no permanent peon at Surajgarha Branch except one HKP whose duties hours is from 8.00A.M to 3.P.M. Accordingly it has been prayed on behalf of the workman for discharging the reference in his favour in the interest of justice and equity.

6. To substantiate their claim the management has produced three witnesses namely Sri Sheotahal Ram(M.W-1), Sri Ravi Shankar Kumar Mishra (M.W-2) and Sri Ranjan Kumar Singh (M.W-3). Two witnesses namely Sri Indradeo Paswan workman himself (W.W.-1) and Sri Mohan Singh (W.W-2) were present in the witness box to substantiate the claim of the workman.

7. Besides the oral evidence volume of documents were brought on record by way of exhibits on behalf of the workman though the same were filed by the management. On the prayer of the workman, 486 copy of payment vouchers from 07.01.2006 to 02.06.2018 of UCO Bank are marked as Ext.-W to W-485 and letter dt- 09.05.2013 of UCO Bank containing particular of casual worker and sweeper along with enclosure has been marked as Ext.-W/1. No documents were brought on record on behalf of the management as exhibits.

During course of arguments learned counsel appearing for the management has put reliance on the judgement of Uma Devi case reported A.I.R 2006 SC page-1806. The representative of the workman has referred the judgments of Umrala Gram Panchayat Vs. The Secretary Municipal Employees Union reported in (2015) 11 LLJ 403 (SC), Shripal Vs. Nagar Nigam Ghazibad, Supreme Court Civil Appeal No.- 8157 of 2024 dt- 31.01.2025. The award of Industrial Tribunal, Patna in Reference Case No.- 06 (C) of 2005 and the order passed in Civil Appeal No.- 1135 of 2019 arising out of SLP (C) No.- 31795 of 2018 arising out of the said award as also been referred by the learned representative of the workman.

8. The learned lawyer appearing on behalf of the management has assailed the contention of the workman and has submitted that he was engaged only for the purpose of cleaning of the premises occasionally at Surajgarha branch on the basis as and when required and he worked for 1-2 hours a day. He

has also submitted that he was engaged on need based and not against a vacant sectioned post of sweeper, his name was also not sponsored by the employment exchange therefore, he is not entitled for regularization. The learned lawyer has also submitted that the workman is not working at par with permanent workman, the principle of law regarding regularization has been affirmed in the case of Uma Devi wherein it has been held that if there is no sectioned post there can not be regularization. He has also submitted that the claim of regularization is misconceived and the onus lies upon the workman to prove that he is an employee of the bank and as such his claim for regularization under reference is not maintainable before this tribunal. Accordingly learned lawyer has submitted that the action of the management is legal and justified and the prayer of the workman is fit to be rejected.

Per contra, the learned representative of the workman has submitted that the workman was orally appointed by the management to discharged the duties of sweeper / peon at Surajgarha branch and after his engagement he has been discharging his duties from 10 A.M to 6 P.M regularly, some times he works beyond the period on the instruction of the branch manager and he was paid wages accordingly for the working day only. He has further submitted that the name of the workman was forwarded from the branch in 2013 but his case was not considered though the workman has been discharging his duties as badlis workman since 2005 and as such the action

of the management constitute unfair labour practice in view of the I.D.Act, 1947. He has referred the deposition of the workman (W.W-1) and the witness Mohan Singh (W.W-2)and also referred various paragraph of the deposition of M.W-1 & M.W-3 and has submitted that witnesses have also supported the contention of the workman. Accordingly, he has prayed to allow the prayer of the workman by discharging the reference in his favour.

9. W.W-1 is the workman himself and during his presence in the witness box he has stated that he is working at Surajgarha branch of UCO Bank since 30.10.2005, he reached at the bank at 10 A.M and on the instruction of the branch manager performs the works of taking file and keeping them on the table of the manager, he also visit other branches for bring cash along with officers, he has been also performing the duty of distributing water among the staff of the branch, he has stated further that he performs the work of sweeper, no permanent peon was there and as such he has been performing the work of cash binding and various others works on the instruction of the manager. This witness has stated in clear voice that he has been working for 10-12 years and he is getting Rs. 350/- per day. He has identified his signature on the vouchers copy of which has been filed by the management on demand made by the workman. The said vouchers is of different dates from 07.01.2006 to 02.06.2018 and the total number of vouchers is 486 and they are marked as Ext.- W to W-485 during the evidence of W.W-1.

On perusal of these Exts. it is obvious that in all the vouchers the signature of the workman exists and this reflects that it is connected with Indradeo Paswan, the workman. Note only this on meticulous examination of all these Exts. i.e W to W-485, this tribunal find that the amount mentioned in the vouchers were paid to Indradeo Paswan. Since the vouchers are volumes and as such it seems reasonable and judicious that inspite of discussing all the vouchers separately, a few of them for every year is to be discussed, so for the purpose of demonstration it is just and fair to note here that the voucher dt- 07.01.2006 Ext.-W reflects that Rs. 360/- was paid to Indradeo Paswan and on the back of the vouchers his signature exists with reflects that Indradeo Paswan had received the said amount from the management. Similar is the case with Ext.-W-1, W-2, W-3. W-4 and others. Ext.- W-51 is the voucher dt- 06/01.2007 and on perusal of the same it is evident that Rs. 400/- were given to Indradeo Paswan and he put his signature on the back page as an acknowledgement of receiving of the said payment. Similar is the case with Ext.- W-52, W-53, W-55, W-56, W-57, W-58 and others. Ext.- W-96 is the voucher of 05.01.2008 and it reflects that Rs. 770/- was paid to Indradeo Paswan and it also bears his signature on the back side, reflecting about receiving of the said amount. Similar is the case with Exts.- W-97, W-98, W-99, W-100 and others. Ext-W-146 is the voucher of 10.01.2009 and on perusal of the same it is evident that Rs. 770/- was paid to Indradeo Paswan and he put his signature on the back page of the voucher for acknowledging about receiving of the said amount. Similar is the case of Exts.- W-147, W-148, W-149, W-150 and others. Ext-W-217 is the voucher of dt- 07.01.2012 and it reflects that Rs. 945/- was paid to Indradeo Paswan for the period of 01.01.2012 to 07.01.2012 and also bears his signature on the back page which suggest that he has received the said amount. Ext.-W-290 is the voucher of 04.01.2014 and on perusal of the same it is evident that Rs. 930/- was paid to the said workman for 30.12.2013 to 04.01.2014 and it also bears his signature, similar is the case of subsequent Exts which are of various dates of the years 2014. Ext.-W-382 is the voucher of 02.01.2016 by which Rs.1200/- was paid to Indradeo Paswan and it bears his signature, similar is the case of subsequent Exts which are the vouchers of various dates of the year 2016. Ext.-W-430 is the voucher dt- 30.01.2018 by which Rs. 1000/- was paid to the workman and it also bears his signature and from perusal of the same, it is evident that Rs. 1000/- was paid to workman Indradeo Paswan for the period of five (05) days from 19.02.2018 to 23.02.2018, similar is the case on subsequent Exts. On the basis of these facts along with the microscopic perusal of the W series Exts, it can safely be inferred that amounts were paid to the workman by the management on different dates for the work performed by him in the branch, all the vouchers bear the signature of the Assistant Manager of the branch and the signature of the workman meaning thereby that the disbursing authority i.e Assistant Manager has made payment of the amounts which are shown in the vouchers (Exts.-W series) and said amounts were received by the workman and in token of the same he put his signature on it. The said vouchers are from 07.01.2006 to 02.06.2018 and copy of the vouchers were produced by the management on the prayer of the workman, All the copy of the vouchers (Ext.-W-series) bears the seal of the branch along with the signature. Since these documents are filed by the management and he same were affirmed by the workman during his deposition as witness in the proceeding clearly categories these documents as sheet anchor documents to support the contention of the workman regarding the period of his working in the said branch for which the payment was made to him by the management as wages.

The witness (W.W-1) has also been cross-examined wherein he has disclosed that he has studied up to class -VIII and he was working in the branch on the instruction of the manager, he disclosed the name of the branch manager as M. Hashmi. He has further disclosed that he got the payment for the work done by him in the bank. He has also disclosed that his name was forwarded by the manager to Zonal Office but he was not made permanent. The witness has passed the test of his cross-examination and there is nothing on record to impeach his credit as a witness in this proceeding.

Not only this W.W-1 has stated specifically that the then manager S.K. Verma has forwarded his name and details in the format and send the same to the Zonal Office along with letter and on identification by this witness, the letter dt- 09.05.2013 along with particulars of the casual labour has been marked as Ext.-W/1. On careful perusal of the Ext.-W/1, it is evident that it is a letter written by the manager of Surajgarha branch to Zonal Manager, UCO Bank, Zonal Office, Patna on 09.05.2013 giving the particulars of casual worker working as on 31.03.2012 wherein

name of the casual worker is written as Indradeo Paswan and his date of first engagement as casual worker has been written as 30.10.2005, regarding his educational qualification class-VIII passed has been mentioned and the date of birth is 15.04.1987 and the category is shown that Schedule Caste. It also reflects the name and employment number of the authority allowing engagement of the said casual worker, the name of such authority is shown as M.I. Hashmi, Senior Manager having employment number 27359. The said format was prepared on 09.05.2013 and was send to Zonal Manager. On bare perusal of Ext.-W/1 it can safely be inferred that Indradeo Paswan was VIIIth pass and was engaged as casual worker on 30.10.2005 and has been working even on 31.10.2012 and he is allowed to work at Surajgarha branch of UCO Bank by the Senior Manager namely Mr. M. I. Hashmi who has send name of Indradeo Paswan to Zonal Office on 09.05.2013.

10. W.W-2 is the retired manager of UCO Bank and during his evidence he has stated that he was posted at Surajgarha branch from July 1980 to Sept. 2005 as Special Assistant and after his promotion he was posted at Tejpur branch and came back at Sahur branch in May-2008 subsequently he was transferred to Salaimpur branch in May 2011 and worked there up to 31.03.2013, Salaimpur branch is at a distance one K.M from Surajgarha. The witness has stated further that after retirement he is residing at Surajgarha and his account is there at Surajgarha branch and he is getting his pension from that branch itself, the account of his wife is also there in that branch, he had a seen Indradeo Paswan working at the branch on the instruction of the manager. The witness has supported the claim of the workman in clear and expressed voice during his presence in the witness box.

11. M.W-3 is the Chief Manager of the UCO Bank and during his evidence he has disclosed that he was posted at Surajgarha branch and had join there on 17th July 2017 as Branch Manager and worked there up to 27.06.2018. He has further said that Indradeo Paswan was doing the cleaning work as well as the work of a peon in absence of the permanent peon Mr. Ajay Mallick posted at that branch. The witness has stated in a clear voice that usually the workman was working from 9 A.M to 5 P.M. he also said that payment was made to Indradeo Paswan through voucher under his signature and he has identified his signature over Ext.-W-467 to W-485 the payment was made weekly to the Indradeo Paswan. On carefully perusal of the evidence of M.W-3 it is obvious that he has admitted the facts that Indradeo Paswan was working at Surajgarha branch regarding which payment was made to him through voucher under his signature and usually Indradeo Paswan was working there from 9 A.M to 5 P.M.

M.W-2 is the Senior Manager and during his presence in the witness box he has said that he was posted at Surajgarha branch from July 2018 to July 2021 as branch manager. The witness has disclosed the facts similar to the facts disclosed by M.W-3 and has corroborated his verson in his evidence during the proceeding.

M.W-1 is another Senior Manager of the bank and during his evidence, he has stated that he was posted as branch manager of Surajgarha branch from 16.07.2016 to 18.12.2017 and during that period Indradeo Paswan was working as daily wager, he was working as daily wager prior to that period, he was getting weekly payment. The witness has stated specifically that during the period of his posting at Surajgarha branch Indradeo Paswan had worked there regularly and he was performing the same work which is performed by the permanent peon. It is fair to note here that this witness, who is a Senior Manager of Scale-II rank was posted at Surajgarha branch for about one and half years and during that period the workman had worked regularly similar to the work performed by permanent peon. The witness has also disclosed that previous branch manager Mr. Sunil Kumar Verma has referred the name of Indradeo Paswan as casual worker to the Zonal Office, Patna. He has further disclosed that one Vishwambhar Prasad, who was working as casual worker at Surajgarha branch, was regularized by the bank and after his death the post is still is vacant, Indradeo Paswan is still working there and he (i.e M.W-1) is making payment to Indradeo Paswan through vouchers.

On careful perusal of the evidence of all these three witnesses examined on behalf of the management, it is evident that all these three persons are Senior Officers and they have served as Branch Manager at Surajgarha branch during different periods from the year 2016 to 2021 and all the three witnesses have admitted that Indradeo Paswan was working at the branch on their instruction and performed his duty for whole day and works similar to the works performed by permanent peon. They have also admitted about the payments which they made to the workman for the work performed by him in the branch.

Now taking into consideration the above facts it is clear that the workman was engaged in perennial duties meaning there by his services were required by the bank and having allowed him to put in regular service to its own benefits for years togethers and failing to regularize the services despite long tenure, constitute unfair labour practice which is not permissible in a civilized society. I find my this view fortified with the recent judgment of the Hon'ble Apex Court delivered on 31.01.2025 in the case of Sri Pal Vs. Nagar Nigam Ghaziabad in Civil Appeal No.- 8157 of 2025.

Failure to regularize the services of an employee can be considered an Industrial Dispute under I.D.Act, 1947 particularly, if it involved unfair labour practice. The Act does not explicitly mandate regularization as an Industrial Dispute but any dispute between employer and workman connected with employment or non employment or terms of employment can be categories as Industrial Dispute. Regularization, which involves making a temporary employee a permanent one, is a condition of an employment therefore a dispute about regularization or lack thereof can fall under the definition of an Industrial Dispute.

It would not be out of place the mentioned here that the case of Uma Devi can not justify the exploitative approach of the bank. This case i.e Uma Devi case itself distinguish between appointments that are illegal and those that are irregular, the irregular appointment being eligible for regularization if it meet the required conditions. In the case at hand the discussions made above reflects that Indradeo Paswan was engaged as casual worker on 30.10.2005 and he has been working in the bank for years together deserves soft treatment. The law laid down by the Hon'ble S.C in the case of Jaggo Vs. Union of India and others dt- 20.12.2024 in SLP (C) No.- 5580 of 2024 with SLP (C) No.- 11086 of 2024 is worth to note in this regard.

12. In view of the above discussions, I find and hold that the action of the management of UCO Bank, in not regularizing services of Indradeo Paswan working at Surajgarha branch in the Dist.- Lakhisarai is arbitrary and unjustified, in the result it is ordered that the services of Indradep Paswan be regularized with all admissible benefits as permanent part time sweeper now designated as house keeper cum peon w.e.f the date of filling of the statement of claim of the workman ie 14.03.2019.

Award accordingly, which shall be effective after publication in the gazette.

Dictated &Corrected by me.

11.08.2025

MANOJ KUMAR SINHA, Presiding Officer

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

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Digitally signed by GORAKHA NATH YADAVA
Date: 2025.09.15 12:16:01 +05'30'