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No. 41] NEW DELHI, OCTOBER 19—OCTOBER 25, 2025, SATURDAY/ASVINA 27—KARTIKA 3, 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)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)
नई दिल्ली, 27 अगस्त, 2025

का.आ. 1828.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस उपमहा निरीक्षक/शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, रांची के दिनांक 05.06.2025 के पत्र संख्या-567/सीबीआई/एसीबी/रांची द्वारा किए गए अनुरोध पर अधिसूचना ज्ञापनसं.-10/सी.बी.आई.-416/2025-3603/रांची, दिनांक 18.06.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री साहिल रतुसरिया, तत्कालीन गैरीसन इंजीनियर, एमईएस, रांची के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथा संशोधित) की धारा 13(2) सपठित धारा 13(1)(बी) के अंतर्गत कारित अपराधों तथा ऐसे एक या उससे अधिक अपराधों

से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न किन्हीं अन्य अपराध(धों) सहित इस मामले के अन्वेषण के दौरान प्रकाश में आने वाले किसी अन्य अपराध(धों) के संबंध में नियमित मामला दर्ज करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार झारखंड राज्य में करती है।

[फा. सं. 228/48/2025-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. 1828.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-416/2025-3603/Ranchi, dated 18.06.2025, Home, Prisons and Disaster Management Department upon request made vide letter No.-567 CBI/ACB/Ranchi, dated 05.06.2025 of DIG of Police/Head of Branch, CBI, ACB, Ranchi, hereby extends the power and jurisdiction to the all the members of Delhi Special Police Establishment in the State of Jharkhand for registration of a regular case against Sh.Sahil Ratusaria, the then Garrison Engineer, MES, Ranchi for committing offences u/s 13(2) r/w 13(1)(b) of Prevention of Corruption Act, 1988 (As amended in 2018) and other offence(s) that may come into light during investigation of the case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/48/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 27 अगस्त, 2025

का.आ. 1829.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना ज्ञापन संख्या. जी.ओ.(एमएस.)संख्या 111/2024/गृह, दिनांक 14.05.2024, गृह (एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ.सं. 435/2024) और शुद्धिपत्र अधिसूचना संख्या जी.ओ.(एमएस.)संख्या. 128/2025/गृह, दिनांक 16.07.2025, गृह (एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ.सं.802/2025) के माध्यम से जारी केरल राज्य सरकार की सम्मति से श्री राजेन्द्रन सी, सुपुत्र श्री एस चिन्नास्वामी, आईटीएस, पूर्व पीजीएम, तिरुवनंतपुरम व्यवसाय क्षेत्र, केरल अंचल (वर्तमान में पश्चिम बंगाल अंचल कार्यालय में कार्यरत) और अज्ञात अन्य, यदि कोई हो, के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (2018 के केन्द्रीय अधिनियम 16 द्वारा यथा संशोधित) के अंतर्गत कारित अपराधों और उक्त अधिनियम के अंतर्गत इस मामले के संबंध में समान तथ्यों से उत्पन्न, संव्यवहार के दौरान कारित अन्य किन्हीं अपराधों के लिए प्रारंभिक पूछताछ एवं अन्वेषण करने हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण केरल राज्य में करती है।

[फा. सं. 228/68/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 27th August, 2025

S.O. 1829.—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.111/2024/HOME, dated 14.05.2024, Home (M) Department, Thiruvananthapuram (S.R.O.No.435/2024) and Erratum Notification No.G.O.(Ms.) No.128/2025/ HOME, dated 16.07.2025, Home (M) Department, Thiruvananthapuram (S.R.O.No.802/2025), hereby

extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Kerala for preliminary enquiry and investigation of offences punishable under the Prevention of Corruption Act, 1988 (as amended by the Central Act 16 of 2018) against Shri Rajendran C S/o Shri S Chinnaswamy, ITS, former PGM Thiruvananthapuram Business Area, Kerala Circle (now working as PGM in West Bengal Circle Office) and unknown others, if any, for commission of offences punishable under the said Act and any other offences 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. 228/68/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 4 सितम्बर, 2025

का.आ. 1830.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आदेश सं. 20/03/2025-3 एचजी-1, दिनांक 25.08.2025, गृह विभाग के माध्यम से जारी हरियाणा राज्य सरकार की सम्मति से भारतीय न्याय संहिता, 2023 (2023 का केन्द्रीय अधिनियम सं. 45) की धारा 127 (6) {भारतीय न्याय संहिता, 2023 (2023 का केन्द्रीय अधिनियम सं. 45) की परिवर्धित धारा 103 (1)} के तहत एफआईआर सं. 135 दिनांक 12 अगस्त, 2025 के माध्यम से पुलिस स्टेशन, लोहारू, जिला भिवानी में पंजीकृत मामले और उपर्युक्त उल्लिखित अपराधों एवं किसी अन्य अपराध से जुड़े या संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र अथवा उक्त मामले के संव्यवहार में किए गए अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त हरियाणा राज्य में करती है।

[फा. सं. 228/71/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 4th September, 2025

S.O. 1830.—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 No. 25 of 1946), the Central Government with the consent of the State Government of Haryana, issued vide Order No. 20/03/2025-3HG-I dated 25.08.2025, Home Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Haryana for investigation of the case registered at Police Station, Loharu, District Bhiwani vide FIR No. 135 dated 12th August, 2025 under section 127 (6) of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023) {added section 103 (1) of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)} and any other offence(s) i.e. for attempts, abetments and conspiracies in relation to or in connection with above mentioned offences and for any other offence or offences committed in the course of aforesaid case.

[F. No. 228/71/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 12 सितम्बर, 2025

का.आ. 1831.—केन्द्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार में कार्मिक, लोक शिकायत और पेंशन मंत्रालय के कार्मिक और प्रशिक्षण विभाग की अधिसूचना संख्यांक का.आ. 239, तारीख 5 जनवरी, 2023, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में 25 फरवरी 2023 को प्रकाशित हुई थी को, उन बातों के सिवाय विखंडित करती है, जिन्हें ऐसे विखंडन से पूर्व किया गया है या करने का लोप किया गया है।

[फा. सं. 225/23/2022-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 12th September, 2025

S.O. 1831.—In exercise of the powers conferred by sub-section (8) of Section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Personnel, Public Grievance and Pensions, Department of Personnel and Training, number S.O. 239, dated the 5th January, 2023, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 25th February, 2023, except as respects things done or omitted to be done before such rescission.

[F. No. 225/23/2022-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 12 सितम्बर, 2025

का.आ. 1832.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह अधिसूचित करती है कि श्री किरन धनसिंह पाटिल, अधिवक्ता को, जालना और वैजापुर जिलों के विशेष न्यायाधीश (पी सी अधिनियम) के न्यायालयों में दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा संस्थित मामलों के अभियोजन का, विशेष लोक अभियोजक के रूप में, संचालन करने से हटा दिया गया है और इस प्रयोजन के लिए भारत सरकार के कार्मिक, लोक शिकायत और पेंशन मंत्रालय (कार्मिक और प्रशिक्षण विभाग) की अधिसूचना संख्यांक का.आ. 1742, तारीख 1 नवंबर, 2023 जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में तारीख 11 नवंबर, 2023 को प्रकाशित हुई थी, का संशोधन करती है, अर्थात:-

उक्त अधिसूचना की सारणी में, क्रम.सं. 6 और स्तंभ (2) और स्तंभ (3) में उससे संबंधित प्रविष्टियों का लोप किया जाएगा।

[फा. सं. 225/47/2022-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 12th September, 2025

S.O. 1832.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby notifies that Shri Kiran Dhansing Patil, Advocate has been removed as Special Public Prosecutor from conducting prosecution of cases instituted by the Delhi Special Police Establishment (Central Bureau of Investigation) in the Court of Special Judge (PC Act) at Jalna and Vijapur Districts, and for that purpose amends the notification of the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) vide number S.O.1742, dated the 1st November, 2023, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 11th November, 2023, namely:-

In the said notification, in the Table, serial number 6 and the entries relating thereto in columns (2) and (3) shall be omitted.

[F. No. 225/47/2022-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 29 सितम्बर, 2025

का.आ. 1833.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गृह विभाग, गंगटोक की अधिसूचना सं 77/गृह/2025, दिनांक 18.08.2025 के माध्यम से जारी सिक्किम राज्य सरकार की सम्मति से एतद्वारा निम्नलिखित संशोधन करती है, नामतः:-

1. अधिसूचना संख्या 228/59/2010-एवीडी-II, दिनांक 13.04.2011 में, खण्ड (क) के उप - खण्ड (1) के पश्चात्, निम्नलिखित जोड़ा जाएगा।

(क) धारा के अंतर्गत दंडनीय अपराधों-----भारतीय न्याय संहिता, 2023 (2023 का 45) की धारा 1(5), 3, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 85, 86, 87, 95, 96, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 131, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 168, 173, 174, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 209, 217, 221, 223, 224, 225, 226, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 248, 249, 251, 253, 254, 255, 256, 258, 260, 261, 262, 263, 265, 269, 277, 279, 281, 285, 286, 287, 288, 289, 294, 296, 298, 299, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 329, 331, 332, 333, 334, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 351, 352, 353, 356;

(ख) ऊपर उल्लिखित अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र/अथवा उसी संयवहार में किए गए या उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध(धों)।

[फा. सं. 228/59/2010-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 29th September, 2025

S.O. 1833.—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, the Central Government with the consent of the State Government of Sikkim issued vide Notification No. 77/Home/2025, Dated 18.08.2025, Home Department, Gangtok, hereby pleased to make the following amendments namely:-

1. In Notification No. 228/59/2010-AVD-II dated 13.04.2011, after sub clause (1) of clause (a), following shall be inserted.

(A) Offences punishable under section-----1(5), 3, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 85, 86, 87, 95, 96, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 131, 132, 133, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 168, 173, 174, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 209, 217, 221, 223, 224, 225, 226, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 248, 249, 251, 253, 254, 255, 256, 258, 260, 261, 262, 263, 265, 269, 277, 279, 281, 285, 286, 287, 288, 289, 294, 296, 298, 299, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 329, 331, 332, 333, 334, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 351, 352, 353, 356 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023);

(B) Any attempt, abetment and/or conspiracy in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/59/2010-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 1 अक्टूबर, 2025

का.आ. 1834.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. ईसीएफ-660229/55 -ए, दिनांक 09.07.2025, राजनीतिक (ए) विभाग :: दिसपुर, के माध्यम से जारी असम राज्य सरकार की सम्मति से दिनांक 12.04.2025 को कामाख्या मंदिर में हिमांशु शर्मा के संदिग्ध हत्या के संबंधमें बीएनएस, 2023 की धारा 103(1)/61 के तहत जालू कबारी पुलिस थाना मामला सं० 172/2025 से संबंधित अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त असम राज्य में करती है।

[फा. सं. 228/66/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 1st October, 2025

S.O. 1834.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the State Government of Assam, issued vide Notification No. eCF-660229/55-A, Dated 09.07.2025, Political (A) Department:: Dispur, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole State of Assam for carrying out investigation of the offences relating to Jalukbari Police Station Case No. 172/2025, U/S 103(1)/61 BNS, 2023 in connection with the suspected murder of Himanshu Sarma at Kamakhya Temple on 12.04.2025.

[F. No. 228/66/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 2025

का.आ. 1835.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केंद्रीय अधिनियम संख्या XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सक्षम प्राधिकारी द्वारा अधिसूचना ज्ञापन सं.-गृह -एचएम-40एमआईएससी/25/2024-4एच4/II/1122035/2025, दिनांक 09.06.2025, गृह विभाग (गृह - 4 शाखा) के माध्यम से जारी पंजाब राज्य सरकार की सम्मति से श्री सुरेश चंद मीना, तत्कालीन प्रधान मुख्य अभियंता, सिविल विभाग, रेल कोच फैक्टरी, कपूरथला, पंजाब के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 13(2) सपठित धारा 13(1)(बी) के अंतर्गत दंडनीय अपराधों और मूल अपराधों के लिए दिनांक 27.06.2025 को पंजीकृत आरसी 0052025A0012 में पंजीकरण एवं अन्वेषण हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 27.06.2025 से कार्योत्तर प्रभावी) पंजाब राज्य में करती है।

[फा. सं. 228/70/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 7th October, 2025

S.O. 1835.—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 no. XXV of 1946), the Central Government with the consent of the State Government of Punjab, issued by competent authority vide Notification Memo No.: HOME-HM-40MISC/25/2024-4H4/II/1122035/2025, dated 09.06.2025, Department of Home Affairs (Home-4 Branch), hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the State of Punjab (ex post facto w.e.f. 27.06.2025) for registration and investigation in RC0052025A0012 registered on 27.06.2025 against Shri Suresh Chand Meena, the then Principal Chief Engineer, Civil Department, Rail Coach Factory, Kapurthala, Punjab for the offences punishable under section 13(2) r/w 13(1)(b) of the PC Act, 1988 (as amended in 2018) and substantive offences thereof.

[F. No. 228/70/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 2025

का.आ. 1836.—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 अधिसूचना सं. जी.ओ. एमएस.सं. 96 दिनांक 21.08.2025, गृह (विशेष) विभाग अधिसूचना और शुद्धि अधिसूचना संख्या जी.ओ. एमएस.सं. 101 दिनांक 29.08.2025, गृह (विशेष) विभाग के माध्यम से जारी तेलंगाना राज्य सरकार की सम्मति से (i) श्री सुनील कुमार कोडपे, तत्कालीन अपर महाप्रबंधक और परियोजना निदेशक, रामागुंडम साइट, वर्तमान में, तालचेर साइट, भारत हेवी इलेक्ट्रिकल लिमिटेड, पीएस – डबल्यूआर में बतौर महाप्रबंधक एवं परियोजना निदेशक कार्यरत (ii) श्री सज्जन कुमार सोनी, तत्कालीन प्रबंधक रामागुंडम साइट, वर्तमान में बतौर प्रबंधक (बॉयलर और औक्जिलियरीज एरेक्शन), तालचेर साइट, भारत हेवी इलेक्ट्रिकल लिमिटेड, पीएस-डबल्यूआर में कार्यरत (iii) श्री आशुतोष प्रेमचंद जुमनाके, तत्कालीन उप प्रबंधक, रामागुंडम साइट, वर्तमान में बतौर प्रबंधक (बॉयलर और आक्जिलियरीज, एरेक्शन), पतरातू साइट, भारत हेवी इलेक्ट्रिकल लिमिटेड पीएस-डबल्यूआर में कार्यरत (iv) श्री राजीव चक्रवर्ती, महाप्रबंधक और परियोजना निदेशक, रामागुंडम साइट / पीएसडबल्यूआर (दिनांक 24.02.2023 को सेवानिवृत्त), (v) श्री बी.सी. ताडू, सहायक महाप्रबंधक, निर्माण प्रबंधक / रामागुंडम साइट पीएसडबल्यूआर (दिनांक 24.03.2022 को सेवानिवृत्त), (vi) एनटीपीसी (राष्ट्रीय ताप विद्युत निगम लिमिटेड) के अज्ञात लोक सेवकों और (vii) बीएचईएल, मेसर्स बी एंड आर (ब्रिज एंड रूफ) कंपनी (इंडिया) लिमिटेड और (viii) मेसर्स बी एंड आर (ब्रिज एंड रूफ) कंपनी ठेकेदार मेसर्स पावर इंफ्रामेक प्राइवेट लिमिटेड, (ix) अज्ञात अन्य लोक सेवको और (x) अज्ञात गैर सरकारी व्यक्तियों के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120(बी) सपठित धारा 420, 468, 471, 477ए एवं भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित धारा 13(1) (डी) और भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 13(2) सपठित 13(1) (ए) के अंतर्गत दंडनीय अपराधों एवं अन्य संचयी अपराधों तथा किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र सहित अन्वेषण के दौरान प्रकाश में आए हुए केन्द्रीय अन्वेषण ब्यूरो द्वारा अधिसूचित अन्य अपराधों के अन्वेषण करने हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/74/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 7th October, 2025

S.O. 1836.—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 Telangana, issued vide Notification No. G.O.Ms.No.96 dated 21.08.2025, Home (Special) Department and Errata Notification No. G.O.Ms.No.101 dated 29.08.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole Telangana for conducting investigation into the allegations mentioned in the complaint dated 12.03.2025 of BHEL (Bharat Heavy Electrical Limited) against (i) Shri Sunil Kumar Kodape, the then Additional General Manager & Project Director, Ramagundam site presently working as General Manager & Project Director, Talcher Site, Bharat Heavy Electrical Limited, PS-WR (ii) Shri Sajjan Kumar Soni, the then Manager Ramagundam Site, presently working as Manager (Boiler & Auxiliaries Erection), Talcher Site, Bharat Heavy Electrical Limited, PS-WR, (iii) Shri Ashutosh Premchand Jumnaake, the then Deputy Manager, Ramagundam Site, presently working as Manager (Boiler & Auxiliaries, Erection), Patratu Site, Bharat Heavy Electrical Limited PS-WR, (iv) Shri Rajib Chakraborty, General Manager & Project Director, Ramagundam Site/ PSWR (Superannuated on 24.02.2023), (v) Shri B.C. Tadu, Assistant General Manager, Construction Manager/ Ramagundam Site PSWR (Superannuated on 24.03.2022), (vi) unknown Public Servants of NTPC (National Thermal Power Corporation) & (vii) BHEL, M/s. B&R (Bridge & Roof) Company (India) Limited & (viii) M/s. B&R (Bridge & Roof) Company Contractor M/s. Power Inframech Private Limited, (ix) unknown other public servants and (x) unknown private persons, for the offences punishable under section 120 B read with section 420, 468, 471, 477A of Indian Penal Code, 1860 & Section 13 (2) read with 13 (1) (d) of the Prevention of Corruption Act, 1988 & 13(2) read with 13 (1) (a) of Prevention of Corruption Act, 1988 (as

amended in 2018), other cumulative offences & other offences notified for investigation by Central Bureau of Investigation that may come to light during the course of investigation, including any attempt, abetment or conspiracy.

[F. No. 228/74/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 2025

का.आ. 1837.—केन्द्रीय सरकार, एतद्वारा, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, शाखा प्रमुख, सीबीआई, एसीबी, धनबाद के दिनांक 20.08.25 के पत्र संख्या 296/सीओ-7 /2025 द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-424/2025-5668/रांची, दिनांक 02.09.2025, गृह, कारागार और आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से, (1) श्री राज कुमार सिंह, लिपिक, लोदना कोलियरी, लोदना क्षेत्र, बीसीसीएल, धनबाद, (2) श्री रामाश्रय गरेडिया, इंजन ऑपरेटर, लोदना कोलियरी, लोदना क्षेत्र, बीसीसीएल धनबाद, के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (संशोधन अधिनियम, 2018) की धारा 7 एवं बीएनएस, 2023 की धारा 61(2) के तहत दंडनीय अपराध करने के लिए, दिनांक 03.09.2025 को पंजीकृत आरसी 08(A)/2025-डी में, साथ ही इस मामले के अन्वेषण के दौरान प्रकाश में आए किन्हीं अन्य अपराध एवं ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) के लिए, नियमित मामला दर्ज करने और अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव दिनांक 03.09.2025 से) सम्पूर्ण झारखंड राज्य में करती है।

[फा. सं. 228/79/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 7th October, 2025

S.O. 1837.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-424/2025-5668/Ranchi, dated 02.09.2025, Home, Prisons and Disaster Management Department upon request made via letter number 296/CO-7/2025 dated 20.08.2025 of Head of Branch, CBI, ACB, Dhanbad, hereby extends the powers and jurisdiction to the members of Delhi Special Police Establishment in the whole state of Jharkhand (ex post facto w.e.f 03.09.2025) for registration and investigation in RC 08(A)/2025-D registered on 03.09.2025 against (1) Shri Raj Kumar Singh, Clerk, Lodna Colliery, Lodna Area, BCCL, Dhanbad, (2) Shri Ramasray Gareria, Engine Operator, Lodna Colliery, Lodna Area, BCCL Dhanbad for the offences punishable under section 7 of the Prevention of Corruption Act, 1988 (Amendment Act, 2018) and section 61(2) of BNS, 2023 and any other offence that may come to light during investigation of this case, including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/79/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 2025

का.आ. 1838.—केन्द्रीय 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 अधिसूचना सं. ईसीएफ- 682871/13, दिनांक 11.08.2025, राजनीतिक (ए) विभाग :: दिसपुर, के माध्यम से जारी असम राज्य सरकार की सम्मति से कथित रूप से अपने वरिष्ठ अधिकारियों, सहकर्मियों एवं ठेकेदारों द्वारा आपराधिक उत्पीड़न के कारण लोक निर्माण विभाग, बोंगाईगांव उप-मण्डल में बतौर सहायक इंजीनियर कार्यरत जोशिता दास के संदिग्ध आत्महत्या के संबंध में बीएनएस, 2023 की धारा 108/3(5) के तहत दर्ज बोंगाईगांव पीएस मामला संख्या 188/2025 से

संबंधित अपराधों के अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त असम राज्य में करती है।

[फा. सं. 228/78/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 7th October, 2025

S.O. 1838.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the State Government of Assam, issued vide Notification No. eCF-682871/13, Dated 11.08.2025, Political (A) Department :: Dispur, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the whole of the State of Assam for carrying about investigation of the offences relating to Bongaigaon PS case No. 188/2025 U/S 108/3(5) of BNS, 2023 registered in connection with suspected suicide of Joshita Das, who was working as Asstt. Engineer, PWD, Bongaigaon Sub-Division allegedly due to criminal intimidation by her seniors, colleagues and contractors etc.

[F. No. 228/78/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 14 अक्टूबर, 2025

का.आ. 1839.—केन्द्रीय सरकार, एतद्वारा, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पुलिस अधीक्षक/शाखा प्रमुख, सीबीआई, एसीबी, धनबाद के दिनांक 18.08.2025 के पत्र संख्या 290/एसआई-1/2025-डी द्वारा किए गए अनुरोध पर झारखंड राज्य सरकार की अधिसूचना ज्ञापन सं.-10/सी.बी.आई.-423/2025-5661/रांची, दिनांक 01.09.2025, गृह, कारागार और आपदा प्रबंधन विभाग के माध्यम से जारी सम्मति से, श्री प्रभात रंजन, डाक सहायक (एलएसजी ग्रेड), केन्द्रीकृत वितरण कार्यालय, मुख्यालय धनबाद, धनबाद, झारखंड के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित 13(1)(ई), भ्रष्टाचार निवारण अधिनियम, 1988, भ्रष्टाचार निवारण (संशोधन अधिनियम, 2018) द्वारा यथा संशोधित की तत्संबंधी धारा 13(2) सपठित 13(1)(बी) के तहत दंडनीय अपराधों के लिए नियमित मामला के पंजीकरण हेतु दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण झारखंड राज्य में करती है।

[फा. सं. 228/80/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 14th October, 2025

S.O. 1839.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I.-423/2025-5661/Ranchi, dated 01.09.2025, Home, Prisons and Disaster Management Department upon request made via letter number 290/SI-1/2025-D, dated 18.08.2025 of Superintendent of Police/Head of Branch, CBI, ACB, Dhanbad, hereby extends the power and jurisdiction to the members of Delhi Special Police Establishment in the whole of State of Jharkhand for registration of regular case against Shri Prabhat Ranjan, Postal Assistant (LSG Grade) at Centralised Delivery Office, Dhanbad HO, Dhanbad, Jharkhand for the offences punishable under section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 corresponding to Sec.13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988 as amended by PC (Amendment Act, 2018).

[F. No. 228/80/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1840.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को विनिर्दिष्ट करती है जिनका अन्वेषण भी दिल्ली विशेष पुलिस स्थापन के सदस्यों द्वारा किया जाना है, नामतः –

(क) “उत्तराखण्ड प्रतियोगी परीक्षा (भर्ती में अनुचित साधनों की रोकथाम व निवारण के उपाय) अधिनियम, 2023 (2023 का अधिनियम संख्या 13)” के तहत दंडनीय अपराध।

(ख) उल्लिखित अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र, और/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध(धों)।

[फा. सं. 228/82/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 21st October, 2025

S.O. 1840.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, namely :-

(a) Offences punishable under the “The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023 (Act No. 13 of 2023)”.

(b) Any attempt, abetment and/or conspiracy, in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/82/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 11 सितम्बर, 2025

का.आ. 1841.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में दूरदर्शन केंद्र, गंगटोक जिनके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/02/2025-हिंदी]

तरुण कुमार, उप निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 11th September, 2025

S.O. 1841.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the office of Directorate General, Doordarshan namely Doordarshan Kendra, Gangtok whereof more than 80% of the staff have acquired the working knowledge of Hindi.

[F. No. E-11017/02/2025-Hindi]

TARUN KUMAR, Dy. Director (O.L.)

कौशल विकास और उद्यमशीलता मंत्रालय
(प्रशिक्षण महानिदेशालय)

नई दिल्ली, 14 अक्टूबर, 2025

का.आ. 1842.—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित 1987, 2007 और 2011) के नियम 10 के उप-नियम (4) के अनुसरण में प्रशिक्षण महानिदेशालय, कौशल विकास और उद्यमशीलता मंत्रालय के नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80% से अधिक कार्मिकों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:

1. राष्ट्रीय कौशल प्रशिक्षण संस्थान, ग्रीन पार्क, निरंजनपुर, देहरादून (उत्तराखंड) - 248171
2. क्षेत्रीय कौशल विकास और उद्यमशीलता निदेशालय, उत्तराखंड, ग्रीन पार्क, निरंजनपुर, देहरादून- 248171

[फा. सं. -डीजीटी-ई-11012/1/2017-हिंदी]

सुनील कुमार गुप्ता, उप महानिदेशक

MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP

(Directorate General of Training)

New Delhi, the 14th October, 2025

S.O. 1842.—In pursuance of sub- rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rule 1976 (as amended 1987, 2007 and 2011), the Central Government hereby notifies the following offices under control of Directorate General of Training, Ministry of Skill Development and Entrepreneurship whose more than 80% staff have acquired working knowledge of Hindi:

1. National Skill Development Institute, Green Park, Niranjapur, Dehradun (Uttarakhand) - 248171
2. Regional Directorate of Skill Development and Entrepreneurship, Uttarakhand, Green Park, Niranjapur, Dehradun - 248171

[F. No. DGT-E-11012/1/2017-HINDI]

SUNIL KUMAR GUPTA, Dy. Director General

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (26/2018) प्रकाशित करती है।

[सं. एल - 12012/69/2012- आई आर (बी-1)]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th October, 2025

S.O. 1843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 26/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/69/2012- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/26/2018

Present: P.K.Srivastava

H.J.S..(Retd)

Rakesh Kumar Tiwar

Village / PO: Lohi

District – Rewa M.P.

Workman

Versus**Branch Manager****State Bank of India****City Branch, Rewa (MP)****Management****AWARD****(Passed on this 19TH day of September - 2025.)**

As per letter dated 02/05/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under section-10 of I.D. Act, 1947 as per reference number L-12012/69/2012/IR(B-I) dt. 02/05/2018. The dispute under reference related to :-

- “1. Whether there is any employer-employee relationship, between the meaning of I.D. Act, exist between the management of State Bank of India, Rewa Branch and Shri Rakesh Kumar Tiwari, Canteen Boy ?***
- 2. Whether the action of management of State Bank of India, Rewa Branch in the terminating the service of Shri Rakesh Kumar Tiwari, Canteen Boy on 29.09.2012 allegedly working in SBI, Main Branch, Amhiya from 1993 is legal and justified ?***
- 3. What relief Shri Rakesh Kumar Tiwari is entitled to ?”***

Notices were issued to the parties on the reference. They appeared and filed their respective statements of claims and defense.

The case of workman is mainly that he was appointed in the main Branch of the Bank in July 1993 as Canteen Boy which worked in Amhiya, Rewa earlier and now situate in Khanna Campus, near Khanna Crossing and has been disengaged from 19.02.2012 under an oral order. He has worked in the main Branch till January 2008 and in the City Branch from February 2008 till date continuously for 240 days and more in every year till the date of his termination. He was being paid Rs. 1200/- per month as monthly wages, he worked as a water man, peon, dak messenger and canteen boy. He had served a notice through his Advocate to Bank against his disengagement on 19.04.2012. The Bank replied notice on 10.05.2012. He was not paid any compensation or prior notice, hence his disengagement is in violation of 25-F & 25-G of the Act. He has prayed that he be reinstated with back wages and benefits as canteen boy.

Case of Bank is that he was never engaged in the main branch nor was he sent to city branch as claimed by him. He never worked as a water man, peon, collection and dispatch of postal articles. There is a Local Implementation Committee of the staff members constituted for the welfare of staff. The Branch Manager is ex-officio President and the Union Secretary at the Branch level is the Secretary of the Committee. The Committee runs canteen for the staff members and recruits canteen boy who is employed by the Committee and is paid wages by the Committee.

The workman was infact a canteen boy engaged by the Committee from July 1993 to 28.12.2012. He was employed and paid by the Committee. The Bank had no control over him. He never worked continuously for 240 days in any year. His engagement was casual depending on exigency of work. He was never appointed by Bank against any sanctioned vacancy following recruitment procedure. Occasionally, work was sometime taken by Bank from him from which he paid from petty cash on production of voucher. The Bank has been given a list regarding payment in para 14 of the written statement. According to Bank, since there has never been any relation of employer and employee between the parties, hence there is no question of his disengagement by the Bank.

In evidence, the workman has filed his affidavit as his examination in chief. He has been cross examined by management. In his cross examination, he has stated that after the work of canteen boy which he used to do far half an hour, the Bank used to take work of peon and messenger from him. He was paid his wages by the Bank and not by the committee. He has filed and proved documents Exb. W/1 to W/22, which show that he was sent for receiving / handing over documents including cheques and postal stamps etc. to different branches and post office as well treasury on different dates within the period. The certificates filed him Exb. W/6, W/7, W/8, W/9 show that he was a canteen boy. In the authorization letters also, he has been mentioned as a canteen boy and not as a Bank peon.

Management has filed affidavit of its witness, workman was given opportunity to cross examine this witness. He did not avail.

I have heard argument of learned Counsel for the management Mr. Vijay Tripathi. The workman himself submitted his arguments. I have gone through the record as well.

The reference itself is the issue for determination.

Perusal of affidavit of workman, filed by him as his examination in chief reveals that according to the workman he was engaged as a canteen boy but also used to work as a peon, engaged in different activities mentioned as above. In the documents, filed by him, he has been mentioned as a canteen boy. Thus the documents speak against the workman with regards to his case that he worked as a peon or a messenger. On the other hand, there is an unexamined affidavit of management witness who states that the workman was a canteen boy engaged by the Local Implementation Committee and was paid by the Committee. He also states that occasionally Bank has used his services for sending or receiving documents for which he had been paid by Bank.

From the above discussion, the case of the workman is that he was engaged by the Bank is held not proved. The workman is held to have failed in successfully proving employer-employee relationship between him and the Bank. In the light of this finding, the workman is held entitled to no relief.

Reference stands answered accordingly.

No order as to cost.

DATE: 19/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधक, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (65/2015) प्रकाशित करती है।

[सं. एल - 12012/65/2015- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 65/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/65/2015- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/65/2015

Present: P.K.Srivastava

H.J.S.(Retd.)

Shri Sanjeev Kumar Kewat,

S/o Shri Rajaram Kewat,

R/o Chanderi Road, Pichhore,

Distt. Shivpuri (MP)

Workman

Versues

The Regional Manager,

State Bank of India,

Regional Office, Mahal Road,

Shivpuri (MP)

(JUDGMENT)**(Passed on this 19st day of September - 2025)**

As per letter dated 10.07.2015 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-12012/65/2015-(IR(B-I))** dt. 10.07.2015. The dispute under reference relates to:

“Whether the action of the Management of Regional Manager, State Bank of India, Regional Office, Shivpuri in terminating the services of the Workman Shri Sanjeev Kumar Kewat w.e.f. 24.04.2014 is justified? If not, to what relief the workman is entitled to?”

Case of the workman is mainly that, he was first appointed as a Peon on 26.06.1998 at wages Rs. 2700 per month and worked with the Bank till 23.04.2014 continuously. He was disengaged by the Bank without any notice or compensation which is in violation of Section 25F and 25G of the Act, the principle of first come first go was also not followed. Hence, the action of Bank is in violation of Rule 76 and 77 of the Industrial Disputes Central Rules, 1957 (in short the 'Rules'). Further, he has alleged that by engaging him as a Contract Labour since 1998 to 2014, the Bank has adopted unfair labour practice, which is prohibited in the Act. He has attained permanent status by permitting in continuous service of the Bank for the period as mentioned above. He has prayed that holding his termination against law, he be held entitled to be reinstated with back wages and benefits and also to permanent status as well regularization.

Management has taken the case that, the State Bank of India entered into negotiation for acquiring business including assets and liabilities of the State Bank of Indore. The Central Government accorded sanction to the negotiation under Section 35(2) of the Act of 1955 vide its notification dated 28.07.2010 which came into force after expiry of 30 days i.e. from 27.08.2010. Under Clause 7 and 8 of the notification, the permanent Officers and Employees of the State Bank of Indore were transferred to the State Bank of India as such but it was not so in the case of casual and temporary workers. The Workman was engaged by the State Bank of Indore on daily wages as and when required basis. He was not appointed on permanent following recruitment process against any vacant post, he never completed 240 days in any year including the year preceding the date of his disengagement. His work was only filing water in the Branch. He was not engaged for the whole day. Hence, he could not claim any permanency in status and regularization. Bank has requested that the reference be answered against the Workman.

In his rejoinder, the workman has mainly retreated his case and has alleged that he worked in the Bank as a Peon and discharged all the dues of the Bank mentioned in the rejoinder Para 10.

In evidence, the workman has filed his affidavit as his examination in chief. He has been cross-examined by the Management. He has filed and proved Exhibit W-1 and W-2 Certificates, Exhibit W-3 List of Employees and Salary paid to them in 2008-09, Exhibit W-4 copy of bonus register regarding bonus paid to the Workman on 22.10.2012 and 10.09.2013. Communication between the Regional Manager and the Branch Manager regarding bonuses of Workman dated 16.09.2013 Exhibit W-5. Letter of the Branch Manager W-6 Statement of working days and wages and bonuses paid from 2004-05 to 2010-11 Exhibit W- 7 details of working days the Workman was engaged furnished by Bank Exhibit W-8, W-9, W-10, W-11, W-12, W-13, W-14 for the years 2004 to 2010.

Management has filed affidavit of its witness as his examination-in-chief Shri Ashutosh Soni. He has been cross-examined by Workman.

I have heard argument of Learned Counsel for the Workman Mr. Swapnil Khare and Mr. Pranay Choubey for Management. Workman side has filed written arguments also which are part of record. I have gone through the record as well.

Following issues arise on perusal of the record in the light of rival arguments :-

1. ***Whether the workman has proved his continuous engagement for the period 16.06.1998 till 23.04.2014 as defined under Section 25 B of the Act?***
2. ***Whether the action of Management in disengaging the Workman is in violation of Section 25F, 25G of the Act and Rule 76 and 77?***
3. ***Whether the Management Bank has adopted unfair labour practice by engaging the Workman as Contract Labour/ Daily Wager for the period 26.06.1998 till 23.04.2014.***
4. ***Relief to which the workman is entitled?***

Issue No. 1 -

Section 25-B of the Act, which defines 'continuous service', is being reproduced as follows:-

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

(1) *a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—*

- (a) *for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—*
 - (i) *one hundred and ninety days in the case of a workman employed below ground in a mine; and*
 - (ii) *two hundred and forty days, in any other case;*
- (b) *for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—*
 - (i) *ninety-five days, in the case of a workman employed below ground in a mine; and*
 - (ii) *one hundred and twenty days, in any other case.*

Pleadings of the parties on this issue have been detailed earlier. The Bank does not deny the engagement of the Workman, only case of the Management Bank is that, the Workman did not work continuously for 240 days in any year. Both the sides have filed affidavits with respect to their allegations and counter allegations on this issue. The case of the Workman is supported by the documents in form of the certificates issued by Bank Officers and statements even issued by State Bank of India with respect to payment of wages and bonus right from 2004-05 to March, 2011, which shows that in every year the workman worked more than 240 days approximately around 300 days in an average. Exhibit W-3 is the statement of bonuses issued by State Bank of India for the year 2008-09 and 2012-13 which is further supported by Exhibit W-6, Communication between the Branch Manager and Assistant General Manager. From these documents, the case of the Workman that he worked 240 days in every year including the year preceding the date of his termination is held proved.

Issue No. 1 is answered accordingly.

Issue No. 2 –

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 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.**

25G. Procedure for retrenchment.—

Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

Case of the Workman is that he was not paid any notice or compensation on his retrenchment. He has stated this fact in his affidavit also. Management witness nowhere says that he was issued any notice before retrenchment or paid any compensation. Hence, the case of the workman is that he was not paid any compensation on his retrenchment is held proved. Accordingly, the action of the Management Bank is held in violation of Section 25F and 25G of the Act.

Issue No.2 is answered accordingly.

Issue No. 3 –

From the evidence discussed above, this fact is established that the Bank has engaged Workman as a daily wage/Contract Labour right from 1998 till 2014 i.e. even after merger of the State Bank of Indore with State Bank of India in the years 2010. This action of Bank is a clear unfair labour practice adopted by them which is prohibited under the Act and even it is the criminal offence.

Issue No. 3 is answered accordingly.

Issue No. 4 –

From the above discussion it has been proved that, **firstly** the Workman worked continuously as provided under Section 25B of the Act right from 1998 till 2014, **secondly**, he was not paid any compensation on his retrenchment hence there is violation of Section 25F and 25G of the Act. **Thirdly**, by engaging the Workman as a daily wage/ contract labour, for about 16 years, the Bank has adopted unfair labour practice.

In these circumstances, the issue arises as to what relief the workman is entitled to.

Learned Counsel for Workman has submitted that this Tribunal is within its powers to issue the effects of irregularities and arbitrariness done by the Management Bank, against the Workman in the case in hand when it has illegally disengaged the workman who worked for 16 years continuously with the Bank and has further submitted that in such a case only reinstatement of the Workman with all back wages and benefits and rights to permanent status in service as well regularizations of his services will be only just and proper relief for the Workman. He has referred to judgment of Hon'ble Supreme Court in the case of **Jeetubha Khansangji Jadeja V/s. Kutchh District Panchayat Civil Appeal No. 6890/2022 SLP (Civil) No. 8393/2022**. In this case the Workman worked from 1992 to 2002. He was awarded One Lakh compensation by the Hon'ble Apex Court with reinstated the workman with back wages.

In another case, Munshi Singh V/s. Nagar Panchayat, a full bench decision of Hon'ble High Court of MP (2009) (4) MPLJ, it was held that when the termination was found in Violation of Section 25 F of the Act the workman will be reinstated depending on the facts of the case.

In another case, State of Gujarat V/s. Dineshbhai Khusaldas Solanki Civil Application No. 13175/2000 decided by Hon'ble High Court of Gujarat on 19.04.2022 the relief of reinstatement was granted to the workman who worked as a Peon from 1949 to 2000 and was terminated without notice. In another decision of Hon'ble High Court of M.P. in the case of **Pankaj Kumar Mishra V/s. Krishi Upaj Mandi Samiti Neutral Citation No. 2025 MPHC GWL 9767** the same view was taken.

Learned Counsel for Management has submitted that firstly, the State Bank of Indore has merged into State Bank of India, the workman was engaged by State Bank of Indore. Hence, the State Bank of India could not be fastened with any liability to reinstate him and secondly, he was not appointed following recruitment process against a sanctioned vacancy. Hence, his reinstatement will said to be just and proper in law.

(ra) "unfair labour practice" means any of the practices specified in the Fifth Schedule;

THE FIFTH SCHEDULE

See section 2(ra)

UNFAIR LABOUR PRACTICES**I.—On the part of employers and trade unions of employers**

(10.) - To employ workmen as "badlis", casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen

25T. Prohibition of unfair labour practice.—No employer or workman or a trade union, whether registered under the *Trader Unions Act, 1926 (18 of 1926)*, or not, shall commit any unfair labour practice.

25U. Penalty for committing unfair labour practices.—Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

The second argument of learned counsel for the workman is that the outsourcing agreement itself is bad in law and is sham agreement because it is a prohibited agreement under Contract Labour (Regulation & Abolition) Act, 1970, he has referred to section 10 of the Act which is being reproduced as follows:-

"10. Prohibition of employment of contract labour:-

(1) Notwithstanding anything contained in this Act, the appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, prohibit, by notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment.

(2) Before issuing any notification under sub-section (1) in relation to an establishment, the appropriate Government shall have regard to the conditions of work and benefits provided for the contract labour that

establishment and other relevant factors, such as-

(a) *whether the process, operation or other work is incidental to, or necessary for the industry, trade, business, manufacture or occupation that is carried on in the establishment ;*

(b) *whether it is of perennial nature, that is to say, it is so of sufficient duration having regard to the nature of industry, trade, business, manufacture or occupation carried on in that establishment;*

(c) *whether it is done ordinarily through regular workmen in that establishment or an establishment similar thereto;*

(d) *whether it is sufficient to employ considerable number of whole-time workmen.*
Explanation.- If a question arises whether any process or operation or other work is of perennial nature, the decision of the appropriate Government thereon shall be final."

Learned counsel also submits that engaging Badli, Casual or Temporaries employees on permanent post is unfair labour practice as defined in the Act and is prohibited in the Act, hence, outsourcing agreements are sham contracts and contractors are sham contractors engaged just to flout law in this respect infact, outsourcing agreements itself are sham agreement. Learned counsel also submits that it has to be kept in mind that she has been working at the site of ESIC and under direction as well control of ESIC officers.

Learned counsel as further referred to following paragraphs of the judgment referred Sudarshan Rajpoot v/s U.P. State Road Transport Corporation (2015) II, SCC 317 which are being reproduced as follows:-

11. It has been contended by the learned counsel for the appellant workman that the High Court has erred in placing reliance upon the decision of this Court in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] , which was distinguished inasmuch as the said case is not applicable to the case on hand for the reason that the appellant workman is a "workman" as defined under Section 2(z) of the UPID Act and the respondent is the statutory corporation which is an undertaking of the State Government and therefore, as it is an instrumentality of the State Government, it will come within the definition of "industry" as defined under Section 2(k) of the UPID Act. Therefore, the said provisions of the UPID Act are applicable to the appellant workman as he is a "workman" as defined under Section 2(z) of the UPID Act and Section 2(s) of the ID Act, 1947.
12. Further, it is contended that the High Court has failed to consider the "unfair labour practice" as defined under Section 2(ra) of the ID Act, 1947 read with Sections 25-T and 25-U and Schedule V of the ID Act. Item 10 of Schedule V of the ID Act prohibits the employer to employ workmen as badlis, casuals or temporaries and to continue them as such for years in the Corporation, with the object of depriving them of the status and privileges of permanent workmen is prohibited. It is further contended that the respondent Corporation is liable for penal action under the provisions of Section 25-U of the ID Act. In support of the above contention, reliance was placed on the three-Judge Bench decision of this Court in Chief Conservator of Forests v. Jagannath Maruti Kondhare [Chief Conservator of Forests v. Jagannath Maruti Kondhare, (1996) 2 SCC 293 : 1996 SCC (L&S) 500] .
13. On the other hand, the learned counsel appearing on behalf of the respondent Corporation sought to justify the correctness of the finding and reasons recorded by the High Court in the impugned judgment [U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)] . Alternatively, it is contended that even if the order of termination is bad in law, the workman who is working on the contract basis is not entitled for reinstatement with full back wages as per the view taken by this Court in several decisions. Therefore, the learned counsel for the respondent Corporation submits that the impugned judgment [U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)] and order need not be interfered with by this Court in exercise of its appellate jurisdiction.
14. With reference to the abovesaid rival legal contentions the following substantial questions would arise for our consideration:
 - 14.1. (i) Whether the High Court is justified in passing the impugned judgment [U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)] , order and reversing the award passed by the Labour Court?
 - 14.2. (ii) Whether the order of termination passed against the appellant workman amounts to retrenchment as defined under Section 2(s) of the UPID Act, 1947?
 - 14.3. (iii) Whether non-compliance with the statutory provisions under Sections 6-N and 6-Q of the UPID Act which are analogous with Sections 25-F and 25-H, respectively, of the ID Act, 1947 renders the order of termination void ab initio in law?
 - 14.4. (iv) What relief is the appellant workman entitled to?

15. To answer the above substantial questions of law it is necessary for this Court to extract the order of termination passed by the Assistant Regional Manager of the Corporation, which reads thus:

“OFFICE OF ASSISTANT REGIONAL MANAGER, U.P. TRANSPORT CORPORATION, AZAD NAGAR DEPOT Letter No. ARM/A. Ngr/Bus Accident 0582/2000/3591 dated 29-7-2000

OFFICE ORDER

On 7-6-1999 vehicle bearing No. 8582 which had met with an accident which was being driven on 7-6-1999 by Shri Sudarshan Rajpoot, contractual driver and conductor Shri Kamta Prasad on Deoria to Kanpur route and accident occurred on the way at 1.30 a.m. in the night at Village Palhari, Barabanki near Police Station Safdarganj and due to negligent driving of the driver, department suffered heavy loss.

Hence, in order to meet departmental loss, forfeiting security of driver Shri Sudarshan Rajpoot, I pass the order to strike off his name from the contract roll with an immediate effect. His name be struck off from contract roll.

sd/-

(Illegible)

(Sad Sayed)

Assistant Regional Manager,

Azad Nagar, Depot”

(emphasis supplied)

In the aforesaid order of termination it is specially mentioned that the appellant workman was appointed as a driver on contractual basis. It has been further stated that the accident occurred on 7-6-1999 due to the negligent driving of the appellant workman resulting in heavy loss to the Department of the respondent Corporation. In order to meet the departmental loss, security amount of driver was forfeited and Assistant Regional Manager had struck off the name of the appellant workman from the contract employees roll with immediate effect.

16. The respondent Corporation has neither produced documentary evidence nor showed before the Labour Court that the appellant workman was appointed on contract basis. The fact that he deposited Rs 2000 towards security amount with the respondent Corporation indicates that he was working as a driver on a permanent basis. In view of Schedule V, Item 10 of the ID Act, 1947 the respondent Corporation is prohibited from engaging the appellant workman as a badli, casual or temporary workman to work on permanent basis. The fact that he had been continuously working for more than 3 years and he had rendered more than 240 days of service as the driver in a calendar year until his termination order and yet he is being engaged on a contractual basis in the respondent Corporation is statutorily prohibited. The same amounts to an unfair labour practice as defined under Section 2(ra) read with Section 25-T, which action of the Corporation is punishable under Section 25-U of the ID Act. This legal position is settled by this Court in Chief Conservator of Forests case [Chief Conservator of Forests v. Jagannath Maruti Kondhare, (1996) 2 SCC 293 : 1996 SCC (L&S) 500] wherein it was held as under : (SCC pp. 302-03, para 22)

“22. ... In our opinion, it would be permissible on facts of a particular case to draw the inference mentioned in the second part of the item, if badlis, casuals or temporaries are continued as such for years. We further state that the present was such a case inasmuch as from the materials on record we are satisfied that the 25 workmen who went to the Industrial Court of Pune (and 15 to the Industrial Court, Ahmednagar) had been kept as casuals for long years with the primary object of depriving them of the status of permanent employees inasmuch as giving of this status would have required the employer to pay the workmen at a rate higher than the one fixed under the Minimum Wages Act. We can think of no other possible object as, it may be remembered, that the Pachgaon Parwati Scheme was intended to cater to the recreational and educational aspirations also of the populace, which are not ephemeral objects, but par excellence permanent. We would say the same about environment-pollution-care work of Ahmednagar, whose need is on the increase because of increase in pollution. Permanency is thus writ large on the face of both the types of work. If, even in such projects, persons are kept in jobs on casual basis for years the object manifests itself; no scrutiny is required. We, therefore, answer the second question also against the appellants.”

25. This Court in the later judgment in Hari Nandan Prasad v. Food Corporation of India [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] , after adverting to the law laid down in U.P. Power Corpn. Ltd. v. Bijli Mazdoor Sangh [(2007) 5 SCC 755 : (2007) 2 SCC (L&S) 258] and Maharashtra SRTC [Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] wherein Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is adverted to in both the cases, held that on a harmonious reading of the two judgments, even when there are posts available, in the absence of any unfair labour practice the Labour Court cannot give direction

for regularisation only because a worker has continued as daily-wage worker/ad hoc/temporary worker for number of years. Further, such a direction cannot be given when the worker concerned does not meet the eligibility requirement of the post in question as per the recruitment rules:

25.1. It was held at para 32 in Hari Nandan Prasad case [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] as under : (SCC p. 211)

“32. However, the Court in Maharashtra SRTC case [Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] found that the factual position was different in the case before it. Here the post of cleaners in the establishment were in existence. Further, there was a finding of fact recorded that the Corporation had indulged in unfair labour practice by engaging these workers on temporary/casual/daily-wage basis and paying them paltry amount even when they were discharging duties of eight hours a day and performing the same duties as that of regular employees.”

25.2. Further, Hari Nandan Prasad [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] referred at para 36, LIC v. D.J. Bahadur [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] in which the relevant para 22 of LIC case [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] is extracted as under : (Hari Nandan Prasad case [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] , SCC p. 213)

“36. ... ‘22. The Industrial Disputes Act is a benign measure which seeks to pre-empt industrial tensions, provide the mechanics of dispute resolutions and set up the necessary infrastructure, so that the energies of the partners in production may not be dissipated in counterproductive battles and the assurance of industrial justice may create a climate of goodwill.’ (D.J. Bahadur case [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] , SCC p. 334, per Krishna Iyer, J.)

In order to achieve the aforesaid objectives, the Labour Courts/Industrial Tribunals are given wide powers not only to enforce the rights but even to create new rights, with the underlying objective to achieve social justice. Way back in the year 1950 i.e. immediately after the enactment of the Industrial Disputes Act, in one of its first and celebrated judgment in Bharat Bank Ltd. v. Employees [1950 SCC 470 : AIR 1950 SC 188 : 1950 LLJ 921 at p. 948] this aspect was highlighted by the Court observing as under : (AIR p. 209, para 61)

‘61. ... In settling the disputes between the employers and the workmen, the function of the Tribunal is not confined to administration of justice in accordance with law. It can confer rights and privileges on either party which it considers reasonable and proper, though they may not be within the terms of any existing agreement. It has not merely to interpret or give effect to the contractual rights and obligations of the parties. It can create new rights and obligations between them which it considers essential for keeping industrial peace.’”

25.3. And again at para 37, observing that the aforesaid sweeping power conferred upon the Tribunal is not unbridled and is circumscribed by this Court in New Maneck Chowk Spg. & Wvg. Co. Ltd. v. Textile Labour Assn. [AIR 1961 SC 867] , the relevant para 6 of which is extracted as under : (Hari Nandan Prasad case [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] , SCC p. 213, paras 37-38)

“37. ... ‘6. ... This, however, does not mean that an Industrial Court can do anything and everything when dealing with an industrial dispute. This power is conditioned by the subject-matter with which it is dealing and also by the existing industrial law and it would not be open to it while dealing with a particular matter before it to overlook the industrial law relating to that matter as laid down by the legislature or by this Court.’ (Textile Labour Assn. case [AIR 1961 SC 867] , AIR p. 870)

38. It is, thus, this fine balancing which is required to be achieved while adjudicating a particular dispute, keeping in mind that the industrial disputes are settled by industrial adjudication on principle of fair play and justice.”

26. In view of the aforesaid statement of law laid down by this Court after adverting to the powers of the Industrial Tribunal and the Labour Court as interpreted by this Court in the earlier decisions referred to supra, the said principle is aptly applicable to the fact situation of the case on hand, for the reason that the Labour Court recorded a finding of fact in favour of the workman that the termination of services of the appellant herein is not legal and valid and further reaffirmed the said finding and also clearly held that the plea taken in the order of termination that he was appointed on contract basis as a driver is not proved by producing cogent evidence. Further, we hold that even if the plea of the employer is accepted, extracting work though of permanent nature continuously for more than three years, the alleged employment on contract basis is wholly impermissible. Therefore, we have held that it amounts to an unfair labour practice as defined under Section 2(ra) of the ID Act, 1947 read with Section 25-T which is prohibited under Section 25-U, Chapter V-C of the ID Act, 1947. We have to hold that the judgment of the High Court in reversing the award is not legal and the same is set aside by us.

21. In the order of termination, it is alleged that on account of negligent driving of the bus by the appellant workman the accident of the vehicle happened, the said allegation was neither proved in the inquiry required to be conducted nor producing evidence before the Labour Court by the respondent Corporation. Therefore, the High Court has failed to examine the above vital aspects of the case on hand and erroneously interfered with the award passed by the Labour Court in exercise of its extraordinary and supervisory jurisdiction under Articles 226 and 227 of the Constitution of India. This exercise of power is contrary to the law laid down by this Court in *Harjinder Singh v. Punjab State Warehousing Corpn.* [(2010) 3 SCC 192 : (2010) 1 SCC (L&S) 1146], wherein this Court held thus : (SCC p. 205, para 21)

“21. Before concluding, we consider it necessary to observe that while exercising jurisdiction under Articles 226 and/or 227 of the Constitution in matters like the present one, the High Courts are duty-bound to keep in mind that the Industrial Disputes Act and other similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the Preamble of the Constitution and the provisions contained in Part IV thereof in general and Articles 38, 39(a) to (e), 43 and 43-A in particular, which mandate that the State should secure a social order for the promotion of welfare of the people, ensure equality between men and women and equitable distribution of material resources of the community to subserve the common good and also ensure that the workers get their dues. More than 41 years ago, Gajendragadkar, J. opined that:

‘10. ... the concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the ideal of welfare State.’

(*State of Mysore v. Workers of Gold Mines* [AIR 1958 SC 923], AIR p. 928, para 10.)”

24. We are of the opinion that the view taken in *Maharashtra SRTC* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] at para 36 after distinguishing *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is the plausible view. Therefore, we have to hold that the finding of the High Court in setting aside the finding of fact recorded by the Labour Court in its award by applying *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is wholly untenable in law. Therefore, the same is set aside by this Court.

23. Further, the reliance placed upon the decision of this Court on *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] by the High Court to reverse the finding of fact recorded in the award in favour of the workman in answering the points of dispute in the negative, is not tenable in law in view of the judgment of this Court in *Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513], wherein, this Court after adverting to *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] at para 36, has held that the said case

“does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU and PULP Act to order permanency of the workers who have been victims of unfair labour practice on the part of the employer under Item 6 of Schedule IV where the posts on which they have been working exist”. (SCC p. 574)

Further, this Court held that : (SCC p. 574, para 36)

“36. ... *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] cannot be held to have overridden the powers of the Industrial and Labour Courts in passing appropriate order under Section 30 of the MRTU and PULP Act, once unfair labour practice on the part of the employer under Item 6 of Schedule IV is established.”

The referred case can be distinguished from the facts in hand that the workman was held not contractual employee rather was found the regular employee of the management but the principles laid down by Hon’ble Court are of much significance.

Reference may be taken of judgment of Hon’ble Supreme Court in the case of **Jaggo v/s Union of India reported in (2024) SCC Online SC 3826**, the relevant paragraphs of this judgment are being reproduced as follows:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers’ rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- **Misuse of “Temporary” Labels:-** Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.
- **Arbitrary Termination:-** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.
- **Lack of Career Progression:-** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.
- **Using Outsourcing as a Shield:-** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.
- **Denial of Basic Rights and Benefits:-** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.”

The principle laid down in the case of *Jaggo (Supra)* has been followed by Hon’ble Supreme Court in the case of *Shripal Vs. Nagar Nigam Ghaziabad in Civil Appeal No. 8157/2024 (2025 INSC 144)*. The relevant portion is being reproduced as follows -

“14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer’s failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgement of this court in *Jaggo v. Union of India*

16. The High Court did acknowledge the Employer’s inability to justify these abrupt terminations. Consequently, it ordered re-engagement on daily wages with some measure of parity in minimum pay. Regrettably, this only perpetuated precariousness: the Appellant Workmen were left in a marginally improved yet still uncertain status. While the High Court recognized the importance of their work and hinted at eventual regularization, it failed to afford them continuity of service or meaningful back wages commensurate with the degree of statutory violation evident on record.

17. In light of these considerations, the Employer’s discontinuation of the Appellant Workmen stands in violation of the most basic labour law principles. Once it is established that their services were terminated without adhering to Sections 6E and 6N of the U.P. Industrial Disputes Act, 1947, and that they were engaged in essential, perennial duties, these workers cannot be relegated to perpetual uncertainty. While concerns of municipal budget and compliance with recruitment rules merit consideration, such concerns do not absolve the Employer of statutory obligations or negate equitable entitlements. Indeed, bureaucratic limitations cannot trump the legitimate rights of workmen who have served continuously in de facto regular roles for an extended period. 18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:-

I. The discontinuation of the Appellant Workmen's services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from thereof their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on daily wages contrary to statutory and equitable norms."

The fact undisputed still remain that the Workman worked with the State Bank of Indore and with State Bank of India after 2010, when the State Bank of Indore merged with the State Bank of India in a total period of about 20 years as a daily wager/contract labour. He was working as a peon/cleaner. In these circumstances, his appointment could said to be regular appointment and not an illegal appointment.

Issue No. 4 is answered accordingly.

No other point was pressed.

In the light of above findings and discussions reference is answered as follows-

AWARD

Holding that the management bank has adopted unfair labour practice with respect to the applicant workman by taking work from him for years as a contract employee when the vacancy is of permanent nature and is still available, the management Bank is directed to reinstate the workman but without back wages. The workman shall be entitled to all the consequential benefits admissible to a permanent and regular employee except back wages. Bank is directed to initiate a fair and transparent process for recruitment for the position on which, the applicant workman has been working, within six months from the date of publication of award in the Gazette Appellant Workman shall be granted age relaxation for the period he has worked on contract basis with Bank. The management Bank shall expedite all necessary administrative processes to ensure that such longtime employees are not indefinitely retained on contractual assignments or through outsourcing, contrary to statutory and equitable norms.

No order as to cost.

DATE:- 19/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1845.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (06/2016) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-I)-116]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1845.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 06/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-116]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/06/ 2016Present: P.K.SrivastavaH.J.S.(Retd.)

Vishwanath Namdeo

S/o Shri Moolchand Namdeo,

R/o Ward No. 3, Burhar,

Post Thana Burhar, Distt. Shahdol

Workman

Vs.

1. State Bank of India,
Through: Branch Manager,
State Bank of India, Branch Burhar,
Distt. Shahdol.
2. Regional Manager, State Bank of India,
Regional Office, Area No. 4, 178,
Maharana Pratap Ward, Jhijri,
Katni, Distt. Katni
3. Chairman, State Bank of India,
Nariman (East) Mumbai
4. Chief General Manager,
State Bank of India, Hoshangabad Road,
Local Head Office, Bhopal.

Management

(JUDGMENT)**(Passed on this 21st day of August - 2025)**

The petitioner Workman has filed this petition against the Management Bank under Section 2-A (2&3) of the Industrial Disputes Act, 1947 amended by Amendment Act of 2010 (in short the 'Act') with the case that, he was engaged by the Bank on 27.08.1994 as Messenger and has been working continuously since then till 30.11.2015, discharging his duties with all sincerity, honesty and to the satisfaction of his superiors. He had thus acquired the eligibility for being permanent and for regularization of his services on the post of Messenger. He submitted his representation for regularization to the Bank but there was no action. He filed Writ Petition No. 14846/2015 before Hon'ble High Court of MP which was disposed after hearing vide order dated 05.10.2015 with a direction to the Bank to consider his case for regularization. The Bank rejected his application vide order dated 30.11.2015 in violation of direction of Hon'ble High Court without passing any speaking order which is unjust, unfair and arbitrary on its part. This action of Bank is unfair labour practice, prohibited under the Act. He raised a dispute before the Assistant Labour Commissioner (Central) which could not be conciliated within 45 days, hence this petition. He has prayed that, holding the dismissal of his services by Bank unjust, illegal and arbitrary, he be held entitled to be reinstated as a permanent messenger and also be held entitled to be regularized as such with all back wages and consequential benefits.

Case of the Bank as taken by them in their written statement of claim, is mainly that the petitioner was a daily wager casual labour who was engaged by the Branch for sweeping and cleaning work as and when required and only for 2 to 3 hours a day. He was paid his wages accordingly. He was not appointed against any vacancy following recruitment process, he never worked continuously for 240 days, in any year. His services were disengaged by Bank which is not in violation of the Act.

No evidence was filed nor was any document proved by the petitioner. Management filed affidavit of its witness as his examination-in-chief. The petitioner workman did not appear to cross-examine this witness.

At argument stage also, the petitioner did not appear. I have heard argument of Mr. Praveen Yadav Learned Counsel for Bank and have gone through the record.

The initial burden to prove his case is on the petitioner in which he has failed. On the other hand, there is uncross-examined affidavit of Management witness which rebuts the case of Petitioner.

Hence, holding the case of the petitioner not proved, the petition deserves to be dismissed.

ORDER

Petition dismissed.

No order as to cost.

DATE:- 21/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (12/2019) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-1)- 117]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1846.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 12/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-117]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/12/2019

Present: P.K.Srivastava

H.J.S..(Retd)

1. Ramnath Kushwaha,
Messenger,
State Bank of India, Branch Sheopurkala (4351),
Through General Secretary,
Dainik Vetanbhogi Bank Karmachari Sangathan
K.K. F-1, Tripti Vihar, Ujjain (MP)

Petitioner/Workman

Versus

1. Chief General Manager,
State Bank of India, LHO,
District Hoshangabad Road, Bhopal (MP)

2. Area Manager, Area-5

State Bank of India,

Regional Business Office,

Mahal Road, Sheopuri (MP)

3. Branch Manager,

State Bank of India, Branch Sheopurkala (4351),

District Sheopur (MP)

Respondents/Management

AWARD**(Passed on this 29th day of August-2025)**

The workman has filed this petition *u/s 2-A (2&3) of the Industrial Disputes Act, 1947* as amended by *Amendment Act of 2010* (in short '*The Act*') with a case that he was first appointed as a Canteen Boy/Cash Peon/Messenger/Cleaner/Daftari/Dak Depositor by the then Branch Manager on 02.02.2006 under his oral orders and worked eight hours daily since then as a permanent peon for which he was paid through his account. He was disengaged by bank in January, 2017 without any notice of compensation when he claimed permanent status and regularization of his service as peon which is in violation of section 25-F and 25-G of The Industrial Disputes Act, 1947 (in short the Act), hence unjust, illegal and arbitrary. He has prayed for setting aside his disengagement, he be held entitled to be reinstated with back wages and benefits and also be held entitled to permanent status as a peon as well regularization of his service.

Case of the Management Bank is mainly that, the petitioner was never appointed by them in any capacity, there is a Staff Welfare Committee of staff members in the branch, headed by the Branch Manager, the representative of the workers union of the bank is the Secretary and one more staff and employee of the branch is a Member. This committee runs canteen and canteen service for the staff members, bank provides certain subsidy for it. The committee engages canteen boy for its work and pays him for that, the petitioner was also a canteen boy, was engaged by the Staff Welfare Committee in the canteen run by them and was paid by the committee. He was never engaged by the bank in any capacity though sometimes tasks relating to bank activities like messenger or cleaner, etc was taken from him on certain occasions for which he was paid separately through vouchers. According to the Management Bank, since there was no employer-employee relationship between the bank and the petitioner, there was no occasion of his disengagement by the bank.

The petitioner has filed his rejoinder, wherein he has mainly reiterated his case.

In evidence, the petitioner has filed his affidavit as his Examination-in-chief, he has been cross-examined by Bank. He has proved photocopy certificate, letters sent to him for depositing Challan, photocopy of the welfare fund register and six payment cheques issued by the Staff Welfare Committee, TA vouchers, copy of peon book and his passbook. The management has filed an affidavit of its witness, Manohar Singh Chandrawat who has been cross-examined by petitioner's side. He has filed and proved authenticated copy of account of Staff Welfare Committee.

I have heard argument of Learned Counsel for Petitioner, Arun Patel and Pranay Choubey for Management Bank. I have gone through the records as well.

From perusal of record, in light of rival arguments, following issues arise for determination:-

1. ***Whether, the petitioner has successfully proved his engagement by the bank that too for a continuous period of 240 days in the year as defined under section 25-B of the Act?***
2. ***Whether, the petitioner has been disengaged by the Bank in violation of section 25-F & 25-G of the Act?***

Issue No. 1.

Pleadings of the parties on this issue have been detailed earlier. The case of the petitioner is that he worked as a canteen boy as well as messenger cleaner, dak runner, etc and was engaged by the bank. He has corroborated his this case in his affidavit as his Examination-in-chief in his cross-examination, he states that no vacancy was notified, his name was not sponsored by employment exchange also admits that there was already a peon posted in the branch, though he did not do any work of the bank.

The petitioner himself has filed and proved photocopy cheques which show that he was paid his wages by the Staff Welfare Committee, this fact is further corroborated by the statements of the management witness and his statement of account of the Staff Welfare Committee which paid the petitioner his wages as canteen boy. Though, the petitioner has filed some vouchers to show that he was paid by the bank but in view of the fact that these vouchers are

not payment of wages rather these are regarding payments of works taken by bank from the petitioner on specific days.

Section 25-B of the Act, which defines ‘continuous service’, is being reproduced as follows:-

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

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
- (ii) two hundred and forty days, in any other case;
- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
- (i) ninety-five days, in the case of a workman employed below ground in a mine; and
- (ii) one hundred and twenty days, in any other case.”

Hence from the above description of facts, the petitioner is held to have failed in proving **firstly**, his engagement by the bank and **secondly**, his engagement by the bank for 240 days in any year as bank employee.

Issue No.-1 is answered accordingly.

Issue No.-2 :-

In the light of findings on issue No. 1, issue No. 2 is answered against the petitioner.

No other point was pressed.

On the basis of above discussion and findings, the petition lacks merit and is liable to be dismissed.

ORDER

Petition dismissed.

No order as to cost.

DATE: 29/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1847.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर मध्य रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (03/2021) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-I)-118]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1847.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 03/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of North Center Railway and their workmen.

[No. L-12025/01/2025- IR(B-I)-118]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/RC/03/2021Present: P.K.SrivastavaH.J.S..(Retd)

Harishankar Tiwari,

S/o Late Shri Awadhesh Prasad Tiwari,

Aged about 54 years,

Occupation: Currently unemployed,

R/o 208 Nanakganj Sipri Bazaar Jhansi,

Uttar Pradesh -

Workman

Vs

1. Assistant Divisional Mechanical Engineer,
(C&W) North Central Railway,
Gwalior Madhya Pradesh
2. Prime Cleaning Services,
Govind Bhawan, 25 Nawalkishor Road,
Hazratganj Lucknow,
Tender No. JHS/M/130/GWL/
North Central Railway by Proprietor,
Hitesh Khounsla,
Present Office Sink Line,
Gwalior Railway Station,
Gwalior (Madhya Pradesh)

Management

(JUDGMENT)(Passed on this 01th day of SEPTEMBER - 2025)

The petitioner workman has filed the petition under Section 2-A (2&3) of the Industrial Disputes Act, 1947 as Amended by Amendment Act of 2010 (in short the 'Act') with an allegation that he has been working under CTS Company since 2010 which was working in Railways and another company M/s Prime Cleaning Services was awarded contract by Railways on 09.10.2014. The Petitioner started working under the new Contractor because of the Workers who were earlier working with the CTS Company (the first contractor) were taken by the New Contractor M/s Prime Cleaning Services. He worked till November, 2018 when his services were terminated by M/s Prime Cleaning Services without any notice or compensation which is bad in law being in violation of Section 25F and 25G of the Act. He raised a dispute in this respect before raising a dispute he filed a **Writ Petition No. 6773/2020** before **Hon'ble High Court of M.P. at Gwalior Bench** which was disposed vide order dated **31.08.2020**, with a liberty to avail remedy under amended provisions of Section 2A of the Act hence, this petition.

The Management of the Railways did not appear. The Contractor M/s Prime Cleaning Services filed their written statement of defense wherein they pleaded that they were contractors who were awarded the work of cleaning. They had engaged employees of the previous contractors who wanted to work with them after their contract had expired. The Workman did not work with them continuously for 240 days. At present they have not been awarded the contract, hence as pleaded by them their action cannot be faulted in law.

The Management of Railways has taken a case that; they have discharged the Work of cleaning to contractors. They had never appointed the Workman rather he might be an employee of the contractors. There is no relationship of employer and employee between them and the petitioner workman. In spite of various opportunities given, the Workman did not file any evidence. The Management also did not file any evidence.

The petitioner workman did not appear at the time of argument. He did not filed any written argument. I have heard argument of Mr. Arun Patel Learned Counsel for the Contractor. None appeared for the Railways also. I have gone through the record as well.

The initial burden to prove his claim is on the petitioner workman. By not adjudicating any evidences, he has failed to discharge his this burden.

Hence holding the claim of the petitioner workman not proved, the petition deserves to be dismissed.

ORDER

Petition dismissed.

No order as to cost

DATE:- 01/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1848.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईएफसीआई लिमिटेड के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (78/2017) प्रकाशित करती है।

[सं. एल - 12012/04/2017- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1848.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 78/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of ICICI Bank Ltd. and their workmen.

[No. L-12012/04/2017- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/78/2017

Present: P.K.Srivastava

H.J.S..(Retd)

Sh. Rajpal Yadav,

Vill. – Tijarpurethe, Pichhore,

Distt. Shivpuri,

Shivpuri - 473781

Workman

Vs

The Cluster Branch Manager,

ICICI Bank Ltd. Achleshwar Branch,

Gwalior -

Management

(JUDGMENT)

(Passed on this 02th day of SEPTEMBER - 2025)

As per letter dated 25/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-12012/04/2017 (IR(B-I)) dt. 25/05/2017. The dispute under reference relates to:

"1. Whether Sh. Rajpal Yadav working under ICICI Bank management is a workman under the definition of ID Act?"

2. If so, Whether the action of the Management of ICICI Bank Ltd. Gwalior in terminating the services of Sh. Rajpal Yadav w.e.f. 07.05.2014 is justified & proper? If not, to what relief the workman is entitled to?"

Notices were issued to the parties. They appeared and filed their respective statement of claim and defense.

The undisputed facts are that, the Workman Rajpal Yadav was appointed by the Management on the post of Junior Officer vide order dated 07.06.2013 under the terms and conditions mentioned in the appointment order. He joined his services on 18.06.2013 as a trainee. Completed his job internship for two months as required in his service agreement and after successful completion of job internship, he was posted as Junior Officer with the Bank. His probation period was Nine Months after internship, which could be extended for a period decided by the Management Bank. His services were terminated by the Management Bank vide order dated 07.05.2014 before completion of probation period which was stigmatic as he was not given any opportunity to explain and defend himself. According to the Workman, this action of Management Bank in terminating his services being stigmatic in nature without conducting any enquiry is unjust, illegal and arbitrary on the part of the Management.

Management has taken a case that, services of the Workman were terminated in the light of terms and conditions mention in the appointment order which the Workman accepted. These terms and conditions empower the Management to terminate the services of the Workman at any time without any reason or without notice during probation period or during job internship period and also the power to terminate his services in certain events mentioned in the clause of Termination of Employment and it was under this clause the Management terminated his services which is just, legal and proper.

Both the sides have filed affidavits and documents which are offer of appointment, termination order etc. to be referred to as and when required.

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

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

Issue No. 1.

Whether Sh. Rajpal Yadav working under ICICI Bank management is a workman under the definition of ID Act?

Section 2(s) of the Act, which defines Applicant, is being reproduced as follows:

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 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.....

Learned Counsel for Management has relied on judgment of ***Hon'ble High Court of Bombay in the case of Union Carbide (India) Ltd. V.s. Ramesh Kumbha and Others reported in MANU/MH/0073/1999 and another judgment of the same High Court in the case of Union Carbide (India) Ltd. V.s. D. Samuel and Others reported in MANU/MH/1713/1998.*** In these two cases, after analyzing the judgment of various High Courts and Hon'ble Supreme Court, the Single Bench of Hon'ble Bombay High Court has summarized the principles on the basis of which it is to be decided whether the Applicant is in supervisory capacity or not. These tests mentioned in **Para 34 and 35** of the Judgment are being reproduced as follows:

Para-34. In so far as the Apex Court is concerned, some of the tests laid down are:

(1) Designation is not material but what is important is the nature of work.

(2) Find out the dominant purpose of employment and not any additional duties the employee may be performing.

- (3) *Can he bind the Company/employer to some kind of decisions on behalf of the Company/employer.*
- (4) *Has the employee power to direct or oversee the work of his subordinates.*
- (5) *Has the power to sanction leave or recommend it; and*
- (6) *Has he the power to appoint, terminate or take disciplinary action against workmen.*

Para-35 From the judgment of this Court and the other High Courts some of the tests apart from what the Apex Court has stated are:

- (a) *Whether the employee can examine the quality of work and whether such work is performed in satisfactory manner or not;*
- (b) *Does the employee have powers of assigning duties and distribution of work;*
- (c) *Can he indent material and distribute the same amongst the workmen;*
- (d) *Even though he has no authority to grant leave does he have power to recommend leave;*
- (e) *Are there persons working under him;*
- (f) *Has he the power to supervise the work of men and not merely machines;*
- (g) *Dos he mark the attendance of other employees;*
- (h) *Does he write the confidential reports of his subordinates.*

Learned Counsel for applicant has referred to judgment of Hon'ble Supreme Court in the case of *S.K. Maini vs. M/s. Carona Sahu Company, (1994) 3 SCC 510*. Para 9, 10 & 11 of this judgment are being reproduced as follows :-

*"9. After giving our careful consideration to the facts and circumstances of the case and the submissions made by the learned counsel for the parties, it appears to us that whether or not an employee is a workman under Section 2(s) of the Industrial Disputes Act is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and materials on record and it is not possible to lay down any strait-jacket formula which can decide the dispute as to the real nature of duties and functions being performed by an employee in all cases. When an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organisations quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage and Distribution Co. of India Ltd. v. Burmah Shell Management Staff Assn.* [(1970) 3 SCC 378 : (1971) 2 SCR 758 : (1970) 2 LLJ 590] In *All India Reserve Bank Employees' Assn. v. Reserve Bank of India* [(1965) 2 LLJ 175 : AIR 1966 SC 305 : (1966) 1 SCR 25] it has been held by this Court that the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the employee concerned and not some works incidentally done. In other words, what is, in substance, the work which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as defined in Section 2(s) of the Industrial Disputes Act.*

*10. In *Mcleod and Co. v. Sixth Industrial Tribunal, W.B.* [AIR 1958 Cal 273] P.B. Mukharji, J. of the Calcutta High Court as the learned Chief Justice then was, observed that whether a person was a workman within the definition of the Industrial Disputes Act would be the very foundation of the jurisdiction of the Industrial Tribunal. The court further observed that in order to determine the categories of service indicated by the use of different words like 'supervisory', 'managerial' and 'administrative', it was not necessary to import the notions of one into the interpretation of the other. The words such as 'supervisory', 'managerial' and 'administrative' are advisedly loose expressions with no rigid frontiers and too much subtlety should not be used in trying to precisely define where supervision ends and management begins or administration starts. For that would be theoretical and not practical. It has to be broadly interpreted from a common sense point of view where tests will be simple both in*

theory and in their application. The learned Judge further observed that a supervisor need not be a manager or an administrator and a supervisor can be a workman so long as he did not exceed the monetary limitation indicated in the section and a supervisor irrespective of his salary is not a workman who has to discharge function mainly of managerial nature by reasons of the duties attached to his office or of the powers vested in him. The aforesaid decision of the Calcutta High Court was noted with approval by this Court in National Engineering Industries Ltd. v. Shri Kishan Bhageria [1988 Supp SCC 82 : 1988 SCC (L&S) 428 : AIR 1988 SC 329] .

11. It may be noted in this connection that in view of the amendment of Section 2(s) enlarging the ambit of the classification of various types of workmen except managerial force, entire labour force has been included within the definition of workman under Section 2(s) as has been indicated by this Court in *S.K. Verma v. Mahesh Chandra* [(1983) 4 SCC 214 : 1983 SCC (L&S) 510 : (1983) 3 SCR 799] . But if the principal function is of supervisory nature, the employee concerned will not be workman only if he draws a particular quantum of salary at the relevant time as indicated in Section 2(s). In the instant case, it, however, appears to us that Shri Maini as Manager/In-charge of the shop was made responsible and liable to make good such amount of credit whether such sale on credit had been made by him or by any other member of the staff in employment under him with or without his knowledge. Under the terms and conditions of service, he was asked to take charge of the shop to which his service was transferred. Mr Maini, under the terms and conditions of service, was required to be held responsible and liable for any loss suffered by the Company due to deterioration of the quality of the stock or any part thereof and loss of any of the other articles lying in the shop caused by reason of any act of negligence and/or omission to take any precaution by the employees. Mr Maini was also required to notify the Company by trunk call and/or telegram not later than three hours after the discovery in the said shop of any fire, theft, burglary, loot or arson. He was required to investigate into the matter immediately and get the cause and amount of loss established by local authorities. Mr Maini as in-charge of the shop was required to keep and maintain proper accounts as approved by the Company indicating the exact amount to be paid from the receipts from the respective staff. Under Clause XIII of the terms and conditions of the service, Mr Maini would remain fully responsible to the Company for damages or loss caused by acts or commission of the loss of the employees of the shop. Under Clause XV of the terms and conditions of service, the shop in-charge was required to keep himself fully conversant with all the regulations in force which may come into force from time to time with regard to Octroi, Sales Tax and Shops and Commercial Establishments Act and/or any other local regulation applicable to the shop. Clause XXI indicates that non-compliance with any of the local or State Acts or Central Acts would be viewed seriously and Manager would be held responsible for any fine/penalty imposed and/or prosecution launched against the Company. It also appears that in the event of a salesman being absent, the shop in-charge is empowered to appoint temporary helper for the said period to work as acting salesman. Similarly, in the event of helper being absent, the shop manager is also empowered to appoint part-time sweeper and to entrust the work of a helper to a sweeper. Such functions, in our view, appear to be administrative and managerial. By virtue of his being in-charge of the shop, he was the principal officer-in-charge of the management of the shop. We therefore find justification in the finding of the High Court that the principal function of the appellant was of administrative and managerial nature. It is true that he himself was also required to do some works of clerical nature but it appears to us that by and large Shri Maini being in-charge of the management of the shop had been principally discharging the administrative and managerial work. A manager or an administrative officer is generally invested with the power of supervision in contradistinction to the stereotype work of a clerk. This Court in *Lloyds Bank Ltd. v. Panna Lal Gupta* [(1961) 1 LLJ 18 : AIR 1967 SC 428] has indicated that a manager or administrator generally occupies a position of command or decision and is authorised to act in certain matters within the limits of his authority without the sanction of his superior. In the instant case within the authority indicated in the terms and conditions of his service, Shri Maini was authorised to take decisions in the matter of temporary appointments and in taking all reasonable steps incidental to the proper running of the shop. Precisely for the said reason, Shri Maini had signed the statutory forms as an employer. It should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested to a local manager but such power is given to some superior officers also in the management cadre at divisional or regional level. The unit in a local shop may not be large but management of such small unit may fulfil the requirements and incidences of managerial functions. On a close scrutiny of the nature of duties and functions of the Shop Manager with reference to the admitted terms and conditions of service of Shri Maini, it appears to us that the High Court was justified in holding that the appellant was not a workman under Section 2(s) of the Industrial Disputes Act. In the aforesaid facts, it is not necessary to go into the question as to whether or not domestic enquiry had been properly conducted or the Enquiring Officer had acted with bias. It is also not necessary to decide for the purpose of the disposal of the appeal as to whether or not the Company was entitled to lead fresh evidence in support of the domestic enquiry before the Labour Court. The appeal is, therefore, dismissed without, however, any order as to cost."

In another case of *Vandana Joshi vs. Standard Charter Bank MANU/MH/1391/2010*, decided by Hon'ble High Court of Bombay it has been laid down that the question as to whether the employee is a applicant or not must be decided with reference to the dominant nature of the duties and responsibilities performed by employee.

In the case of *Arkal Govind Rao vs. Ciba Geigy of India*, reported in (1985) 3 SCC 371, it was held that *the person concerned would not cease to be a applicant if he performs some supervisory duty but he must be a person engaged in supervisory duty and the test to be employed is what was the primary, basic or dominant nature of duties for which the person whose status is under inquiry was employed.*

Now analyzing the evidence in the case in hand on the basis of tests laid down in the aforesaid Judgments, it comes out that the role and duties of the Applicant/Petitioner have been defined in his letter of Appointment and have been mentioned above.

From the statements, it is established that the applicant did not work in any supervisory or managerial capacity. Hence, in the light of the proposition of law as discussed above, the applicant is held to be a workman as defined u/s. 2(s) of the Act and the case of the Management that applicant is not a workman under Section 2(s) of the act is held not proved.

Issue No 2-

Whether the action of the Management of ICICI Bank Ltd. Gwalior in terminating the services of Sh. Rajpal Yadav w.e.f. 07.05.2014 is justified & proper & to what relief the workman is entitled to ?

It has been submitted from the side of the Workman that, since the termination letter mentions that the services of the Workman have been terminated because Management has lost confidence in him is stigmatic, Natural Justice required that the Workman should have been given opportunity to have his say on this. Management was under obligation in law to supply the Material on the basis of which it claimed to have lost confidence in the workman which was not done. This termination is stigmatic, hence it is unjust and illegal.

On the other hand, Learned Counsel for Management has submitted that Workman was under probation and the clause regarding his termination of services empower the Management to terminate his services during probation without assigning reason and under other circumstances mention in the termination clause which is done by the Management. There is no illegality in the termination order.

For the sake of convenience the Termination of Employment Clause in the appointment offer is reproduced as follows:

Termination of Employment: In addition to what has already been mentioned in the foregoing, your services with ICICI Bank are liable to be terminated:

1. *Without assigning any reason and without giving any notice during probation period including on the job internship period.*
2. *At any time during your services with ICICI Bank including your on the job internship in the event of:*

a) Any breach of the conditions mentioned in this letter on your part

b) Any incorrect information furnished by you like:

Mismatch in your previous employment data even for a day

Mismatch in your previous pay slip

Fake qualification certificates etc.

3. *Suppression of any material information by you.*

4. *Any breach of the Rules and Regulations of ICICI Bank as applicable/may be made applicable to you from time to time.*

The relevant portion of the termination order dated 07.05.2014 is also being reproduced as follows:

Please note that your services are no more required by the Bank and therefore your services are hereby terminated with effect from the date this letter is... served on you in terms of the aforesaid contract of employment as the Bank has lost confidence on you.

The bare perusal of the termination order shows that, according to Management, the Workman was under probation which is not disputed and his services were no more required by the Bank as the Bank had lost confidence in him. The question arises here is whether the reason behind termination that the Bank had lost confidence in the Workman is stigmatic or not.

Learned Counsel for Workman has relied on a Single Bench Judgment of *Hon'ble High Court of MP in the case of Bureau Chief, Sahara India T.V. Network and Another Vs. Deep Narayan Singh, W.P. No. 19777/2016* in the referred case also the reason assigning in the termination order was that the Workman had lost confidence of the employer and he was not found proper to continue. Holding his termination as stigmatic, it was set-aside and the Workman was reinstated by Labour Court as there was no fact finding enquiry by the Management regarding the facts

which lead to lost of confidence in the Workman this order was upheld by Hon'ble High Court only with a modification in the fact peculiar to the referred case, the reinstatement was converted into compensation of Rs. 30,00,000/- (Rupees Thirty Lacs).

The relevant paragraphs of the referred judgment are being reproduced as follows :

"The Labour Court, therefore, has rightly held that in absence of any cogent evidence about absence of 009/workman and also not issuing any notice to him about his non presence without any permission otherwise make it clear that the stand of the employer was unfounded and, therefore, the charge of misconduct as tried to be proved by the employer before the Labour Court was not proved by adducing cogent and in fact any evidence. It was only an oral evidence but it is clear that the fact of presence of workman in employment is a factual aspect and that record is always available with the employer. Alleging absence of workman without any reason could have been proved by the employer adducing documentary evidence but the same has not been done in the present case and as such, stand of the employer was rightly rejected by the Labour Court.

8. The document Exhibit P/6 is a notice dated 20.10.2009 sent to the workman in which the reason for terminating the services was shown as under:-

"The Company has lost faith and confidence in you and, therefore, your services stand terminated with immediate effect treating your entire absence period as 'No work No Pay'."

Thus, it is clear that the main reason for terminating the services as has been apprised to the workman that the employer has lost confidence in the workman but why it has been done is not shown and what is the exact reason for loosing the confidence in the workman has also not been explained and as such, the termination notice was itself ambiguous. Moreover, as per the stand taken by the respondent/employee before the Labour Court, after reference was made by the appropriate Government under Section 10(1) of the M.P. Industrial Disputes Act 1947 (for short, 'the Act of 1947'), it is clear that reason for terminating the services was nothing but absence of workman from the employment. At the same time, the workman has taken a stand that he has attended the duty regularly and, therefore, issue has been framed whether the absence of the workman without any permission is a misconduct or not and on that ground, termination is proper or not. The employer has to prove the said fact but they failed to prove the said misconduct and no evidence produced by them and, therefore, the Labour Court in its award has found that the fact with regard to terminating the services and misconduct alleged therein has not been proved. The Labour Court has also observed that before terminating the services, the workman was neither given any opportunity nor any notice was issued to him so as to prove as to why he remained absent from duty and they also failed to show as to why the workman has lost its confidence in the eye of the employer. Thus, nothing wrong appears to have been done by the Labour Court and the award passed by the Labour Court, in my opinion, is a reasoned one and well founded."

Almost same are the fact of the case in hand, hence, the action of Bank in terminating the services of the Workman in case in hand on the ground that the Management has lost confidence in the Workman without any departmental enquiry or without bringing on record the facts which lead to alleged lost of confidence in the Workman is held stigmatic and is further held unjust, illegal and arbitrary on the part of Management.

In the referred case itself, Hon'ble High Court has referred to a judgment of Hon'ble High Court in the case of **Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya & others (2013)10SCC 324**

The relevant paragraphs of the said judgment are being reproduced as follows:

The Supreme Court in the said case has observed as under:-

"The propositions which can be culled out from the aforementioned judgments are:

i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

ii) The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the Court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

iii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.

iv) *The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.*

v) *The cases in which the competent Court or Tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the concerned Court or Tribunal will be fully justified in directing payment of full back wages. In such cases, the superior Courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc., merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The Courts must always be kept in view that in the cases of wrongful/ illegal termination of service, the wrongdoer is the employer and sufferer is the employee/workman and there is no justification to give premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.*

vi) *In a number of cases, the superior Courts have interfered with the award of the primary adjudicatory authority on the premise that finalization of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The Courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer, i.e., the employee or workman, who can ill afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited (supra).*

vii) *The observation made in J.K. Synthetics Ltd. v. K.P. Agrawal (supra) that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three Judge Benches referred to hereinabove and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman."*

Hence, in the light of the said preposition of law, the Applicant Workman also deserves to be reinstated from the date of termination of his services with all back wages and consequential benefits, to be paid to him within 30 days from publication of Award failing which interest @ 8% p.a. from the date of Award till payment.

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

AWARD

1. *Sh. Rajpal Yadav working under ICICI Bank management is a workman under the definition of ID Act.*
2. *The action of the Management of ICICI Bank Ltd. Gwalior in terminating the services of Sh. Rajpal Yadav w.e.f. 07.05.2014 is held unjustified & improper. , the Applicant Workman deserves to be reinstated from the date of termination of his services with all back wages and consequential benefits, to be paid to him within 30 days from publication of Award failing which interest @ 8% p.a. from the date of Award till payment.*

No order as to cost.

DATE:- 02/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1849.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईएफसीआई लिमिटेड के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (95/2017) प्रकाशित करती है।

[सं. एल - 12012/34/2014- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1849.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 95/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of IFCI Ltd. and their workmen.

[No. L-12012/34/2014- IR(B-I)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/95/2017****Present: P.K.Srivastava****H.J.S..(Retd)****Shri Santosh Singh Pawar,****S/o Ram Kishan Pawar,****R/o 8-B, Gupta Colony,****New Ashoka Garden,****Bhopal (M.P.)****Workman****Vs****The General Manger,****IFCI Ltd, IFCI Tower, 61,****Nehru Place,****New Delhi, 110****Management****(JUDGMENT)****(Passed on this 26th day of August- 2025)**

As per letter dated 21/06/2017 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-12012/34/2014-IR (B-I)** dt. 21/06/2017. The dispute under reference relates to:

“Whether the demand of workman Shri Santosh Pawar for his reinstatement in service in IFCI Ltd. after submitting VRS vide letter dated 15.02.2008, and acceptance of the same by the management vide letter dated 18.02.2008, is proper, legal and justified. If not, what relief the workman concerned is entitled to?”

Admitted facts between the parties are that, the applicant/workman Santosh Pawar was appointed as Peon/Driver with the management on 18.09.1989. After his name was recommended by the Employment Exchange and after clearing the required tests the management circulated a scheme for Voluntary Retirement of its employees.

Case of the applicant/workman is that, he was made to sign his application seeking Voluntary Retirement on 18.02.2008 by threatening him of termination of his service if he did not sign the said application and he was retired as a voluntary retiree by management w.e.f., 18.02.2008, according to him, this action of management is unjust, illegal and arbitrary.

Case of the Management is that, he submitted his application for Voluntary Retirement under the scheme known as Voluntary Retirement Scheme, 2008, which was issued by management vide its circular No. 01/2008 issued on 01.02.2008. His application was accepted and all his dues were paid by management to him, at the time of his Voluntary Retirement he willingly accepted the payments, it is after lapse of considerable time, he changed his mind. It is further the case of the management that this scheme was initially opened from 04.02.2008 to 29.02.2008. It also provided that the scheme might be withdrawn at any time after 15.02.2008 and also that if an employee opted and sought Voluntary Retirement, it will be not open to him under the scheme to withdraw the request.

It is further the case of management that the applicant submitted his application for Voluntary Retirement on 15.02.2008, which was accepted by management on 18.02.2008, he submitted his application on 05.05.2008 i.e., after two months and ten days when he had already received all the benefits under the scheme. Thus, according to management their action was just and legal.

Management has prayed that the reference be answered against the workman.

The workman filed his affidavit as his Examination-in-chief, he was cross-examined by management.

Management also filed affidavit of its witness as his Examination-in-chief. This witness has also been cross-examined by workman side.

Both the sides have filed photocopy documents, to be referred to as and when required, these are the scheme, application of the workman opting Voluntary Retirement order of management accepting the application, application of the workman for withdrawal of application, copies of payment of retiral benefits by management and accepted by the applicant/workman.

I have heard argument of Learned Counsel for the workman Mr. Swapnil Khare and Mr. Manoj Shahi Learned Counsel for the Management. Both the sides have filed written submissions also which are part of record. I have gone through the written submissions and record.

From the perusal of statements from both the sides in light of their pleadings, it is established that the management released a scheme for Voluntary Retirement with certain conditions mentioned in the scheme. The applicant/workman applied in writing seeking Voluntary Retirement. His request was granted by management. He was retired on Voluntary Retirement basis and was paid his retiral dues which he accepted. It is after accepting benefits under the scheme, he changed his mind and filed an application seeking withdrawal of his prayer regarding Voluntary Retirement. The case that the workman has put before this Tribunal is that he was forced to sign this application but accept his self-serving statement in affidavit, there is nothing on record to corroborate this allegation, his conduct also goes to belie his this allegation.

The Learned Counsel for management has referred to judgment of *Hon'ble High Court of Delhi in the case of P. P. Vaidya & Ors v/s IFCI Ltd. & Ors, 2014 DHC 2388 DB LPA No. 786/2013* and connected petitions. In this case after three years of Voluntary Retirement, the petitioners filed writ, which was dismissed in another case of *Bank of India v/s Muthyala Saibaba Suryanarayan Murthy & Anr., 2025, INSC 373*.

On the basis of above discussion and findings, holding the claim of the workman not proved, the reference deserves to be answered as follows:-

AWARD

“Holding the demand of workman Shri Santosh Pawar for his reinstatement in service in IFCI Ltd. after submitting VRS vide letter dated 15.02.2008, and acceptance of the same by the management vide letter dated 18.02.2008 improper, illegal and unjustified, he is held entitled to no relief.

No order as to cost.

DATE:- 26/08/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 अक्टूबर, 2025

का.आ. 1850.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडेंट, महार रेजिमेंट सेंटर, सागर के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (90/2017) प्रकाशित करती है।

[सं. एल - 14012/06/2017- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 16th October, 2025

S.O. 1850.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.90/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of The Commandant The Mahar Regiment Center, Sagar and their workmen.

[No. L-14012/06/2017- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/90/2017Present: P.K.SrivastavaH.J.S..(Retd)

Sh. Laxminarayan Rathore,

Civil Driver, S/o Sh. Ratan Singh Rathore,

16/10, Sadar Bazar, Sagar (M.P.) – 470002

Workman

Vs

The Commandant,

The Mahar Regiment Centre,

Sagar (M.P.) - 470001

Management

(JUDGMENT)(Passed on this 12st day of September - 2025)

As per letter dated 06.06.2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-14012/06/2017-(IR(DU))** dt. 06.06.2017. The dispute under reference relates to:

“Whether the action of the management of MRC, Sagar in terminating the services of Sh. Laxmi Narayan Rathore Ex-Civil Driver with effect from 30.11.2015, though he was engaged by the management in various capacity since 2004, without giving any notice, notice pay, compensation just, fair and legal? If not, whether he is entitled to reinstatement with back wages, then from which date or any other relief the concerned workman is entitled to as per the provision of ID Act, 1947?”

After registering the cases on the basis of reference the notices were issued to the parties.

The case of the Workman Union is that, he was appointed by Mahar Regimental Centre, Sagar as Civil Driver w.e.f. 01.09.2004. He used to drive School Bus, Tractor etc. and continuously worked upon to 30.11.2015 for a period of atleast more than 240 days in very year. The Department Terminated his services under oral order without any compensation or notice which is in violation of Section 25F of the Act, hence unjust, illegal and arbitrary. Workman has prayed that holding the action of the Department/Management in disengaging the Workman unjust and illegal he be held entitled to be reinstated with all back wages and benefits.

Case of the Management in brief is that, firstly, they are not Industrial Establishment as defined under Section 25L of the Act, hence the their action as such is not cognizable by this Tribunal. However, according to the Management the Workman was appointed by them on 01.04.2015 on contract basis for 11 months which was valid up to 1902- 2016. His services were terminated after expiry of the contract period. The contract was not extended further because regular appointee has joined.

In evidence, Workman has filed and proved experience certificate dated 06.07.2009 and 12.12.2009 issued by the Lt. Colonel/MTO and photocopy of Cheques which are on record in number and have been marked as Exhibit W-1 to W-8. The Workman has also filed his affidavit as his examination-in-chief. He has been cross-examined by Management side. Management has filed affidavit of its witness Sub Jagdish Singh who never appeared for cross-examination.

Affidavit of Lt. Colonel Manoj Kumar has been filed his examination in chief. He proved the service agreement and termination letter as Exhibit M-1 and M-2. He has been cross-examined by Workman side.

At the stage of argument, none appeared for both the parties. Both the sides have filed written arguments which are on record. I have gone through the record in the light of rival arguments.

Following issues arises for determination on perusal of record in the light of rival arguments.

1. “Whether the present dispute is cognizable by Tribunal?”

2. “Whether the action of Management in terminating the services of the Workman from 30.11.2015 is just and legal?”

3. *Relief to which the Workman is entitled for?*

Issue No. 1 –

It has been submitted on behalf of Management that, they are not an Industrial Establishment, hence, provision of Chapter 3 of the Act did not apply on them. Section 25L of the Act which defines an Industrial Establishment is being reproduced as follows-

(a) "Industrial Establishment "means-

- (i) a factory as defined in clause (m) of section 2 of the Factories Act, 1948;
- (ii) a mine as defined in clause (j) of sub-section (1) of section 2 of the Mines Act, 1952 or
- (iii) a plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;

(b) not withstanding anything contained in sub-clause (ii) of clause (a) of section 2,-

- (i) in relation to any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or
- (ii) in relation to any corporation [not being a corporation referred to in sub-clause (i) of clause (a) of section 2 established by or under any law made by Parliament, the Central Government shall be the appropriate Government.

Section 25K of the Act is being reproduced as follows –

- (1)** The provisions of this Chapter shall apply to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than one hundred workmen were employed on an average per working day for the preceding twelve months.
- (2)** If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

Provisions of Chapter VB shall apply to an Industrial Establishment.

Section 2(o) and 25F of the Act are being reproduced as follows -

Section 2(o) "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 the 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.

Section 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 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.

It is worth mentioning that, only when the establishment in which the Workman was engaged, had employed more than hundred persons, the condition for application of Chapter VB of the Act. Since there is nothing on record to show that the activity for which the Workman was engaged had employed more than one hundred persons. Hence, the case of the Workman is covered under Chapter VA of the Act and not under Chapter VB, hence this argument from the side of Management that they are not an Industrial Establishment as defined under Section 25L of the Act, is not

relevant to the case in hand. Since, the present case is covered under Chapter VA of the Act, dispute is held to be cognizable by this Tribunal.

Issue No. 1 is answered accordingly.

Issue No. 2 –

The allegations of the Workman with respect to his engagement for the period 2004 to 30.11.2015 have been detailed earlier in their pleadings, the Management has kept silence on these allegations. There case is that, the Workman was appointed on Contractual Basis on 01.05.2015 and worked till 29.02.2016 under the service contract. The Workman has said on this point in his statements that, his signature were obtained on this Contract by creating a misapprehension on him that his is for increase of his salary. Terms of the contract were never read over by workman as he is not conversant in English, he signed the contract under a misapprehension created by the management. The burden to prove this fact is on the Workman. There is no cross-examination of Workman done by Management on his this statement. The Management witness has stated about contract and termination letter and has proved them. Management witness has stated about the experience certificate Exhibit W-1 and W-2 issued before 2015, that he could simply say the Workman would have been employed at temporary basis on that time. It is clear that, this witness does not specifically deny the engagement of the Workman by Management within the period starting from 2004 till at last 31.03.2015. Hence, the fact which comes out from analysis of evidence, that the Workman worked as a daily wager or temporary worker from 2004 till 31.05.2015, he was disengaged on 31.05.2015 and thereafter, his engagement was changed as a Contract Worker under a Contract of service of 11 months from 01.04.2015. The Management witness, Lt. Colonel Manoj Kumar is not the signatory to the service agreement. Hence, the uncross-examined statement of the Workman as referred above that his signature on the contract were obtained by way of misapprehension of facts can not be taken lightly. Even if it is taken that, his earlier engagement was terminated on 31.03.2015 and from 01.04.2015 his engagement was under service contract, his disengagement after his continuous service from 2004 to 31.03.2015 without any notice or compensation is in violation of Section 25F of the Act.

Issue No. 2 is answered accordingly.

Issue No. 3 –

As regards relief which may be admissible to the Workman, his appointment was not under a recruitment process against sanctioned post hence his reinstatement will not meet the ends of the justice.

Moreover, any appointment on regular basis is directing on the said job. In these circumstance, a lump sum compensation in lieu of all his right computed at Rs. 3,00,000/- to be paid by Management within 30 days from the date of Award, failing which interest @6% from the date of Award till payment will meet the ends of justice.

Issue No. 3 is answered accordingly.

On the basis of above findings and discussion, the reference is answered as follows.

AWARD

Holding the action of the management of MRC, Sagar in terminating the services of Sh. Laxmi Narayan Rathore Ex-Civil Driver with effect from 30.11.2015, without giving any notice or compensation is unjust, illegal and arbitrary, he is entitled to a lump sum compensation in lieu of all his right computed at Rs. 3,00,000/- to be paid by Management within 30 days from the date of Award, failing which interest @6% from the date of Award till payment will meet the ends of justice.

DATE:- 12/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 2025

का.आ. 1851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं II दिल्ली के पंचाट (155/2022) प्रकाशित करती है।

[सं. एल - 12012/01/2025- आई आर (बी-I)-119]

सलोनी, उप निदेशक

New Delhi, the 17th October, 2025

S.O. 1851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 155/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. II Delhi* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/01/2025- IR(B-I)-119]

SALONI, Dy. Director

ANNEXURE

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

ID No. 155/2022

Sh. Satish Kumar, S/o Sh. Babu Ram,

R/o- House No. – 2873, Gali- Dharamshala Wali,

Subzi Mandi, Malka Ganj, Delhi-110007.

...Applicant/Claimant

Versus

1. Ms. Aradhna Tripathi, Manager,

State Bank of India,

Padam Singh Road, Karol Bagh, New Delhi-110005.

2. The Director, Sh. Rattan Singh,

Tiger 4 Security & Facilities India Pvt. Ltd.,

(Earlier Tiger 4 Security & Detective India Pvt. Ltd.)

Plot No. 354, 01st Floor, Jagat Complex, 100 Foota Ghitaurni,

New Delhi-110030.

3. The Managing Director, Sh. Himmat Singh Jhala,

Tiger 4 Security & Facilities India Pvt. Ltd.,

(Earlier Tiger 4 Security & Detective India Pvt. Ltd.)

Plot No. 354, 01st Floor, Jagat Complex, 100 Foota Ghitaurni,

New Delhi-110030.

...Management/Respondents

Counsels:

For Applicant/ Claimant:

P.K. Parasar, Ld. AR.

For Management/ Respondent:

Management-1 (SBI) has already been proceeded ex-parte.

None for Tiger 4 Security & Facilities India Pvt. Ltd.

AWARD

19.08.2025

The claimant filed the present claim against management no. 1, 2 & 3 **under section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred to as the ‘Act’)** stating that he was appointed by management no. 2 & 3 as Care Taker on 01.06.2018, but was deputed at the post of Security Guard instead of Care Taker with management no. 1. His last drawn salary was Rs. 9,996/- per month. He worked with the management diligently, honestly and sincerely to the entire satisfaction of the managements and never gave any chance of complaint. However, he was deprived of legal facilities, and when he demanded the same, his services were terminated on 31.07.2020 without assigning any reason. Hence, he filed the present claim seeking

reinstatement, asserting that he has remained unemployed since the date of his termination, and prayed for reinstatement with full back wages.

Management no. 1 has not been appearing since beginning of proceedings and was proceed ex-parte vide order dated 13.01.2023.

Reply was filed by the management-2 & 3, wherein they admitted the claimant's joining. However, they denied that the workman performed his duties diligently. It was alleged that he was found negligent in performing his duties. The claimant was directed to report in their office, but he failed to do so. It was further submitted that the claimant was repeatedly informed to resume duty but he failed to comply. On these grounds, management-2 & 3 sought dismissal of the claim.

Upon completion of pleadings vide order dated 18.12.2023, following issues were framed:

- (i) Whether there exist any employee and employer relationship between workman and managements.
- (ii) Whether the workman is entitled for reinstatement with full back wages.
- (iii) Relief, if any.

To substantiate his claim, the claimant filed an affidavit of evidence. Subsequently, he filed an additional affidavit of evidence incorporating details of the bank accounts in which his salary used to be credited. He reiterated the facts stated in his claim statement and relied upon the following documents:

- (i) Original Copy of 2A certificate is **Ex. WW1/1.**
- (ii) Copy of identity card of deponent is **Ex. WW1/2. (OSR)**
- (iii) Copy of Attendance sheet register is exhibit as Ex. WW1/3 and the same is de-exhibit and now marked as **Mark A.**
- (iv) Copy of notice dated 23.08.2021 is exhibit as Ex. WW1/4 and the same is de-exhibit and now marked as **Mark B.**
- (v) Copy of postal receipts is exhibit as Ex. WW1/5 and the same is de-exhibit and now marked as **Mark C.**
- (vi) Copy of Aadhar Card of workman is **Ex. WW1/6. (OSR)**
- (vii) Copy of Authority letter is **Ex. WW1/7.**
- (viii) Copy of bank statement of SBI is **Ex. WW1/8 (Colly.-11 pages).**
- (ix) Copy of bank statement of Union Bank of India is **Ex. WW1/9 (Colly. - 6 pages).**

Cross-examination of the claimant by the managements was marked as NIL due to their absence and his evidence was accordingly closed.

Respondent no. 2 & 3, who are actually one management, neither led any evidence nor cross-examined the claimant. Therefore, their testimony shall be deemed as not proved, and the testimony of the claimant remains un rebutted, uncontroverted and unchallenged.

Before proceeding further, the definition of 'retrenchment' as defined under section Section 2(oo) of the Act is required to be reproduced herein:

Section 2(oo):

[(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 the 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;]

Clause-(a), (b), (bb) and (c) carve out the exceptions from the definition of the retrenchment. Initially there were three exceptions. Clause 2 (bb) was inserted by the Act 49 of 1984 w.e.f. 18.08.1984, which states that termination as a result of non-renewal of the contract of employment on its expiry shall not amount to retrenchment.

From the above provision, it is clear that no absolute right is conferred upon a claimant against his termination.

The first clause itself makes it clear that termination as a punishment by way of disciplinary action is excluded from the ambit of retrenchment.

In this respect, section 25-F of the Act is also important to be reproduced herein-

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 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.]

The above text reveals that the workman employed in an industry cannot be terminated who has been in continuous service for not less than one year under an employer without fulfilling the condition of (a), (b) and (c) of the section 25 of the Act.

In the light of above provisions and evidence, the case of the claimant has to be examined. The claimant deposed the facts as mentioned in his claim statement whereby he had stated that he had joined the management no. 2 & 3. He was deputed at the premises of the management no. 1 as a Security Guard and his last drawn salary was Rs. 9,996/-. He further submitted that his services were terminated without assigning any reason on 31.07.2020. He relied on Ex. WW1/2 (identity card issued by the management no. 2 & 3) and Ex. WW1/8 (bank statement), which reflects the payment made continuously to the claimant by the management no. 2 & 3 from August 2019 onwards. The last payment was made on 22.07.2020. It varied between Rs. 7,000/- to 11,000/-. The Identity card also confirms that he was an employee of management no. 2 & 3. Management no. 2 & 3 has not brought any evidence to rebut the claimant's testimony. Therefore, no question arises in complying the condition prescribed under section 25-F of the Act. The un rebutted testimony of the claimant has established that management no. 2 & 3 had terminated his services without complying with the mandatory conditions under section 25F of the Act. Accordingly, the claimant's termination is held to be illegal and in violation of section 25-F of the Act.

However, since nothing has been brought on record against respondent no. 1, who is the principle employer, no relief can be granted against them.

In light of the above discussion, my issue-wise findings are as follows:

Issue no.-1

From the discussion above, it is established that the claimant was an employee of management-2 & 3.

Issue no.-2 and 3

As a general rule, when termination is declared illegal, the appropriate relief is **reinstatement with full back wages**. It has been held by the Hon'ble Supreme Court of India in the case titled as **Employers, Management of central P & D Inst. Ltd. vs. Union of India & Another, AIR 2005 Supreme Court 633** that it is not always mandatory to order reinstatement even after the termination is held illegal. Instead, compensation can be granted by the industrial adjudicator. Similar views were expressed by Hon'ble High Court of Delhi in the case titled as **Indian Hydraulic Industries Pvt. Ltd. Vs. Kishan Devi and Bhagwati Devi & Ors., ILR (2007) Delhi 219** wherein it was held by the court that even if the termination is found to be illegal, the relief of reinstatement with full back wages need not be granted automatically, and the relief may be moulded according to the facts and circumstances of each case, and the court can allow compensation to the claimant instead of reinstatement with back wages. The same principle has been

reiterated by the Apex Court in **Maharashtra State Road Transport Corporation vs. Mahadeo Krishna Naik 2025 Latest Caselaw 157 SC**, wherein it was observed that upon dismissal being aside by a court of Law, reinstatement with full back wages is not an automatic relief and in certain situations, lump sum compensation is a better relief.

Moreover, during the course of proceedings on 15.05.2025, the claimant by his own admission stated that he joined *M/s APS Security Services* in the year 2021, shortly after his termination, and that he has been getting a higher salary than his previous employment. Keeping in view that the claimant is already gainfully employed, the question of granting relief of reinstatement doesn't arise. However, as the claimant was terminated illegally, he is entitled for compensation in lieu of such illegal termination.

Given these circumstances, a lump sum compensation of Rs. 70,000/- (Rupees Seventy Thousand Only) is considered an appropriate relief. Hence, management-2 and 3 (**Tiger 4 Security & Facilities India Pvt. Ltd.**) is hereby directed to pay a compensation of Rs. 70,000/- (Rupees Seventy Thousand Only) to the claimant within two months of notification of this award, failing which the management shall also pay interest @ 8% per annum on the aforesaid amount from the date of award till the date of realization. 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

Date: 19.08.2025

नई दिल्ली, 17 अक्टूबर, 2025

का.आ. 1852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (56/2012) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-1)-120]

सलोनी, उप निदेशक

New Delhi, the 17th October, 2025

S.O. 1852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 56/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Uttar Railway and their workmen.

[No. L-12025/01/2025- IR(B-I)-120]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW.

I.D. No. 56/2012

Shri Brahmdev Mishra,
S/O Manfer Mishra,
Village- Agrapatti, Post- Phoolpur
Bahadurgarh, Allahabad.
C/O Shri Parvez Alam,
283/63B, Garhi Kanaura, Premvati Nagar,
Post- Manak Nagar, Lucknow (UP).

.....Appellant

Versus

Varishtha Mandal Yantrik Abhiyanta(O & F),
Uttar Railway, DRM Karayalaya,
Hazratganj, Lucknow.
Varishtha Mandal Karmik Adhikari,
Uttar Railway, DRM Karayalaya,
Hazratganj, Lucknow.

.....Respondents

AWARD

Heard Shri Chandra Mohan Srivastav, learned counsel for workman, and Shri G.C. Rai, learned counsel for respondent, going through the record.

Shri Bramhdev Mishra Claimant/workman, was selected and impaneled in the panel for the appointment for the post of cleaner in the Northern Railway, subsequently thereafter he was appointed for post of cleaner in the (Loco Shed Northern Railway, Lucknow).

While claimant working and discharging his duties on the post of cleaner on 06.11.1982, his wife was fallen ill, so he proceeded to attend her, did not join his duties till 06.11.1982 to 23.06.1983.

Further, for the said (06.11.1982 to 23.06.1983) he was unauthorizedly absent from duties, so charge sheet issued as per Rule 9 of the Railway Servants (Discipline and Appeal) Rules 1968, Shri Bramhdev Mishra, an enquiry was initiated.

During the enquiry proceeding on 18.12.1985, Shri Bramhdev/claimant, accepted the charges leveled on him.

After the conducting the enquiry, enquiry officers submitted his report, taking into consideration the enquiry report, as per the provisions of Rules 1968, by order dated 31.01.1986, removed from his service by opposite party 2.

Aggrieved by the removal order dated 31.01.1986, workman preferred an Appeal, under Rule 1968, before the Division Mechanical Engineer, (O & A) Northern Railway Lucknow, (Opposite Party No.1), on 17.08.2011, (After 25 years 6 months from the date of removal of his service).

Thereafter, in view of the above said factual background the present I.D case filed by the applicant before this tribunal on 14.04.2012/01.05.2012, for setting aside the order of removal dated 31.01.1986, passed by the Disciplinary Authority/opposite party no.2, and a prayer has been made to reinstatement in services.

Shri G.C. Rai Advocate, on behalf of respondent, raise a primarily objection that by means of present case, workman has challenged order removal dated 31.01.1986, so the case is liable to be dismissed, on the ground of delay & laches.

Accordingly, after hearing learned counsel for the parties, main point to be decided “whether the relief as claimed by workman/Shri Brahmddev Mishra, for setting aside order removal dated 31.01.1986, can be granted or not?” as he has challenged the same after 26 years from the date of cause of action.

Answer to the said question find place in the judgment passed by The Hon'ble Rajasthan High Court in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, in which it has been held as under:

“6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (supra), the relevant portion of which is reproduced as under:

“19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in Gitam Singh [Asstt. Eng., Rajasthan Development Corpn v. Gitam Singh], that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief”

Further, the Hon'ble Supreme Court in *Sadhu Singh (supra)*, held as under:

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade. (Emphasis supplied)

Further, the Hon'ble Supreme Court, in *Bichitrananda Behera (supra)*, after considering the erstwhile judgments of *Union of India v Tarsem Singh*, *Union of India v. N. Murugesan*, and *Chairman, State Bank of India v. M.J. James*, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Hon'ble Karnataka High Court in the case of **Chamundeshwari Sugars Ltd. V. H.T. Raju (Since Deceased) by L.Rs. & others 2025 (184) FLR 721** has held as under:

"7. The facts are sufficiently said and they do not require reiteration. The issue relates to the grant of permission to prosecute the petitioner. With this background, let me consider what facts I have here. In the present case, the proceedings began based on the complaint made by Late H.T. Raju Suffice it to note that HT. Raju made a complaint to the Labour Commissioner on 16.05.2017. The true copy of the complaint is furnished along with the Writ Petition and the same is marked as Annexure-M. It is dated 16.05.2017 and H.T. Raju made allegations about non-payment of HRA, medical allowance and leave wages as per Settlement dated 21.08 1986. The Management filed its objections and brought to the notice of the Labor Commissioner that it had settled all the dues to HT. Raju.

It is not in dispute that the Management and the Union signed a Settlement dated 21.08.1986 and thereafter, several settlements were entered into between the Management and the respective Union from time to time. Moreover. H.T. Raju was allotted a quarter and therefore, he was not eligible for HRA. It is pivotal to note that H.T. Raju resigned and the same was accepted by the Management accordingly a service certificate was also issued back in the year 2006 ie, on 04.09.2006 and the gratuity amount and leave encashment were also paid.

If one visualizes the scenario of the facts, the settlement happened back in the year 1986 and the dues were settled in the year 2006. Strangely, H.T. Raju made an allegation and gave a complaint. There is an inordinate delay of almost thirty years from the date of settlement. Reckoning the date from the settlement of dues, there is an inordinate delay of almost eleven years. The impugned order is at Annexure-Q. A perusal of the same reflects that the Labor Commissioner has erroneously proceeded in the matter and has blindly granted permission to prosecute the petitioner Management."

Further the Hon'ble Himanchal Pradesh High Court in the case of **Slig Ram v. Executive Director (Personnel) & another 2025 (184) 1043** has held as under:

8 It is a matter of record that according to the reference, petitioner's services were terminated w.e.f. 23/26.03.1998. The questions to be answered by the learned Labour Court were (i) whether such termination, of petitioner's services who had raised industrial dispute after more than 16 years, without complying the provisions of the Act is legal & justified. (ii) If not, keeping in view the delay of more than 16 years in raising the industrial dispute, to what relief petitioner would be entitled to.

9. Industrial dispute was raised by the petitioner on 11.03.2014. Admittedly cause of action had accrued to the petitioner in the year 2007, when according to him persons disengaged alongwith him were re-instituted. From 26.03.1998 (date of termination of petitioner's services as mentioned in the reference), there was delay of 16 years in taking recourse to law.

Accordingly, it has been held that workman is not entitled for any relief.

In case of **The State of Himachal Pradesh and other vs. Smt. Tara Devi reported in 2025 LLR(740)** it has been held as under:-

16. The issue still remains that if the workman was really aggrieved by the grant of fictitious breaks to her or the factum of juniors allegedly being retained while she was disengaged, then, why she did not raise the issue in between the year 2004 to 2010 and why did she rake up the issue only thereafter when she served for 16 days in the year 2010. All these aspects of the matter have been ignored by the learned Labour Court.

17. Learned Court has not appreciated that the conduct of the workman also has to be taken into consideration and in this particular case the conduct of the workman did not entail the relief as was granted to her by the learned Labour Court.

And in case of **Saryu Ravidas @ Seryu Rabidas & Others vs. Central Coalfields Ltd. and Others, reported in 2025(186) FLR (154)** it has been held as under:-

15. In the case of *University of Delhi v. Union of India and others [(2020)13 SCC 745]*, it has been held that condonation of long delay should not be automatic as the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. While considering condonation of delay, the routine

explanation would not be enough, rather it should be in the nature of indicating "sufficient cause" to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation.

16. In the case of *Shankara Co-op. Housing Society Ltd. v. M. Prabhakar* [(2011)5 SCC 607], the Hon'ble Supreme Court has held that delay and laches is one of the factors that requires to be borne in mind by the High Courts when they exercise their discretionary power under Article 226 of the Constitution of India. In an appropriate case, the High Court may refuse to invoke its extra-ordinary powers, if there is such negligence or omission on the part of the applicant to assert his rights taken in conjunction with the lapse of time and other circumstances. Filing of representations would not be adequate explanation to justify the delay.

17. In the case of *State of M.P. and others v. Nandlal Jaiswal and others* [(1986)4 SCC 566], the Hon'ble Supreme Court has held that power of the High Court to issue an appropriate writ under Article 226 of the Constitution of India is discretionary and the High Court in exercise of its discretionary power, does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.

18. It is thus well settled that delay and laches is one of the factors to decline exercise of discretionary power under Article 226 of the Constitution of India, if there is negligence or omission on the part of the applicant to assert his rights.

19. Considering the facts and circumstances of the present case as well as the aforesaid judicial pronouncements, this Court is of the view that the present case has been preferred after an inordinate delay i.e. 15 years of passing the impugned order dated 03.05.2010 that too, without giving any cogent explanation for the same. As such there is no reason to exercise discretionary jurisdiction so as to grant any relief to the petitioners.

Recently in the case of **Amna Khatoon & Others v.s. Aligarh Muslim University Through Its Vice-Chancellor, Aligarh & Another** [2025(186)FLR 590], The Hon'ble Allahabad Court has dismissed the claim as raised by the claimant/Petitioner, on the ground of limitation, and also on the grounds that selection of the juniors were not challenged by the workman/petitioner, who was superseded, relevant paragraph reads as under:-

16. At this stage, Court takes note that during pendency of this writ petition i.e., for last 5 years, much water has flown and that posts have already been filled up and since their selection are not under challenge, therefore, relief sought in present writ petition is rendered infructuous.

Reverting to the facts of present case, as it is not in disputed between the parties rather admitted fact, that by means of present case, applicant/workman, has challenged order removal dated 31.01.1986, by means of present ID case after more than 26 years, so the said relief cannot be granted on the ground of delay and laches, as per the law stated here in above.

AWARD

For the foregoing reasons the workman is not entitled for any relief, and the reference is answered accordingly.

Lucknow,

15th September, 2025.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 2025

का.आ. 1853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (64/2011) प्रकाशित करती है।

[सं. एल - 41011/67/2010-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 17th October, 2025

S.O. 1853.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 64/2011) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen.

[No. L-41011/67/2010- IR(B-I)]

SALONI, Dy. Director

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW.

I.D. No. 64/2011

Ref. No.L-41011/67/2010 [IR-(B-I)] Dated: 29.04.2011

Divisional Vice President,

(In The Matter Of Shri Kaushal Kishore),

C/o D.P. Awasthi, 49, Tilak Nagar,

Lucknow – 226004 (U.P)

.....Appellant

Versus

Sr. Divisional Engineer,

Northern Railway,

Hazratganj, Lucknow.

Sr. Divisional Electrical Engineer,

Northern Railway,

Hazratganj, Lucknow.

Dy. Chief Electrical Engineer,

C & W Workshop, Northern Railway,

Alambagh, Lucknow.

.....Respondents

JUDGMENT

By reference No.L-41011/67/2010 IR-(B-I) Dated: 29.04.2011, the present industrial dispute has been referred for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

Whether the action of the management of Northern Railway, Lucknow in not taking into account temporary service from 15/6/77 to 1/1/96 rendered by Shri Kaushal Kishor S/o Shri Ram Nazar Chaubey, Electric Khalasi, for his promotion w.e.f. September, 1998, is legal and justified? To what relief the workman is entitled?"

Accordingly, the present I.D. Case No. 64/2011 registered before this tribunal.

In spite of notice none appeared on behalf of workman,

So, I have heard Shri G.C. Rai learned counsel for respondent, perused the record.

Facts in brief as taken by workman in his claim statement are as under:-

(1). That the workman was initially appointed on 10/11/1975 as Casual labour, Khalasi to work under I.O.W.N.Rly Alambagh Lucknow which falls under the Administrative control of opposite party no.1.

(2). That the workman attained temporary status in between 15/9/76 to 14/3/1977. There after he worked up to 14/6/77 and his services were terminated w.e.f. 15/6/77 in violation of section 25-F of the ID/Act 1947.

(3). That the workman raised an Industrial dispute against his illegal termination in which he succeeded And an Award dated 26/6/90 in ID No. 38/1986 was given in favour of Workman by Learned CGIT/Kanpur thereby the workman was held entitled for reinstatement with back wages except for the period from 1979 to May 1984 A photo copy of the said Award is Annexure I to this claim Statement.

(4). That in pursuance of the said Award the workman was reinstated in service w.e.f.15/6/77 by opposite party no.1, the workman was also paid back wages but he was not paid the wages by taking account annual increments.

(5). That the workman was given temporary status w.e.f. May 1984 where as he had already attained temporary status prior to 14/3/1977.

(6). That the services of the workman were also regularized w.e.f. 01-01-1996, by the opposite parties.

(7). That Vth pay commission report implemented w.e.f. 1-1-96 which contained scheme of A .C.P. (Promotion) after rendering 12 years of service by an employee made entitled the workman for next higher grade promotion to the post of helper khallasi from the post of Khallasi on which he remand rendered 12 years of service.

(8). That the workman according to above mentioned scheme was entitled for his next higher grade promotion to the post of helper Khallasi on completion of his service for 12 years which he completed on 1-9-1998 but the opposite parties did not take in account the temporary status service of the workman from 15/6/77 but erroneously, counted temporary status service w.e.f. May 1984 where as in para 6 of the award itself is mentioned that the workman had attained temporary status during the period 15/9/76 to 14/8/77.

(9). That as per existing Rly rule half of the period from the date of attaining temporary status to the date of regularisation is counted as qualifying service. The workman attained temporary status prior to his termination and in pursuance of the Award he was reinstated woe.f. 15/6/77 and the workman was regularised in service w.e.f. 1/1/1996 on that day he spent 18 years, 6 monts, and 16 days of service half of this comes about 9 years and 3 months as qualifying service, thereafter full working period spent on duty is counted as qualifying service pas such he completed 12 years of service after working 2 yrs, and 9 months more from 1-1-96 which comes w.e.f. 1-9-1998.

(10). That from the above mentioned facts the workman became entitled to be promoted w.e.f. 1-9-1998 on the post of helper Khallasi but opposite parties did not count the Temporary status service of the workman from 15/6/77 and erroneously counted his temporary status service w.e.f. May 1984 which itself is illegal and against the Railway rules.

Accordingly, it has been prayed by the workman that as per facts and circumstances as mentioned in claim statement in this Hon'ble Tribunal may be pleased to hold that the action of the management of Northern Railway Lucknow in not taking in to account Temporary service from 15/6/77 to 1/1/96 rendered by workman for his promotion w.e.f. September 1998 is not justified and legal, And the workman may be held entitled for his promotion on the post of helper Khallasi we.f. Sept.1998 with all consequential benefits.

Shri G.C. Rai Advocate, learned counsel for the respondent, on the basis of pleading in written statement, submits as under:-

(1). The Railway Administration had already given the financial benefits to the applicant under A.C.P. Scheme as per Railway Board P.S. No. 11460/97/PCV dated 29.12.1999. It is relevant to mention here that the workman was allowed temporary status with effect from and granted the benefits under A.C.P. Scheme after completion of his 12 years' of his service w.e.f. 29.2.2002 by D.R.M./Lko. vide his office order No. 561-E/2-7/Elect./A.C.P. dated 3.3.2005. It is also pertinent to mention here that as per the Railway Board P.S., only regular railway servant for the purposes of A.C.P. Scheme shall be interpreted to mean the eligibility service contained for regular promotion in terms of relevant Recruitment/Promotion Rules. After his regularization, his services have been counted for allowing the benefits under A.C.P. Scheme.

(2). It is further stated as per extant instructions, half of the period from the date of attaining temporary status to the date of regularization will be counted as qualifying services for granting pensionary benefits only but not for allowing the financial upgradation on promotion etc. to the workman.

Accordingly, learned counsel for respondent, submits as the claim filed by the workman, is highly abated, so he is not entitled for any relief, and the same is liable to be dismissed on the ground of delay.

FINDINGS AND CONCLUSIONS

After hearing the learned counsel for respondent, first point to be considered in the present case that the relief as claimed by the claimant as per the reference dated 29.04.2011, that he has not been given promotion w.e.f. year 1998(September,1998), for the same he is entitled or not? on the ground of unexplained delay (delay & laches).

In this regard Hon'ble Rajasthan High Court in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, in which it has been held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (supra), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in Gitam Singh [Asstt. Eng., Rajasthan Development Corpn v. Gitam

Singh], that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief"

Further, the Hon'ble Supreme Court in *Sadhu Singh (supra)*, held as under:

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade. (Emphasis supplied)

Further, the Hon'ble Supreme Court, in *Bichitrananda Behera (supra)*, after considering the erstwhile judgments of *Union of India v Tarsem Singh*, *Union of India v. N. Murugesan*, and *Chairman, State Bank of India v. M.J. James*, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Hon'ble Karnataka High Court in the case of **Chamundeswari Sugars Ltd. V. H.T. Raju (Since Deceased) by L.Rs. & others 2025 (184) FLR 721** has held as under:

"7. The facts are sufficiently said and they do not require reiteration. The issue relates to the grant of permission to prosecute the petitioner. With this background, let me consider what facts I have here. In the present case, the proceedings began based on the complaint made by Late H.T. Raju Suffice it to note that HT. Raju made a complaint to the Labour Commissioner on 16.05.2017. The true copy of the complaint is furnished along with the Writ Petition and the same is marked as Annexure-M. It is dated 16.05.2017 and H.T. Raju made allegations about non-payment of HRA, medical allowance and leave wages as per Settlement dated 21.08 1986. The Management filed its objections and brought to the notice of the Labor Commissioner that it had settled all the dues to HT. Raju.

It is not in dispute that the Management and the Union signed a Settlement dated 21.08.1986 and thereafter, several settlements were entered into between the Management and the respective Union from time to time. Moreover. H.T. Raju was allotted a quarter and therefore, he was not eligible for HRA. It is pivotal to note that H.T. Raju resigned and the same was accepted by the Management accordingly a service certificate was also issued back in the year 2006 ie, on 04.09.2006 and the gratuity amount and leave encashment were also paid.

If one visualizes the scenario of the facts, the settlement happened back in the year 1986 and the dues were settled in the year 2006. Strangely, H.T. Raju made an allegation and gave a complaint. There is an inordinate delay of almost thirty years from the date of settlement. Reckoning the date from the settlement of dues, there is an inordinate delay of almost eleven years. The impugned order is at Annexure-Q. A perusal of the same reflects that the Labor Commissioner has erroneously proceeded in the matter and has blindly granted permission to prosecute the petitioner Management."

Further the Hon'ble Himanchal Pradesh High Court in the case of **Slig Ram v. Executive Director (Personnel) & another 2025 (184) 1043** has held as under:

8 It is a matter of record that according to the reference, petitioner's services were terminated w.e.f. 23/26.03.1998. The questions to be answered by the learned Labour Court were (i) whether such termination, of petitioner's services who had raised industrial dispute after more than 16 years, without complying the provisions of the Act is legal & justified. (ii) If not, keeping in view the delay of more than 16 years in raising the industrial dispute, to what relief petitioner would be entitled to.

9. Industrial dispute was raised by the petitioner on 11.03.2014. Admittedly cause of action had accrued to the petitioner in the year 2007, when according to him persons disengaged alongwith him were re-instituted. From 26.03.1998 (date of termination of petitioner's services as mentioned in the reference), there was delay of 16 years in taking recourse to law.

Accordingly, it has been held that workman is not entitled for any relief.

In case of **The State of Himachal Pradesh and other vs. Smt. Tara Devi reported in 2025 LLR(740)** it has been held as under:-

16. *The issue still remains that if the workman was really aggrieved by the grant of fictitious breaks to her or the factum of juniors allegedly being retained while she was disengaged, then, why she did not raise the issue in between the year 2004 to 2010 and why did she rake up the issue only thereafter when she served for 16 days in the year 2010. All these aspects of the matter have been ignored by the learned Labour Court.*

17. *Learned Court has not appreciated that the conduct of the workman also has to be taken into consideration and in this particular case the conduct of the workman did not entail the relief as was granted to her by the learned Labour Court.*

And in case of **Saryu Ravidas @ Seryu Rabidas & Others vs. Central Coalfields Ltd. and Others, reported in 2025(186) FLR (154)** it has been held as under:-

15. *In the case of University of Delhi v. Union of India and others [(2020)13 SCC 745], it has been held that condonation of long delay should not be automatic as the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. While considering condonation of delay, the routine explanation would not be enough, rather it should be in the nature of indicating "sufficient cause" to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation.*

16. *In the case of Shankara Co-op. Housing Society Ltd. v. M. Prabhakar [(2011)5 SCC 607], the Hon'ble Supreme Court has held that delay and laches is one of the factors that requires to be borne in mind by the High Courts when they exercise their discretionary power under Article 226 of the Constitution of India. In an appropriate case, the High Court may refuse to invoke its extra-ordinary powers, if there is such negligence or omission on the part of the applicant to assert his rights taken in conjunction with the lapse of time and other circumstances. Filing of representations would not be adequate explanation to justify the delay.*

17. *In the case of State of M.P. and others v. Nandlal Jaiswal and others [(1986)4 SCC 566], the Hon'ble Supreme Court has held that power of the High Court to issue an appropriate writ under Article 226 of the Constitution of India is discretionary and the High Court in exercise of its discretionary power, does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.*

18. *It is thus well settled that delay and laches is one of the factors to decline exercise of discretionary power under Article 226 of the Constitution of India, if there is negligence or omission on the part of the applicant to assert his rights.*

19. *Considering the facts and circumstances of the present case as well as the aforesaid judicial pronouncements, this Court is of the view that the present case has been preferred after an inordinate delay i.e. 15 years of passing the impugned order dated 03.05.2010 that too, without giving any cogent explanation for the same. As such there is no reason to exercise discretionary jurisdiction so as to grant any relief to the petitioners.*

Recently in the case of **Amna Khatoon & Others v.s. Aligarh Muslim University Through Its Vice-Chancellor, Aligarh & Another [2025(186)FLR 590]**, The Hon'ble Allahabad Court has dismissed the claim as raised by the claimant/Petitioner, on the ground of limitation, and also on the grounds that selection of the juniors were not challenged by the workman/petitioner, who was superseded, relevant paragraph reads as under:-

16. *At this stage, Court takes note that during pendency of this writ petition i.e., for last 5 years, much water has flown and that posts have already been filled up and since their selection are not under challenge, therefore, relief sought in present writ petition is rendered infructuous.*

Reverting to the case of present case, the cause of action which arisen to the applicant was in the year 1998(September,1998), and in respect he approached the appropriate authority/tribunal in the year 2011, nearly after 13 years, thus, the same cannot be granted, on the ground of delay as per the prosecution of law as stated above, especially keeping into the fact if the same is given then seniority and other avenues given to the other co-workers will be affected which have already been given to them.

AWARD

For the foregoing reasons the workman is not entitled for any relief as per the Reference No.L-41011/67/2010 IR-(B-I) Dated: 29.04.2011, and the same is answered accordingly.

Lucknow.

17th September, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 2025

का.आ. 1854.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल ऑफिसर कमांडिंग, मुख्यालय, दक्षिण भारत क्षेत्र, आइलैंड ग्राउंड्स चेन्नई के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (130/2019) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-1)-121]

सलोनी, उप निदेशक

New Delhi, the 17th October, 2025

S.O. 1854.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 130/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of The General Officer Commanding, Head Quarters, Dakshin Bharath Area, Island Grounds Chennai and their workmen.

[No. L-12025/01/2025– IR(B-1) -121]

SALONI, Dy. Director

ANNEXURE

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

Date: 01-08-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

Industrial Dispute No. 130/2019

BETWEEN

Shri D.Velayutham,
No.142, 2nd Street,
Philomina Nagar,
Nanjikottai Road,
Thanjavur-613 006.

: 1st Party/Petitioner

AND

The General Officer Commanding,
Head Quarters, Dakshin Bharath Area,
Island Grounds, Chennai-600 009.

: II Party/ Respondent

Appearance:

For the 1st Party/Petitioner

: M/s.S.Ravi & T.Ramkumar, Advocates

For the 2nd Party/Respondents

: None

The present Industrial Dispute has been directly filed by workman Shri D.Velayutham for adjudication, as per the provisions of Section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') against the order of termination from service dated 13.10.2018 issued by 2nd Party/Respondent.

2. The facts in brief as stated by the Claimant in his statement of claim filed on 16.08.2019 are as under:-

i) The petitioner was selected by the respondent after interview conducted on 21.01.2006 for the post of Canteen Sales Assistant vide an order dated 21.01.2006. It is submitted that from the date of his joining in service, the petitioner had been discharging his duties in a sincere and diligent manner and to the utmost satisfaction of his superior officers. The service record of the petitioner is blemish less.

ii) While so, without issuing any charge sheet required under the service rules applicable to the respondent/management and without conducting any enquiry, the respondent management issued an order dated 13.10.2018 terminating the services of the petitioner under the guise of disciplinary action. In the said Order, the management has imposed certain false and frivolous allegations against the petitioner. The allegations made in the order of termination were vague, imprecise and not supported by any material particulars.

(iii) It is further submitted that in the said order, it is stated as if a preliminary enquiry was carried out by the Executive Director -Veteran Welfare and subsequently Vice Chairman has conducted the enquiry on 28.08.2018 in respect of the allegations made against the petitioner. It is further stated that in the said order based on the aforesaid enquiries, the management has issued a Show Cause Notice to the petitioner; but he refused to receive the same. The management has observed the petitioner has committed the following misconduct:

a. Sale of liquor to unauthorized person

b. Non reporting to the canteen management about FIR being filed against you;

c. Facilitating a protest by the Ex Servicemen at the canteen premises on 28.08.2018 thereby disrupting the smooth functioning of the canteen.

d. Refusal to accept the show cause notice issued to you by the Chairman of the GPC.

e. Malpractice and misappropriation of canteen liquor.

It is submitted that by taking into consideration of the above alleged misconducts, the management has arbitrarily issued an order of termination to the petitioner.

iv) It is respectfully submitted that all the allegations made against the petitioner are far from truth and not substantiated by the management by conducting an impartial enquiry after affording reasonable opportunities to the petitioner to put forth his defence. In the above circumstances, the petitioner has preferred an appeal before General Officer Commanding, Head Quarters, Dhaksin Bharat Area on 25.10.2018, stating that allegations made against him are false and concocted by the management and further seeks reinstate him in service. It is submitted that the aforesaid appeal was not at all considered by the appellate authority in a proper perspective.

v) In the above circumstances, the petitioner is constrained to raise the above dispute before this Honourable Court. It is submitted that the order of termination issued to the petitioner is liable to be set aside as the order of termination issued to the petitioner is highly excessive and shockingly disproportionate to the nature of allegations made against him. The order of termination issued to him without conducting any enquiry which is in violation of provisions of service regulations applicable to the respondent/management.

3. On the other hand, though the matter was posted for filing counter statement on 14.09.2021, 20.10.2021, 05.01.2022 and 04.02.2022 by the respondent, neither they have filed counter statement nor anyone appeared on behalf of the respondent, and thus the respondent was set ex-parte.

4. The Petitioner filed a proof of affidavit and also adduced oral evidence as WW1 on 02.03.2022 and marked the following documents as Ex.W1 to W3. W1 is the copy of order of appointment dated 21.01.2006 placed at page 1 of the paper book. W2 is copy of order of termination dated 13.10.2008 issued to the Petitioner placed at page 2 of the paper book. W3 is copy of appeal for review dated 25.10.2018 to the GOC, HQ Dhaksin, Chennai against the order of termination from service.

5. Heard the learned counsel for the Petitioner and gone through the proof of affidavit filed by the Petitioner and considered the oral evidence of WW1 as well as written submissions placed on record.

6. The moot point for determination is whether just and fair enquiry was conducted by the respondent?

7. The Petitioner stated in his claim statement, which is supported by an affidavit, that without issuing any charge sheet and without conducting any enquiry, the respondent issued an order dated 13.10.2018 terminating the services of the Petitioner under the guise of disciplinary action. This allegation of the Petitioner was never answered by the respondent. Therefore, the allegation raised and proof filed to prove the allegation by the Petitioner is uncontroverted and liable to be admitted as proof.

8. The termination order dated 13.10.2018 stated three points regarding the enquiry namely (i) preliminary enquiry; (ii) show cause notice & (iii) personal interview. There is no proof for showing service of cause of notice to the Petitioner and there is no proof of providing sufficient opportunity of being heard to the delinquent employee. In the termination order, the respondent has not stated anything in regard to preliminary and final enquiry report. Further, service of challan and notice were not prescribed in the termination order.

9. It is stated in the termination order that you (Petitioner) had refused to accept the show-cause notice served by superior officer, but, the proof/acknowledgement for service of said notice is not attached with the termination order and the Petitioner alleges that no such show cause notice was received by the Petitioner and this fact is supported by an affidavit, which is also uncontroverted.

10. As per termination order, the above mentioned acts of misconduct had been observed against the Petitioner. But, there is no evidence available on record which may show that some persons witnessed the sale of canteen liquor to unauthorised person. Again, there is no evidence placed on record to show that Petitioner was facilitating protest by the Ex-Servicemen at the canteen premises on 28.08.2018. Further, there is no proof of evidence placed on record to show that Petitioner refused to accept the show cause notice, because such proof was not filed by the respondent and even, no counter affidavit was filed by the respondent to refute the claim of the Petitioner. Again, there is no proof to show the malpractice and misappropriation of canteen liquor by the Petitioner.

11. The main charge levelled against the Petitioner was that an FIR was lodged against him and he was found in possession of 57 bottles of canteen liquor. But, as per the judgement of Judicial Magistrate No.2, Thanjavur in Crime case No.464/2017 on 28.12.2018, the Petitioner was acquitted from the charges of having 57 bottles of canteen liquor. The judgement passed by the Judicial Magistrate No.2, Thanjavur, in the criminal case did not find any negative effect, but since there is no other independent evidence which may show that the Petitioner was in possession of 57 bottles of canteen liquor. Therefore, the judgement passed by the Judicial Magistrate No.2, Thanjavur, in the criminal case has some relevance to establish the innocence of the Petitioner.

12. In the case of Workmen of M/s.Firestone Tyre vs Management & Others 1973 LLJ 278 (SC), the Hon'ble Supreme Court has held that after introduction of section 11A, the Tribunal can interfere with the punishment and can substitute its own punishment, if the circumstances so warrant.

13. In another case of Shri Shankar Chakravarti Vs Britannia Biscuit Co.Ltd. & Another - AIR 1974 SC 1652, it was observed that no duty cast upon the Tribunal to call upon either workman or employer to adduce additional evidence, and it is the duty of the parties to ask for the same in pleading or a request by application. In the present case, the respondent fails to submit any proof regarding fair enquiry.

AWARD

14. In light of the above judgements and the discussion above, the appeal filed by the Petitioner is allowed and the workman Shri D.Velayutham is entitled to get the order of reinstatement into service in the respondent /department along with 50% back wages. The respondent is directed to reinstate the workman Shri D.Velayutham into service forthwith. Ordered accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 17 अक्टूबर, 2025

का.आ. 1855.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडेंट, मद्रास रेजिमेंटल सेंटर, वेलिंगटन के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (85/2009,86/2009,87/2009) प्रकाशित करती है।

[सं. एल - 14012/27/2009- आई आर (बी-I)]

[सं. एल - 14012/28/2009- आई आर (बी-I)]

[सं. एल - 14012/29/2009- आई आर (बी-I)]

सलोनी, उप निदेशक

New Delhi, the 17th October, 2025

S.O. 1855.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 85/2009,86/2009,87/2009) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of The Commandant, Madras Regimental Center, Wellington and their workmen.

[No. L-14012/27/2009- IR(B-I)]

[No. L-14012/28/2009- IR(B-I)]

[No. L-14012/29/2009- IR(B-I)]

SALONI, Dy. Director

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

Date: 10-09-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

Industrial Dispute Nos. 85/2009, 86/2009, & 87/2009

BETWEEN

- | | | |
|--|----|-----------------------------------|
| 1. Shri V.Sudhakaran, | * | |
| S/o. Shri R.Vasu, | * | |
| 253/5, Arokyapuram, | * | |
| Wellington Barracks-643 231. | * | |
| (The Nilgiris) | *: | 1 st Party/Petitioners |
| | * | |
| 2. Shri R.Manikandan, | * | |
| S/o. Shri V.Raman , | * | |
| 11/188, Dr. Ambedkar Nagar, | * | |
| Wellington Bazzar-643 231. | * | |
| (The Nilgiris) | * | |
| | * | |
| 3. Shri K.Chenthamarakshan, | * | |
| S/o. Shri C.Kandamuthan, | * | |
| 11/119/92, Near Kanni Mariyamman Koil, | * | |
| Anna Nagar, Wellington Bazzar-643 231. | * | |
| (The Nilgiris) | * | |

AND

The Commandant,
 Madras Regimental Centre,
 Wellington-643 231.
 (The Nilgiris)

:

II Party/Respondent

Appearance:

For the 1 st Party/Petitioner	:	M/s.Ayyar & Iyer, Advocates
For the Respondent	:	Mr. R.Kumar, ACGSC

The Hon'ble High Court of Madras vide its order dated 13.02.2019 in W.P. Nos.5025 to 5028 of 2011 filed by the Respondent, has directed this Tribunal to pass an appropriate order on the preliminary objections raised by the Respondent with regard to the management of industrial dispute and rendered findings on the basis of the evidences placed before it. The Hon'ble Court further directed that in case, this Tribunal is to give a finding that dispute is maintainable as against the management, then it may proceed further to adjudicate the disputes on merits. In comply with the above direction, notices were issued to both the parties and case was listed for hearing.

2. Earlier, the Central Government, Ministry of Labour & Employment vide its separate Order Nos.(i) L-14012/27/2009-IR (DU) ; (ii) L-14012/28/2009-IR (DU) & (iii) L-14012/29/2009-IR (DU), all dated 23.10.2009 referred the following similar Industrial Disputes to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of management of the Commandant, Madras Regimental Centre, in terminating the services of their workmen S/Shri V.Sudhakaran, R.Manikandan, K.Chenthamarakshan w.e.f 16/05/2005 is legal and justified? If not what relief the workmen is entitled to?”

3. The claim statements of all the three petitioners contain similar objections, which read as under:-

The Petitioners were employed as Baker by the II Party/Management since May, 2001, until termination on 16.06.2005. The Petitioners were attached to Officer-in-charge, Food Processing Training Centre (FPTC) under the

Respondent. The petitioners were subjected to medical fitness every year at Military Hospital, Wellington. After preparing bakery items, there was daily sale of Rs.30,000/- at the time of termination. About a dozen combatants (military personnel) serving in the station used to be deployed in FPTC and ten civilian personnel were paid out of regimental fund were also employed in the trade of chips maker, baker. The petitioners were retained only with temporary status despite for long years of continuous regular service. Initially, they were paid wages at Rs.1800/- per month and at the time of dismissal, they were paid Rs.2649/- and the working hours were from 6.30 am to 02.30 pm with one hour lunch break. No appointment order had been issued to the petitioners and no social security benefits were considered. It was the contention of the petitioners that the management coerced the petitioners to affix their signature on non-judicial stamp paper and also took signatures of petitioners on blank papers giving one day's time. The Petitioners were terminated on 16.06.2005 through FPTC in-charge, which is unjust, arbitrary and illegal manner.

4. The Respondent contended that the Madras Regimental Centre is not an industry and the Petitioners are not workmen. Further, the Petitioners are attempting indirectly to enter into the service of armed forces. The Respondent started its Food Processing Training Centre in 1996 for imparting training in making of bakery products, chips and allied preparations. The objective was that retirees will be able to set up their own shop to augment their income. M/s. Dependable Security Bureau represented by one Shri A.K.Swamy was engaged for a period of 11 months which was reduced in writing. M/s. Dependable Security Bureau was entrusted with job and it was for them to allot work to the Petitioners. The Respondent never employed those petitioners and no appointment order was issued to them and therefore, they cannot seek any relief from the Respondent and the claim petitions are liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : Proof of Affidavit filed by the Petitioners

- a) Shri V.Sudhakaran
- b) Shri R.Manikandan
- c) Shri K.Chenthamarakshan

For the 2nd Party/Management: Proof of Affidavit filed by Respondent

Mr. Lieutenant Colonel Suhas Badave – MW1

Common Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	10.10.1998	Medical Inspection Report of Civilian employees of FPTC
Ex.W 2	Sep.2002	Medical Inspection Report of civilian bakers of FPTC
Ex.W3	March, 2001	Statement of granting increment of Rs.500/- p.m w.e.f March, 2001
Ex.W4	19.02.2001	Inter Office note recommending increase of Rs.500/- p.m
Ex.W5	11.09.2002	Inter Office note recommending increase of Rs.500/- p.m
Ex.W6	02.04.2003	Details of salary disbursement of March, 2003

Documents Marked:

On behalf of Respondent/Management:

Ex.No.	Date	Description
Ex.M1	01.06.2003	Agreement for Labour contract between the Petitioner and Dependable Security Bureau along with clean typed copy
Ex.M 2	26.05.2005	Letter sent by Dependable Security Bureau to the Respondent enclosing the bill towards charges for outsourcing civilian employees
Ex.M3	02.06.2005	Receipts issued by the Dependable Security Bureau to the Respondent
Ex.M4	29.06.2005	Letter sent by Dependable Security Bureau to the Respondent enclosing bill towards charges for outsourcing civilian employees
Ex.M5	05.07.2005	Receipts issued by the Dependable Security Bureau to the Respondent

5. The Respondent filed a copy of agreement for labour contract which is marked as Ex.M1 between the Respondent management and M/s. Dependable Security Bureau. This contract was executed on 01.06.2003 and the three workmen were engaged from the dates mentioned below:-

V.Sudhakaran : May, 2001

R.Manikandan : May, 2001

K.Chenthamarakshan : 16.04.1998

6. Thus, all the three Petitioners were working under the management of Respondent prior to this agreement. The learned counsel for the Respondent submits that Dependable Security Bureau has submitted a list of employees, whose services were provided to the Respondent. The list of employees are attached along with agreement for labour contract and all the three Petitioners names are found place in the list. It is true that all the Petitioners names were there in the list submitted by the Dependable Security Bureau to the Respondent. But, all the three petitioners were engaged prior to this agreement, which has taken place between Dependable Security Bureau and the Respondent on 01.06.2003. The names of all these Petitioners in the list appear to be mentioned under the camouflage action of the Respondent and the Dependable Security Bureau. The workmen who were working prior to this agreement were never dismissed from their services. Their services were in continuous on the date of this agreement and their services were not affected by this agreement.

7. A copy of Award passed by this Tribunal in Industrial Dispute No.105/2003 was filed by the Petitioners, wherein the Petitioner was one Mr. Durai against the Respondent management, The Commandant, Madras Regimental Centre, Wellington. On perusal of the Award passed by this Tribunal, it appears that the Petitioner Mr.Durai was employed during 1992 under the management of the Respondent. This Tribunal had decided that removal of the petitioner from service was not justified and it was ordered that petitioner and others were entitled for back wages. On the basis of the Award passed by this Tribunal on 18.10.2004, some workmen were engaged by the Respondent in compliance with the order passed by this Tribunal. Award passed by this Tribunal was affirmed by the Hon'ble High Court of Madras.

8. In view of the discussion above, this fact is established that Petitioners are not affected by the agreement entered into between the Respondent and Dependable Security Bureau and the present petitioners were not employees of Dependable Security Bureau, all the three Petitioners are employees of the Respondent.

9. The another point which was raised by the Respondent was maintainability of Industrial dispute cases. This point was already decided by my predecessor vide order dated 17th July, 2020 and concluded that Industrial Dispute Nos.85/2009, 86/2009 and 87/2009 are maintainable. This order will form part of this Award.

10. The next point that arises in these Industrial Disputes is to what relief the petitioners are entitled to?

11. It is an admitted fact that all the petitioners worked continuously for more than 240 days in a continuous period of 12 calendar months and the labour contract which was executed between the Respondent and Dependable Security Bureau have no effect upon the service conditions of the Petitioners. Therefore, all these three petitioners are entitled for reinstatement as well as 50% back wages from their date of removal from service, till the date of reinstatement into service. The concerned three references are answered accordingly.

AWARD

The Respondent is directed to reinstate all the three Petitioners into service within one month and pay 50% of back wages as per direction above within three months.

An Award is passed accordingly. Registry is directed to place copy of this Award in all these three files.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1856.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (43/2014) प्रकाशित करती है

[सं. एल - 41012/09/2014- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 43/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen.

[No. L-41012/09/2014- IR(B-I)]

SALONI, Dy. Director

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

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 43/2014

Reference No. L-41012/09/2014-IR(B-I) dated 29.05.2014

BETWEEN

Shri Daya Ram, S/o Shri Hari Charan

Village Shardan Rajapur Kalurari Post Dharaiafi Amethi,

Distt. Sultanpur

Versus

Senior Divisional Personal Officer, Northern Railway, DRM, Office,

Hazratganj, Lucknow

Judgment

By means of order/reference No. L-41012/09/2014-IR(B-I) dated 29.05.2014, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

“क्या प्रबंधन, उत्तर रेलवे, लखनऊ द्वारा कर्मकार श्री दया राम, कैजुअल लेबर को औद्योगिक विवाद अधिनियम के प्रावधान का पालन किये बिना दिनांक 14-09-1983 को नौकरी से हटाया जाना न्यायोचित एवम बैध है? यदि नहीं तो कर्मकार क्या अनुतोष पाने का अधिकारी है?”

In response, the claimant has filed his statement of claim on 17.05.2016, in which it has been stated that Sri Daya Ram, workman was appointed as casual labour in the office of opposite party on 01.03.1978 and he continued to work for 719 days, with artificial break for short period till 14.09.1983. It has also been stated that in the period of April, 1980 to July, 1980 the workman completed more than 120 days and accordingly, he became entitled for temporary status; however his services were terminated in utter disregard to the provisions Section 25 ‘F’, G and H of the Industrial Disputes Act, 1947.

In view of above said factual background he has prayed for following relief:

“(a) That the termination order passed by the opposite parties may be quashed and the services of the applicant may be reinstated in service with full back wages from the said order and opposite parties may be directed to permit the applicant to assign the work on the post of casual labour.

(b) The opposite parties be further directed to regularize the services of the applicant on the post in question held by him.

(c) That the cost of this claim petition be awarded to the complainant against the opposite parties.

(d) That any other relief or reliefs which this Hon'ble court may deem fit just and proper in the circumstances of the case be also awarded to the claimant against the opposite party.”

The respondent has filed written statement and thereafter the rejoinder and documents have been exchanged.

On behalf of respondent a plea was taken that at this belated stage when the workman has retired from service then in that circumstances he should not be entitled for any benefit as claimed by him.

In order to decide said controversy it would be appropriate to it would state following facts:

In *Nedungadi Bank Ltd. v. K.P. Madhavankutty and Ors.* 2000 (2) SCC 455 it was noted at paragraph 6 as follows:

"6. Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was

made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was *ex-facie* bad and incompetent."

Further, in **S.M. Nilajkar and Ors. v. Telecom District Manager, Karnataka 2003 (4) SCC 27** the position was reiterated as follows: (at para 17)

"17. It was submitted on behalf of the respondent that on account of delay in raising the dispute by the appellants the High Court was justified in denying relief to the appellants. We cannot agree. It is true, as held in *M/s. Shalimar Works Ltd. v. Their Workmen* (supra) AIR 1959 SC 1217, that merely because the Industrial Disputes Act does not pro-vide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation prescribed for reference of disputes to an industrial tribunal, even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale. A delay of 4 years in raising the dispute after even reemployment of the most of the old workmen was held to be fatal in *M/ s. Shalimar Works Limited v. Their Workmen* (supra) AIR 1959 SC 1217, In *Nedungadi Bank Ltd. v. K.P. Madhavankutty and others* (supra) AIR 2000 SC 839, a delay of 7 years was held to be fatal and disentitled to workmen to any relief. In *Ratan Chandra Sammanta and others v. Union of India and others* (supra) 1993 AIR SCW 2214, it was held that a casual labourer retrenched by the employer deprives himself of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal if it has resulted in material evidence relevant to adjudication being lost and rendered not available. However, we do not think that the delay in the case at hand has been so culpable as to disentitle the appellants for any relief. Although the High Court has opined that there was a delay of 7 to 9 years in raising the dispute before the Tribunal but we find the High Court factually not correct. The employment of the appellants was terminated sometime in 1985-86 or 1986-87. Pursuant to the judgment in *Daily Rated Casual Employees Under P&T Department v. Union of India* (supra) AIR 1987 SC 2342, the department was formulating a scheme to accommodate casual labourers and the appellants were justified in awaiting the outcome thereof. On 16-1-1990 they were refused to be accommodated in the scheme. On 28-12-1990 they initiated the proceedings under the Industrial Disputes Act followed by conciliation proceedings and then the dispute was referred to the Industrial Tribunal cum-Labour Court. We do not think that the appellants deserve to be non suited on the ground of delay."

Also, in Hon'ble Apex Court in the case of *Krishi Utpadan Mandi Samity vs. Pahal Singh* reported in 2007 12 SCC 193 and more particularly paragraph Nos. 10, 11, which read as under:-

"10. The Labour Court was also under an obligation to consider as to whether any relief, if at all could be granted in favour of the workman in view of the fact that the industrial dispute had been raised after 18 years. It was obligatory on the part of the Labour Court to consider that the respondent was in employment for very short period. It had also not arrived at a finding that the respondent was in continuous service within the meaning of Section 2(g) of the U.P. Industrial Disputes Act or for that matter in terminating the services of the respondent, the appellant did not comply with the requirements of law particularly Section 6-N thereof. In absence of such a finding, the High Court in our opinion should have interfered with the Award.

11. It is now well-settled principle of law that "delay de-feats equity".

(see also *Haryana State Co-operative Land Development Bank v. Neelam* (2005) 5 SCC 91)

Further, in the present case, it is also not in dispute rather admitted by the workman he has raised his grievance to be included in screening for year 1983-84 by means of raising industrial dispute in the year 2003, which was referred to this Tribunal after 20 years, as such, he is not entitled for any relief. Because, Hon'ble Rajasthan High Court, Jaipur Bench, in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, has held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first

issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (supra), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in *Gitam Singh [Asstt. Eng., Rajasthan Development Corpn. v. Gitam Singh]*, that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief."

Further, the Hon'ble Supreme Court in *Sadhu Singh (supra)*, held as under:

"6. We shall at the outset deal with the issue of limitation. The respondent was retired compulsorily from service on 4.1.2003. Original Civil Suit No. 41 of 2010 was instituted in 2010. The trial Judge as well as the first appellate court were of the view that the suit was not barred by limitation since the representation of the respondent for the grant of the three selection grades was rejected on 18.1.2010. The first appellate court, while concurring with the trial Judge also noted that the "final request" made by the respondent-plaintiff on 18.1.2010 was rejected and hence the suit was within limitation.

7. The respondent waited for seven long years after his retirement to pursue a claim for the grant of selection grade. This was clearly beyond the residuary period of limitation of three years provided in Article 137 of the Schedule to the Limitation Act, 1963. That apart, in the decision of this Court in *State of Rajasthan v. Shankar Lal Parmar*, the Court has considered the ambit of the scheme for selection grade. This Court has held thus:

"6. Another important and relevant clause in the said order for our perusal is Clause 7, which is also reproduced hereinbelow:

7. Selection grades in terms of this order shall be granted only to those employees whose record of service is satisfactory. The record of service which makes one eligible for promotion on the basis of seniority shall be considered to be satisfactory for the purpose of grant of the selection grade."

7. Clause 7 makes it clear that only those employees would be entitled for grant of selection grades, whose service record has been satisfactory and are otherwise eligible for promotion on the basis of seniority but have not been able to get the same as there might not be any channel of promotion or for want of sanctioned posts in the cadre."

8. The Court held that in terms of Clause 7, only those employees whose service record has been satisfactory could be entitled to be granted selection grade. In this context, the Court held:

"17. Clause 7 further makes it clear that only those/such employees would be entitled to be granted selection grade whose service record has been satisfactory. This implicitly shows that the person who has an untainted, unblemished, clean and unpolluted record in service would be treated on a higher pedestal than those who have either tainted, blemished, unclean or polluted record. This obviously appears to be a reasonable classification and is under the ambit and touchstone of Article 14 of the Constitution. There is neither any ambiguity nor any doubt in the same."

9. On the touchstone of the above principles, it is evident that the respondent had been subjected to several disciplinary proceedings and as many as 19 charge- sheets were issued against him which resulted in penalties of a varying nature. The service record of the respondent cannot be regarded as untainted or clean.

10. Ms Nidhi, learned counsel for the respondent submitted that some of the penalties which were imposed on the respondent were without cumulative effect. The consequence of the withholding of increments without cumulative effect is that after the period prescribed, the respondent would be entitled to restoration of the original pay scale or the original pay. However, this does not obviate the position that the imposition of the penalty itself indicates that the service record of the employee was not satisfactory. Another submission which has been urged is that the penalties were of a minor nature. Assuming that to be so, it is evident that for the grant of selection grade, the respondent did not fulfil the requirements of a clean record of service. The grant of the selection grade is not a matter of right and was subject to the terms and conditions which were stipulated. The respondent failed to fulfil these terms and conditions.

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade." (Emphasis supplied)

Further, the Hon'ble Supreme Court, in *Bichitrananda Behera (supra)*, after considering the erstwhile judgments of *Union of India v. Tarsem Singh*, *Union of India v. N. Murugesan*, and *Chairman, State Bank of India v. M.J. James*, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Reverting to the facts of present case, since as per own case of the workman his services have been terminated w.e.f. 14.09.1983 and approached this Tribunal in year 2014; hence relief which is claimed by the claimant, cannot be granted in view of the position of law as stated herein above.

Award

For the foregoing reasons the workman is not entitled for any relief as per the Reference No. L-41012/09/2014-IR(B-I) dated 29.05.2014 and the same is answered accordingly.

Lucknow.

21st August, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पूर्वोत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (153/2002) प्रकाशित करती है

[सं. एल - 41012/53/2002- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 153/2002) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of *Purovottar Railway* and their workmen.

[No. L-41012/53/2002- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, LUCKNOW

I.D. No.153 of 2002

Reference No.L-41012/53/2002-IR (B-I) dated 27.8.2002

Mohammad Hasan, S/o Sri Hausil,

R/o Gram Indrapur, Post Badgaon,

P.S. Kotwali, District Gonda,
through P.K. Tiwari-authorized representative,
96/196, Purana Ganeshganj,
Lucknow

-----Applicant/Workman

Versus

Mandal Rail Prabandhak (Karmik)
Purvottar Railway, D.R.M. Office,
Ashok Marg, Lucknow

----Opp.Parties/Employer

Judgment

By means of order/reference no. L-41012/53/2002-IR (B-I) dated 27.8.2002, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

क्या प्रबन्धन पूर्वोत्तर रेलवे, लखनऊ द्वारा श्री मो० हसन पुत्र श्री हौसिल, निवासी ग्राम इन्द्रपुर, पो० बड़गँव को वर्ष 1978 से वरीयतानुसार पदोन्नति नहीं दिया जाना न्यायोचित तथा न्यायसंगत है यदि नहीं तो कर्मकार किस अनुतोष का अधिकारी है

In response to the reference dated 27.8.2002 the present I.D. Case had been registered before this Tribunal. On 7.4.2003 the applicant/claimant filed the statement of claim through his representative stating therein the following main averments:-

- The workman was employed on 27.2.1976 as a Jeep driver by the Senior D.N. Lucknow and was attached with the Assistant Engineer Lucknow. The workman was given the scale of Driver in the year 1976. The applicant was transferred along with Jeep No.UTC 2988 under the supervision of Assistant Engineer, Gonda and since then the workman worked as government jeep driver.
- The trade examination for IT Jeep Driver was conducted by the department on 13.6.1978 by letter dated 4.9.1978 in which the workman himself participated and juniors to the applicant Sri Abdul Khalik and Mohd. Husain etc. had also participated. The result of test was not declared.
- The workman was given the scale of driver in June 1976 and a per rules posting is done only after passing the test for the post of Driver. In the year 1986 the name of applicant was sent for test by Assistant Engineer in Gorakhpur. The applicant also appeared in the foresaid test/examination and the result of said examination was declared in 1987. The applicant passed the said examination and the grade of driver was approved and its copy was also sent to the concerned railway officials, in which the name of the applicant appeared at S.No.76.
- Even after passing the examination in the result declared in 1987 the applicant was neither given Driver's grade nor was provided subsequent promotional grade-II.
- Another trade test examination on 7.2.1989 was also conducted in which the workman was neither called nor was informed about the examination. The juniors to the applicant namely Sri Abdul Khaik, Naushad, Mohd. Hussain & Sri Rafiq Ahmed, Sri Om Prakash, Sri S.L. Tiwari who were appeared in the examination conducted on 1989, had participated in the examination conducted in the year 1989 but the applicant was deprived of. Not including the workman in the said examination is an unfair labour practice.
- All of above said persons who passed the trade test conducted on 1989 were given the benefit of Grade-II on the said basis.
- The workman/applicant had not been given the benefit of Driver Grade-II when the person junior to him i.e. Sri Abdul Gaffar had been given the Driver Grade-II in the year 1978 whereas the applicant had not been given the said benefit.

On the basis of above said facts the applicant/workman prayed that he may be given the promotional benefit of Driver Grade-II from the year 1978 after providing the seniority benefit and the applicant be treated as successful in the trade test which was conducted in the year 1978 and accordingly he may be given all the service benefits viz. arrears of salary, etc.

On behalf of respondents the written statement had been filed pleading therein as under:-

- a) Mohd.Hasan-workman is working as Jeep Driver Grade-II (950-1500) /3050-4590 in the office of Assistant Engineer, Gonda.
- b) The workman was engaged as casual labour Jeep Driver in the office of Mandal Superintendent (Engineer) on 27.2.1976 and was attached with AE, Lucknow. After completing four months service he was provide the

pay scale 260-400 w.e.f. 27.6.1976 stating that the sanction of pay scale to the applicant is purely on temporary basis and his services can be terminated at any time.

- c) Thereafter a decision had been taken at the Head Office level to the effect that as only one regular post in the pay scale of 260-400 is vacant and a senior Driver amongst 08 drivers casual labour should have been posted. In pursuance to the said decision a senior Driver Sri Rajjak who succeeded in the trade test an order for regularization was issued on 12.12.1979.
- d) It is contrary to regularise the service of Jeep Driver pertaining to Group-D in Group-C as per Office Order dated 2.1.1987 and a vehicle driver is regularized only after the option given by him to appear in the trade test and to succeed in the trade test. Hence, until the workman did not declare success in the trade test, his services cannot be treated as regular.
- e) In order to conduct the examination of trade test the applications were sought from the class-IV employee and after scrutiny of the applications, 24 employees were found suitable and accordingly the list had been issued. As the workman did not submit his application, hence, his name could not be enlisted.
- f) Again by means of notification dated 2.2.1996, the applications were sought from the regular Class-IV employees of Mandal Office. Mohd. Hasan the workman submitted his application and the examination of trade test was conducted on 4.10.1996 and 14.11.1996 in which the workman was found successful and the result of which was published on 4.12.1996 and accordingly vide order dated 24.12.1996 the workman was provided the scale of Rs.950-1500 and his salary was fixed as 950/- and was posted at Gonda.
- g) As the workman had been regularized w.e.f. 11.12.1996 in the pay scale of Rs.950-1500 hence, he is not entitled for the benefits of Grade-II and Grade I.
- h) It is also pleaded on behalf of respondents that the promotions of Sri Narayan Prasad Gupta and Sri Naushad Ali had been done vide order dated 31.12.1990 on the regular posts of Truck/vehicle driver whereas the workman had been promoted w.e.f. 24.12.1996, as such, Sri Narain Prasad Gupta and Sri Naushad Ali were senior from the workman.
- i) The claim of the workman is based on merely surmises and conjectures in view of the fact that none of the person junior to the applicant has even been promoted since the year 1976.

On the above said basis it is prayed on behalf of respondents that the claim filed by the applicant/workman which is filed on the basis of misconceived and wrong facts is liable to be dismissed and the workman is not entitled for any reliefs.

Thus taking into consideration the fact that the cause of action to the applicant was arisen in the year 1978 and in respect to which he raised the grievance for the first time by means of order of reference no. L-41012/53/2002-IR (B-I) dated 27.8.2002.

Further it has also been pleaded on behalf of respondents that whether the applicant falls within the definition of 'workman' as given under Section 2(s) of the Industrial Disputes Act 1947. In this regard the definition, as it stood originally when the [ID Act](#) came into force w.e.f. 1.4.1947, read as follows:-

"(s) 'workman means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceeding under this Act in relation to an industrial dispute, but does not include any person employed in the naval, military, or air service of the Crown."

The definition was amended by [Amending Act](#) No. 36 of 1956 which came into force from 29th August, 1956 to read as follows:-

(s) "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory technical or clerical 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 Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934; 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

(i) who, being employed in a supervisory capacity, draws wages exceeding five hundred 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."

The change brought about by this Amendment was that the persons employed to do "supervisory" and "technical" work were also included in the definition for the first time by this Amendment, although those who were employed in a supervisory capacity were so included in the definition provided their monthly wage did not exceed Rs.500.

The definition of 'workman' was further amended by [Amending Act](#) No.46 of 1982 which was brought into force w.e.f. 21.8.1984 and the same reads as under:-

"(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);

(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 one thousand six hundred 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."

A bare perusal of the aforementioned provision clearly indicates that a person would come within the purview of the said definition if he : (i) is employed in any industry; and (ii) performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work.

Hon'ble the Apex Court in the case of **All India Reserve Bank Employees Association Versus Reserve Bank of India reported in AIR 1966 SC 305** held as under:-

17. However, in view of the importance of the subject and the possibility of a recurrence of such question in other spheres, and the remarks of the National Tribunal as to jurisdiction of the Central Government and itself we have considered it necessary to go into some of the points mooted before us. Before we deal with them we shall read some of the pertinent definitions from the Industrial Disputes Act, 1947 :

"2. In this Act, unless there is anything repugnant in the subject or context,--

(k) "Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or nonemployment or the terms of employment or with the condition of labour, of any person;

(rr) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes-

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

(iii) any traveling concession;

but does not include-

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service.

(s) "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, include, 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 Army Act, 1950, or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934, 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 five hundred rupees per menses 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."

23. The argument is extremely ingenious and the simile interesting but it misses the realities of the amendment of the Industrial Disputes Act in 1956. The definition of 'workman' as it originally stood before the amendment in 1956 was as follows :-

"2.(s) 'workman' means any person employed (including in apprentice) in any industry to do any skilled (11) 91 L. ed. 104 or unskilled manual or clerical work for hire or reward and includes, for the purposes of any proceedings under this Act in relation to an industrial dispute a workman discharged during that dispute, but does not include any person employed in naval, military or air service of the Government."

24. The amending Act of 1956 introduced among the categories of persons already mentioned persons employed to do supervisory and technical work. So far the language of the earlier enactment was used. When, however, exceptions were engrafted, that language was departed from in clause (iv) partly because the draftsman followed the language of clause(iii) and partly because from persons employed on supervision work some are to be excluded because they draw wages exceeding Rs. 500 per month and some because they function mainly in a managerial capacity or have duties of the same character. But the unity between the opening part of the definition and clause (iv) was expressly preserved by using the word 'such' twice in the opening part. The words, which bind the two parts, are not-"but does not include any person". They are -- "but does not include any such person showing clearly that what is being excluded is a person who answers the description " employed to do supervisory work" and he is to be excluded because being employed in a 'supervisory capacity' he draws wages exceeding Rs. 500 per month or exercises functions of a particular character. The scheme of our Act is much simpler then that of the American statutes. No doubt like the Taft-Hartley Act the amending Act of 1956 in our country was passed to equalize bargaining power and also to give the power of bargaining and invoking the Industrial Disputes Act to supervisory workmen, but it gave it only to some of the workmen employed on supervisory work. 'Workman' here includes an employee employed as supervisor. There are only two circumstances in which such a person ceases to be a workman. Such a person is not a workman if he draws wages in excess of Rs. 500 per month or if he performs managerial functions by reason of a power vested in him or by the nature of duties attached to his office. The person who ceases to be a workman is not a person who does not answer the description "employed to do supervisory work" but one who does answer that description. He goes out of the category of "workmen" on proof of the circumstances excluding him from the category."

Further in the case of **H.R. Adyanthaya & others Versus Sandoz India Ltd. reported in (1994) 5 SCC 373**, the Hon'ble Apex Court held as under:-

"10. It is thus obvious from the decision that the contention on behalf of the workman before the Industrial Tribunal as well as before this Court was that the employee was doing either manual or clerical work, and that not only he had no supervisory duties but he was doing his work under the direction of his superiors and, therefore, he was a workman within the meaning of the definition of workman as it stood then. The dispute in question had arisen prior to 6th January, 1956. The definition of 'workman' at the relevant time included only those persons who were employed to do any skilled or unskilled manual or clerical work. Hence the relevant contention on behalf of the workman which was negatived by this Court. An inference from this decision is also possible, viz., that if the employees' work was mainly manual or clerical, he would have, even as the definition stood then, been covered by it." (See:**C.G. Gupta Versus Glaxo Smith Klin Pharmaceutical Limited reported in (2007) 7 SCC 171**)

Further the Hon'ble the Apex Court in the case of **Chauharya Tripathi & others Versus L.I.C. of India & others reported in 2015 (7) SCC 263**, in Para-7 held as under:-

"7. Keeping in view the question posed at the beginning, we are obligated to make a survey of the authorities that have been pronounced by this Court specifically pertaining to the Development Officers working in LIC. A three-Judge Bench of this Court in **S.K. Verma vs. Mahesh Chandra & Anr.3**, adverted to the definition of 'workman' as originally defined under **Section 2(s)** of the Act and the substantial amendment that was brought in 1956 in respect of the definition of 'workman' and referred to the decision in **Workmen vs. Indian Standards Institution4** and dwelled upon the hierarchy of officers working in LIC, the duties performed by such officers and 2 (2008) 11 SCC 319 3 (1983) 4 SCC 214 4 (1975) 2 SCC 847 eventually held thus :

"A perusal of the above extracted terms and conditions of appointment shows that a development officer is to be a whole time employee of the Life Insurance Corporation of India. that his operations are to be restricted to a defined area and that he is liable to be transferred. He has no authority whatsoever to bind the Corporation in anyway. His principal duty appears to be to organise and develop the business of the Corporation in the area allotted to him and for that purpose to recruit active and reliable agents, to train them to canvass new business and to render post-sale services to policy-holders. He is expected to assist and inspire the agents. Even so he has not the authority to appoint agents or to take disciplinary action against them. He does not even supervise the work of the agents though he is required to train them and assist them. He is to be the 'friend, philosopher and guide' of the agents working within his jurisdiction and no more. He is expected to stimulate and excite the agents to work, while exercising no administrative control over them. The agents are not his subordinates. In fact, it is admitted that he has no subordinate staff working under him. It is thus clear that the development officer cannot by any stretch of imagination be said to be engaged in any administrative or managerial work. He is a workman within the meaning of [s.2\(s\)](#) of the Industrial, Disputes Act."

(See also : **Om Carrying Corporation Versus Tilock Narang & others reported in 2016(148) FLR 915; T.Boby Francis Versus Lucy Varghese & others reported in 2016(149) FLR 866 & Jagdish Prasad Sharma Versus Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurugram & another reported in 2023 (178) FLR 565**)

Hon'ble the Bombay High Court in the case of **M/s S.K. International & another v. Ashok Tanaji Tambe & another 2024 (180) FLR 994** has held as under:

"17. On the aspect of determination of status of workmen, within the meaning of Section 2(s) of the ID Act, 1947, the legal position is fairly crystalized. Such determination must be based on the appreciation of the nature of the duties performed by the employee. Nomenclature of the post, which the employee holds, is not of decisive significance. The description of the nature of the duties also does not furnish a surer foundation for determination. Use of grandstanding expressions and management jargon to describe otherwise ordinary and normal functions, is not uncommon. It is, therefore, necessary to correctly appreciate the nature of the core duties discharged by a person whose status is questioned.

18. Section 2(s) of the ID Act, 1947 defines the expression workman to mean any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. In the case of *H.R. Adyanthaya and ors. v. Sandoz (India) Ltd.*, the Constitution Bench of the Supreme Court enunciated that to be qualified to be workman under Section 2(s), the person must be employed to do the work which falls in any of the specified categories, manual, unskilled, skilled, technical, operational, clerical or supervisory. To put it in other words, it is not enough that a person is not covered by any of the four exceptions to the definition. It is also fairly well settled that the burden is on the person, who asserts the status of the workman under Section 2(s) to establish with reference to the dominant nature of his duties that the work which the said person performs falls within one of the specified categories under Section 2(s) of the Act, 1947.

19. In the case of *Burmah Shell Oil Storage and Distribution Company of India Ltd. v. The Burmah Shell Management Staff Association and others*, the Supreme Court adverted to a situation where an employee is entrusted to discharge multifarious duties. In such cases, the Supreme Court held, it would be necessary to determine under which classification the employee will fall for the purpose of finding out whether he does not go out of the definition of "workman" under the exceptions. The principle is now well settled that for this purpose, a workman must be held to be employed to do that work which is the work he is required to do, even though he may be incidentally doing other types of work. The Supreme Court referred to its earlier decision in the case of *Ananda Bazar Patrika (P) Ltd. v. Workmen*", where the principle was enunciated as under:

"3. The question whether a person is employed in a supervisory capacity or on clerical work, in our opinion, depends upon whether the main and principal duties carried out by him are those of a supervisory character, or of a nature carried out by a clerk. If a person is mainly doing supervisory work, but, incidentally or for a fraction of the time, also does some clerical work, it would have to be held that he is employed in supervisory capacity; and, conversely, if the main work done is of clerical nature, the mere act that some supervisory duties are also carried out incidentally or as a small fraction of the work done by him will not convert his employment as a clerk into one in supervisory capacity....." (Emphasis supplied)

20. In the case of *Arkal Govind Raj Rao v. CIBA Geigy and India Ltd.*, another three-Judge Bench of the Supreme Court re-exposed the principle in the following words:

"6. where an employee has multifarious duties and a question is raised whether he is a workman or someone other than a workman the Court must find out what are the primary and basic duties of the person concerned and if he is incidentally asked to do some other work, may not necessarily be in tune with the basic duties, these additional duties cannot change the character and status of the person concerned. In other words, the dominant purpose of employment must be taken into consideration and the gloss of some additional duties must be rejected while determining the status and character of the person....."

21. A useful reference in this context can also be made to a decision of the Supreme Court in the case of *S.K. Maini v. M/s. Carona Sahu Company Ltd. and Anr.* wherein it was enunciated that when an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complexity of industrial or commercial organisation quite a large number of employees are often required to do more than one of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage (supra)*. In *All India Reserve Bank Employees' Assn. v. Reserve Bank of India*, it has been held by this Court that the word 'supervise' and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the employee concerned and not some works incidentally done. In other words, what is, in substance, the work which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of 'workman' as defined in Section 2(s) of the Industrial Disputes Act."

Hon'ble Supreme Court by means of judgment dated 24.2.2004 passed in the case of ***M/s. Bharat Airtel Limited Versus A.S. Raghavendra*** passed in **Civil Appeal No.5187 of 2023 (2024 INSC 265)** after taking into consider the definition of 'workman' as given u/s 2 's' of the I.D. Act, 1947; and various judgments on the point in issue, held as under:-

"23. The records also show that the respondent, in fact, performed a supervisory role over the managers and was the Assessing Manager of his team, which consisted of Managers in the B-1 & B-2 Levels. Moreover, after adducing the evidence led by both sides, the Labour Court vide a detailed order and discussion, has held the respondent not to be covered under "workman" as per Section 2(s), ID Act. The learned Single Judge has not appreciated the discussion by the Labour Court and the available evidence in their true perspective, relying mainly upon the judgment in *Ved Prakash Gupta (supra)*. In Paragraph 12 of *Ved Prakash Gupta (supra)*, it was held "...It must also be remembered that the evidence of both WW1 and MW1 shows that the appellant could never appoint or dismiss any workman or order any enquiry against any workman. In these circumstances we hold that the substantial duty of the appellant was only that of a Security Inspector at the gate of the factory premises and that it was neither managerial nor supervisory in nature in the sense in which those terms are understood in industrial law. In the light of the evidence and the legal position referred to above we are of the opinion that the finding of the Labour Court that the appellant is not a workman within the meaning of Section 2(s) of the Act is perverse and could not be supported."

24. A bare perusal of the above makes it crystal clear that absence of power to appoint, dismiss or conduct disciplinary enquiries against other employees was not the only reason for the Court to conclude in *Ved Prakash Gupta (supra)* that the appellant therein was a "workman". At this juncture, we may note that although *Ved Prakash Gupta (supra)* was decided by a 3-Judge Bench, in a later judgment by a 2-Judge Bench of this Court in *S K Maini v M/s Carona Sahu Company Limited*, (1994) 3 SCC 510, it was held that "...It should be borne in mind that an employee discharging managerial duties and functions may not, as a matter of course, be invested with the power of appointment and discharge of other employees. It is not unlikely that in a big set-up such power is not invested to a local manager but such power is given to some superior officers also in the management cadre at divisional or regional level. ..." The judgment in *S K Maini (supra)* is innocent of *Ved Prakash Gupta (supra)*, but we do not find any inconsistency in the statement of law laid down in *S K Maini (supra)*, given our reading of *Ved Prakash Gupta (supra)* as enunciated hereinabove.

25. That being said, in our considered view, mere absence of power to appoint, dismiss or hold disciplinary inquiries against other employees, would not and could not be the sole criterion to determine such an issue.

Holding otherwise would lead to incongruous consequences, as the same would, illustratively, mean that, employees in high-ranking positions but without powers to appoint, dismiss or hold disciplinary enquiry would be included under the umbrella of "workman" under Section 2(s), ID Act. We cannot be oblivious of the impact of our decisions. In this context, reference to the decision in Shivashakti Sugars Limited v Shree Renuka Sugar Limited, (2017) 7 SCC 729 is apposite:

"43. It has been recognised for quite some time now that law is an interdisciplinary subject where interface between law and other sciences (social sciences as well as natural/ physical sciences) come into play and the impact of other disciplines on Law is to be necessarily kept in mind while taking a decision (of course, within the parameters of legal provisions). Interface between Law and Economics is much more relevant in today's time when the country has ushered into the era of economic liberalisation, which is also termed as "globalisation" of economy. India is on 118 [2024] 4 S.C.R. Digital Supreme Court Reports the road of economic growth. It has been a developing economy for number of decades and all efforts are made, at all levels, to ensure that it becomes a fully developed economy. Various measures are taken in this behalf by the policy-makers. The judicial wing, while undertaking the task of performing its judicial function, is also required to perform its role in this direction. It calls for an economic analysis of law approach, most commonly referred to as "Law and Economics". In fact, in certain branches of Law there is a direct impact of Economics and economic considerations play predominant role, which are even recognised as legal principles. Monopoly laws (popularly known as "Antitrust Laws" in USA) have been transformed by Economics. The issues arising in competition laws (which has replaced monopoly laws) are decided primarily on economic analysis of various provisions of the Competition Commission Act. Similar approach is to be necessarily adopted while interpreting bankruptcy laws or even matters relating to corporate finance, etc. The impress of Economics is strong while examining various facets of the issues arising under the aforesaid laws. In fact, economic evidence plays a big role even while deciding environmental issues. There is a growing role of Economics in contract, labour, tax, corporate and other laws. Courts are increasingly receptive to economic arguments while deciding these issues. In such an environment it becomes the bounden duty of the Court to have the economic analysis and economic impact of its decisions. 44. We may hasten to add that it is by no means suggested that while taking into account these considerations, specific provisions of law are to be ignored. First duty of the Court is to decide the case by applying the statutory provisions. However, on the application of law and while interpreting a particular provision, economic impact/effect of a decision, wherever warranted, has to be kept in mind. Likewise, in a situation where two views are possible or wherever there is a discretion given to the Court by law, the Court needs to lean in favour of a particular view which subserves the economic interest of the nation. Conversely, the Court [2024] 4 S.C.R. 119 M/S Bharti Airtel Limited v. A.S. Raghavendra needs to avoid that particular outcome which has a potential to create an adverse effect on employment, growth of infrastructure or economy or the revenue of the State. It is in this context that economic analysis of the impact of the decision becomes imperative."

Before August 29, 1956, the Industrial Disputes Act's definition of "workman" only included skilled and unskilled manual or clerical workers, excluding those in supervisory, technical roles. However, amendments in 1956 and 1982 expanded the definition to include these categories. The Hon'ble Supreme Court judgments in *May and Baker (India) Ltd. v. Workmen* AIR 1967 SC 678, *Western India Match Co. Ltd. v. Workmen* 1963:INSC:130 : AIR 1964 SC 472, and *Burmah Shell Oil Storage and Distribution Co. of India Ltd. v. Burma Shell Management Staff Assn.* (1970) 3 SCC 378 interpreted the definition in earlier years, focusing on whether the work done by individuals fell within the categories of manual, clerical, supervisory, or technical. These judgments determined the eligibility of individuals as workmen based on the nature of their tasks. Subsequent judgments in *S.K. Verma v. Mahesh Chandra* (1983) 4 SCC 214] *Ved Prakash Gupta v. Delton Cable India (P) Ltd.* (1984) 2 SCC 569 and *Arkal Govind Raj Rao v. Ciba Geigy of India Ltd.* (1985) 3 SCC 371 failed to notice the earlier decisions and adopted a broader interpretation. They held that individuals not fitting the four specified categories could still be considered workmen- however, the judgment in *A. Sundarambal v. Govt. of Goa, Daman and Diu* (1988) 4 SCC 42 reaffirmed the importance of the earlier precedents, asserting that a person must fall within the defined categories to qualify as a workman. Ultimately, the legal position is crystallized in the case of *H.R. Adyanthaya and Ors. Vs. Sandoz (India) Limited* reported in 1994 5 SCC 737 wherein the five Judges' bench of Apex Court held that to be considered a workman under the ID Act, an individual must be employed in manual, unskilled, skilled, technical, operational, clerical or supervisory. It is not enough that he is not covered by either of the four exceptions to the definition. It is held that to attract provisions of Section 2(s) of the I.D. Act, the employee must show that he performs any work enumerated in the definition and that he is excluded under the four exceptions as provided in the definition.

For the adjudication of the status of a workman, what is required to be seen is an emphasis on the actual work performed by such an employee. In other words, if the nature of duties actually performed predominantly shows that he discharges duties to do the work of any of the categories listed in Section 2(s). He is not covered by exceptions of Section 2(s); it would be decisive of the matter that the employee is a workman, and the designation or salary of the employee would be irrelevant.

It is now well settled that the adjudication of the issue as to person working within the meaning of Section 2(s) of the I.D. Act has to be determined with reference to the principle of nature of his duties and functions. The dominant purpose of employees must be taken into consideration, and the gloss of some additional duties must be rejected while determining the status and character of a person.

Accordingly, in nutshell it can be said that from perusal of definition of 'workman' indicates that a person would come within the purview of Section 2(s) of the I.D. Act if he is employed in an industry and performs any manual, unskilled, skilled, technical, operational, clerical or supervisory work. Further, the definition also indicates exceptions as to when a person would not be covered in the aforementioned definition. It inter alia states that a person would not be covered under the definition if (i) he is employed in a managerial or administrative capacity or (ii) 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.

The Hon'ble Apex Court in the case of **Nayan Bhagwantroo Gosavi Balajiwale Vs. Gopal Vinayak Gosavi & Ors**, AIR 1960 SC 100 held that admission is best piece of evidence that opposite party can rely upon if the same is not denied by the person who is made the same.

Further, the Hon'ble Apex Court in the case of **Dharmarathmakara Raibahadur Arcot Ramashwamy Mudaliar Educational Institution Vs. Education Appellate Tribunal & Anr.** (199) 7 SCC 332, held that if the facts are admitted by a party and same is not denied in any manner then same is binding on it and on the basis of averments if an order is passed there is no violation of principle of natural justice.

In **Nagbubai Ammal and Ors. Vs. B. Shama Rao & Ors.**, AIR 1956 SC 593, the Apex Court held that admission made by a party is admissible and best evidence unless it is proved that it had been made under a mistaken belief. While deciding the said case reliance has been placed upon the judgment in **Slatterie Vs. Pooley (1840) 6 M & W 664**, wherein it has been observed "What a party himself admits to be true, may reasonably be presumed to be so".

"The rule of natural justice must not be stretched too far. Only too often, 'the people who have done wrong seek to invoke the rule of natural justice' so as to avoid the consequence."

In view of the above said position of law, the objection raised by respondent that claimant/Mo. Hasan is not 'workman' as per definition of 'workman' u/s 2 's' of the Act has got no force, rejected.

Next point to be considered in the present case that the relief as claimed by the claimant as per the reference dated 27.08.2002 that he has not been given promotion w.e.f. year 1997 or he is not entitled for the same on the ground of unexplained delay (delay & laches) for claiming the said relief.

In this regard Hon'ble Rajasthan High Court in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur**, 2024 (182) FLR 892, in which it has been held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (supra), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in **Gitam Singh [Asstt. Eng., Rajasthan Development Corpn. v. Gitam Singh]**, that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable.

The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief."

Further, the Hon'ble Supreme Court in *Sadhu Singh (supra)*, held as under:

"6. We shall at the outset deal with the issue of limitation. The respondent was retired compulsorily from service on 4.1.2003. Original Civil Suit No. 41 of 2010 was instituted in 2010. The trial Judge as well as the first appellate court were of the view that the suit was not barred by limitation since the representation of the respondent for the grant of the three selection grades was rejected on 18.1.2010. The first appellate court, while concurring with the trial Judge also noted that the "final request" made by the respondent-plaintiff on 18.1.2010 was rejected and hence the suit was within limitation.

7. The respondent waited for seven long years after his retirement to pursue a claim for the grant of selection grade. This was clearly beyond the residuary period of limitation of three years provided in Article 137 of the Schedule to the Limitation Act, 1963. That apart, in the decision of this Court in State of Rajasthan v. Shankar Lal Parmar, the Court has considered the ambit of the scheme for selection grade. This Court has held thus:

"6. Another important and relevant clause in the said order for our perusal is Clause 7, which is also reproduced hereinbelow:

7. Selection grades in terms of this order shall be granted only to those employees whose record of service is satisfactory. The record of service which makes one eligible for promotion on the basis of seniority shall be considered to be satisfactory for the purpose of grant of the selection grade.'

7. Clause 7 makes it clear that only those employees would be entitled for grant of selection grades, whose service record has been satisfactory and are otherwise eligible for promotion on the basis of seniority but have not been able to get the same as there might not be any channel of promotion or for want of sanctioned posts in the cadre."

8. The Court held that in terms of Clause 7, only those employees whose service record has been satisfactory could be entitled to be granted selection grade. In this context, the Court held:

"17. Clause 7 further makes it clear that only those/such employees would be entitled to be granted selection grade whose service record has been satisfactory. This implicitly shows that the person who has an untainted, unblemished, clean and unpolluted record in service would be treated on a higher pedestal than those who have either tainted, blemished, unclean or polluted record. This obviously appears to be a reasonable classification and is under the ambit and touchstone of Article 14 of the Constitution. There is neither any ambiguity nor any doubt in the same."

9. On the touchstone of the above principles, it is evident that the respondent had been subjected to several disciplinary proceedings and as many as 19 charge- sheets were issued against him which resulted in penalties of a varying nature. The service record of the respondent cannot be regarded as untainted or clean.

10. Ms Nidhi, learned counsel for the respondent submitted that some of the penalties which were imposed on the respondent were without cumulative effect. The consequence of the withholding of increments without cumulative effect is that after the period prescribed, the respondent would be entitled to restoration of the original pay scale or the original pay. However, this does not obviate the position that the imposition of the penalty itself indicates that the service record of the employee was not satisfactory. Another submission which has been urged is that the penalties were of a minor nature. Assuming that to be so, it is evident that for the grant of selection grade, the respondent did not fulfil the requirements of a clean record of service. The grant of the selection grade is not a matter of right and was subject to the terms and conditions which were stipulated. The respondent failed to fulfil these terms and conditions.

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade." (Emphasis supplied)

Further, the Hon'ble Supreme Court, in *Bichitrananda Behera (supra)*, after considering the erstwhile judgments of *Union of India v. Tarsem Singh*, *Union of India v. N. Murugesan*, and *Chairman, State Bank of India v. M.J. James*, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Hon'ble Karnataka High Court in the case of ***Chamundeshwari Sugars Ltd. V. H.T. Raju (Since Deceased) by L.Rs. & others 2025 (184) FLR 721*** has held as under:

"7. The facts are sufficiently said and they do not require reiteration. The issue relates to the grant of permission to prosecute the petitioner. With this background, let me consider what facts I have here. In the present case, the proceedings began based on the complaint made by Late H.T. Raju. Suffice it to note that H.T. Raju made a complaint to the Labour Commissioner on 16.05.2017. The true copy of the complaint is furnished along with the Writ Petition and the same is marked as Annexure-M. It is dated 16.05.2017 and H.T. Raju made allegations about non-payment of HRA, medical allowance and leave wages as per Settlement dated 21.08.1986. The Management filed its objections and brought to the notice of the Labor Commissioner that it had settled all the dues to H.T. Raju.

It is not in dispute that the Management and the Union signed a Settlement dated 21.08.1986 and thereafter, several settlements were entered into between the Management and the respective Union from time to time. Moreover, H.T. Raju was allotted a quarter and therefore, he was not eligible for HRA. It is pivotal to note that H.T. Raju resigned and the same was accepted by the Management accordingly a service certificate was also issued back in the year 2006 i.e., on 04.09.2006 and the gratuity amount and leave encashment were also paid.

If one visualizes the scenario of the facts, the settlement happened back in the year 1986 and the dues were settled in the year 2006. Strangely, H.T. Raju made an allegation and gave a complaint. There is an inordinate delay of almost thirty years from the date of settlement. Reckoning the date from the settlement of dues, there is an inordinate delay of almost eleven years. The impugned order is at Annexure-Q. A perusal of the same reflects that the Labor Commissioner has erroneously proceeded in the matter and has blindly granted permission to prosecute the petitioner Management."

Hon'ble Himanchal Pradesh High Court in the case of ***Slig Ram v. Executive Director (Personnel) & another 2025 (184) 1043*** has held as under:

"6. On considering the entire case, learned Labour Court-cum-Industrial Tribunal vide its order dated 19.10.2022 held that the petitioner had named certain workmen, who according to him were re-engaged by the respondent during the years 2007-2013 without giving similar opportunity to him. The respondent did not elucidate on this aspect and did not meet petitioner's contention. Therefore, petitioner's statement has to be accepted as un rebutted that other workmen disengaged alongwith him were re-engaged. Respondent had violated Sections 25G and 25F of the Act. However, learned Tribunal also took cognizance of the fact that there had been huge delay on part of the petitioner in raising the demand. The petitioner had raised demand for the first time on 11.03.2014, whereas according to the claim of the petitioner, his services were orally terminated on 23/26.03.1998, though as per reference, his services were terminated w.e.f. 24.03.1998. Assuming termination of petitioner's services w.e.f. 24.03.1998, learned Tribunal held that it was the case of the petitioner that the persons junior to him had been engaged from the year 2007 onwards whereas the demand was raised by him for the first time during the year 2014. There was no explanation from the petitioner as to why he maintained silence for more than 7 years even after re-engagement of the persons, who were dis-engaged alongwith him. The petitioner had slept over his rights for years together, therefore, it was not justified for him to claim his re-instatement, as delay would affect the other workmen. Taking into account the delay in approaching the court & other relevant factors, the compensation of Rs.75,000/- was ordered to be paid to the petitioner.

7. Contention of learned counsel for the petitioner is that even if petitioner was to be awarded compensation if had to be just & sufficient. Learned Tribunal had awarded meager compensation of Rs.75000/-, which was inadequate considering violation of Section 25 G of the Act had been established on record.

8. It is a matter of record that according to the reference, petitioner's services were terminated w.e.f. 23/26.03.1998. The questions to be answered by the learned Labour Court were (i) whether such termination, of petitioner's services who had raised industrial dispute after more than 16 years, without complying the provisions of the Act is legal & justified. (ii) If not, keeping in view the delay of more than 16 years in raising the industrial dispute, to what relief petitioner would be entitled to.

9. Industrial dispute was raised by the petitioner on 11.03.2014. Admittedly cause of action had accrued to the petitioner in the year 2007, when according to him persons disengaged alongwith him were re-instituted. From 26.03.1998 (date of termination of petitioner's services as mentioned in the reference), there was delay of 16 years in taking recourse to law.

10. This huge and unexplained delay was bound to attract legal consequences. It is well settled that ordinary principle of grant of re-instatement with back wages even when termination is found to be illegal, is not applied mechanically in all cases. Depending upon fact position of a case, monetary compensation can also be awarded. In the instant case, the petitioner had taken recourse to law 16 years after termination of

his services and at least 7 years after the pleaded accrual of cause of action to him. Huge delay & laches in raising the demand had not been explained at all. In the given facts & circumstances, Labour Court justly held that the petitioner was entitled to compensation amount of Rs. 75,000/-. In my considered opinion, the compensation cannot be said to be inadequate considering the fact that the petitioner had not worked with the respondents ever since 24.03.1998. No interference in the impugned award is called for."

Reverting to the case of present case, the cause of action which arisen to the applicant was in the year 1978 and in respect to the same reference has been made in the year 2002 i.e. nearly after 24 years without explaining the delay, thus, the same cannot be granted, especially keeping into the fact if the same is given that seniority and other avenues of the other co-workers will be affected which has already been given to them.

Award

For the foregoing reasons the workman is not entitled for any relief as per the Reference No. L-41012/53/2002-IR (B-I) dated 27.8.2002 and the same is answered accordingly.

Lucknow.

25th July, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1858.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (16/2018) प्रकाशित करती है

[सं. एल - 41012/107/2016- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 16/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen.

[No. L-41012/107/2016- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, LUCKNOW

I.D. No.16 of 2018

Reference No.L-41012/107/2016-IR (B-1) dated 17.1.2018

Jogendra, S/o Late Chedi

Through Sri Parvez Alam, 283/63 kha, Garhi Kanaura,

(Premwati Nagar), Post Manak Nagar, Lucknow-226011

-----Applicant/Workman

Versus

1. D.R.M., Northern Railway,
DRM Office, Hazratganj, Lucknow;
2. Chief Heath Inspector,
Northern Railway, Alambagh, Lucknow

----Respondents

Judgment

Sri Parvez Alam: For Applicant/Workman

Ms.Sandhya Dubey: For Respondents

By means of Reference no. L-41012/107/2016-IR (B-1) dated 17.1.2018, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

“क्या प्रबन्धन उत्तर रेलवे, लखनऊ द्वारा श्री जोगेन्द्र पुत्र स्व० छेदी लाल को दिनांक 19.2.1989 से सेवा में नियमित न किया जाना न्यायोचित एवं वैध है यदि नहीं तो वादी किस राहत को पाने के हकदार है?”

On behalf of workman/applicant a Statement of Claim was filed on 2.4.2018 inter-alia stating that on 12.12.1983 the applicant Sri Jogendra S/o Late Chedi Lal was appointed on the post of Safaiwala on casual basis and in the said capacity he worked and discharged his duties till 18.2.1989. On 19.2.1989 the services of the applicant were retrenched without complying the provisions of Section 25-F of Industrial Disputes Act 1947. On behalf of the applicant it was further stated that General Manager Northern Railway, Lucknow in pursuance to letter no.220-E/190/Postfacto/Lucknow/Part-2 dated 21.3.1996 has regularised 80 casual workers who were appointed along with the workman vide order dated 17.4.1996. However, the case of the applicant was not considered. As such, the action on the part of respondent thereby not regularizing the services of the applicant is in violation of Section 25G, 25H & 25T of Industrial Disputes Act 1947. The applicant further submitted in his statement of claim that list of 39 casual workers whose services were regularized on one hand and on the other hand the services of the applicant were not regularized. The applicant further submitted that aggrieved by the impugned action of the respondent thereby not considering the case of the applicant for regularisation he submitted a representation to the respondent but no heed was paid, as such, under compelling circumstances the applicant has raised the present industrial dispute.

In view of the said factual background the present I.D. case has been filed by the workman with the prayer that order of retrenchment dated 19.2.1989 may be set aside and respondent be directed to reinstate the workman and regularise his services.

On behalf of respondent written statement had filed stating therein as under:-

- Hon'ble Supreme Court in W.P. (C) No. 71 of 1992 (Ratan Chandra Sammanta & others Versus Government of India & Others) with W.P. No. 323 of 1993 (Sanat Pakhira & others Versus Union of India & others) decided on 13.5.1993 (1993 Supp (4)SCC 67) has observed that delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 18 years has expired and in case of acceptance of prayer the respondent would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed. A sympathetic view was taken but in absence of any positive material to establish that these were in fact appointed and working as alleged by them it would not be proper exercise of discretion to direct opposite parties to verify the correctness of statement that they were employed between 1964 to 1969 and retrenched between 1975 to 1978. The writ petitions accordingly fail and are dismissed. The present claim of the applicant is fully covered under the above decision of Hon'ble Supreme Court on the point of delay which is very long and unexplained as well as correctness of statement of claim made therein and on various other points. Therefore, in the light of above, the statement of claim has no merit and is liable to be rejected.
- Two working certificates dated 22.07.1985 and 03.02.1989 the copy of which are enclosed with the claim statement by the claimant/workman are too old to be verified from the office record. The first certificate dated 22.07.1985 is appears to be issued by inspector of works (constructions), Lucknow whereas construction is an independent organization and construction organizing has not been impleaded as a party in the present claim. The construction Organization is also not under the Administrative Control of Management. The so called certificate does not bears the name of issuing office, letter/certificate number etc. Therefore, it appears to be a fake one.
- Even otherwise the total working days are shown to be only 17 days in three spells i.e. 12.12.1983 to 17.12.1983 (07 days), 04.07.1985 to 10.07.1985 (07 days) and 12.07.1985 to 14.07.1985 (03 days). There is non-joinder of necessary party i.e. construction organization also. The present claim on the basis of alleged working certificate dated 22.07.1985 in particular and whole claim in general is liable to be rejected.
- Secondly there is another alleged working certificate date 03.02.1989 annexed by applicant with the claim statement. The perusal of said certificate shows the following discrepancies namely:
 - i) The applicant has put his thumb impression on the said certificate whereas he appears to be literate as he has signed his present claim statement.
 - ii) The said thumb impression is dated 23.12.1988 whereas the alleged certificate was issued on a later date i.e. on 03.02.1989.
 - iii) The name of Chief Health Inspector is missing in the alleged certificate.
 - iv) The period between 01.01.1989 and 19.02.1989 (without break) comes to 50 days whereas certificate shows only 49 days.
 - v) The alleged working certificate dated 03.02.1989 is a premature one as the working period lasted to a later date i.e. up to 19.02.1989.

In view of above both the alleged working certificate appears to be fake. Hence, the claim statement of applicant is liable to be rejected.

- Even if the age of applicant is assumed to be 18 years on his 1st alleged engagement i.e. on 12.12.1983 then also he is above 50 years as on date and he is overage for Govt. employment. The Railway Board, Ministry of Railways vide its letter no. E(NG)1179/CL/17 dated 28.04.1979 issued vide P.S no. 10486 by the Northern Railway HQ's office decide the upper age limit as 40 years for general candidates and 45 years in case of SC/ST candidates not being exceeded in case of Casual Labours/Substitutes who have put in 3 years period (at one stretch or in broken period) as casual Labour/substitute. Therefore, the present claim statement of applicant is liable to be rejected.
- The Railway Board, Ministry of Railways vide its letter no. E(NG)11/77/CL/46 dated 27.02.1978, circulated by Northern Railway HQ office vide P.S. no 6964 (copy enclosed) has withdrawn the power of inspectors/supervisors to engage casual labours and decided that henceforth fresh recruitment of casual labours shall only be done the with personal approval of divisional superintendent (now Divisional Railway Manager). The power of divisional superintendent was further withdrawn and the said power was given to the General Manager vide P.S no 7716. In the present claim no such approval has been taken and alleged engagement if any, was illegal and void-ab-initio, therefore present claim of the applicant is liable to be rejected.
- The applicant slept over the matter for about 22 years and as such the claim of the applicant is grossly barred by limitation, the Allahabad High Court in Case Service Bench No. 670 of 2005 (AFR) (Union of India through Secretary to Government (Railways) & two others Versus Panna Lal) has taken assessment "In our view, firstly issue was already barred by Order II Rule 2 C.P.C. and secondly dispute of screening of 1982 could not have been raised in 1996 and it was apparently barred by limitation. Tribunal has observed that since applicant-respondent is claiming benefit of a judgment, therefore, limitation would not come in his way, but this view of Tribunal, in our view, is clearly erroneous".

On the basis of their written statement the reliance had been placed on behalf of respondent on the judgment rendered by the Hon'ble Supreme Court in the case of Ratan Chandra Sammanta (Supra), the relevant paragraph of which is quoted below:-

"6. Two questions arise, one, if the petitioners are entitled as a matter of law for reemployment and other if they have lost their right, if any, due to delay. Right of casual labourer employed in projects, to be reemployed in railways has been recognized both by the Railways and this Court. But unfortunately the petitioners did not take any step to enforce their claim before the Railways except sending a vague representation nor did they even care to produce any material to satisfy this Court that they were covered in the scheme framed by the Railways. It was urged by the learned counsel for petitioners that they may be permitted to produce their identify cards etc., before opposite parties who may accept or reject the same after verification. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has some right. And not for sake of roving enquiry leaving scope for maneuvering. Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of petitioner we would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed. We would have been persuaded to take a sympathetic view but in absence of any positive material to establish that these Petitioners were in fact appointed and working as alleged by them it would not be proper exercise of discretion to direct opposite parties to verify the correctness of the statement made by the petitioners that they were employed between 1964 to 1969 and retrenched between 1975 to 1979."

And judgment passed by Division Bench of Hon'ble High Court passed in Writ Petition (SB) No.670 of 2005 (Union of India & two others Versus Panna Lal), which is also quoted below:-

"1. Heard Sri Chandra Shekhar Sinha, Advocate, for petitioner. Notice was issued to respondent on 19.05.2005. Perused office-report dated 06.04.2017. Service upon respondent is deemed sufficient. None is present on behalf of respondent despite the case having been called in revised. In the circumstances, we proceed to hear and decide this case finally after hearing learned counsel for petitioner.

2. Applicant-respondent raised an industrial dispute which was referred for adjudication by Central Government by Notification dated 10.01.1983 and the said industrial dispute referred for adjudication reads as under:

"Whether the action of the Railway Administration in relation to their Loco Shed, Northern Railway, Lucknow in terminating the services of the following 207 workers in Annexure with effect from 9.4.1987 is justified. If not, to what relief are the said workmen entitled?"

3. The Reference was answered by Labour Court in favour of applicant-respondent and there against Writ Petition filed by employer was dismissed by this Court. Consequently applicant-respondent was reinstated in service and after screening in 1992 was empanelled with due seniority. Original Application No. 496 of 1996 was thereafter filed by applicant-respondent claiming that he was entitled for screening in 1982 in view of fact that another person, similarly placed, Neutral Citation No. - 2017: AHC-LKO: 24185-DB 2 was directed for such scrutiny by Tribunal's judgment dated 26.04.1993 passed in Original Application No. 466 of 1991.

4. In our view, firstly issue was already barred by Order II Rule 2 C.P.C. and secondly dispute of screening of 1982 could not have been raised in 1996 and it was apparently barred by limitation. Tribunal has observed that since applicant-respondent is claiming benefit of a judgment, therefore, limitation would not come in his way, but this view of Tribunal, in our view, is clearly erroneous.

5. In *Rup Diamonds, M/s. Vs. Union of India* AIR 1989 SC 674, Supreme Court considered a case where petitioner wanted to get the relief on the basis of the judgment of the Supreme Court wherein a particular law had been declared ultra vires. The Court rejected the petition on the ground of delay and laches observing as under:

"There is one more ground which basically sets the present case apart. Petitioners are re-agitating claims which they had not pursued for several years. Petitioners were not vigilant but were content to be dormant and chose to sit on the fence till somebody else's case came to be decided."

6. In *State of Karnataka and others Vs. S.M. Kotrayaya and others* 1996 (6) SCC 267, Supreme Court rejected the contention that a petition should be considered ignoring the delay and laches on the ground that it has been filed just after coming to know about relief granted by the Court in a similar case as the same cannot furnish a proper explanation for delay and laches. The Court observed that such a plea is wholly unjustified and cannot furnish any ground for ignoring delay and laches.

7. Same view has been reiterated by Court in *Jagdish Lal and others Vs. State of Haryana and others* AIR 1997 SC 2366, observing as under:

"Suffice it to state that appellants kept sleeping over their rights for long and elected to wake-up when they had impetus from 3 Veer Pal Chauhan and Ajit Singh's ratio... desperate attempts of the appellants to re-do the seniority, had by them in various cadre... are not amenable to the judicial review at this belated stage. The High Court, therefore, has rightly dismissed the writ petition on the ground of delay as well."

8. In *State of U.P. and others Vs. Arvind Kumar Srivastava and others* 2015 (1) SCC 347, Court considered in detail the question, "whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of Tribunal, which had attained finality as it was affirmed till the Supreme Court, whereas appellants in that case contend that respondents therein did not approach Court in time and were fence sitters and, therefore, not entitled to get benefit of said judgment by approaching judicial forum belatedly", and finally drew the conclusion observing:

"Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefiturdi word "Udu" meaning in hindi of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim."

9. Thus, it is evident that a person cannot take benefit of judgment procured by a diligent person approaching the Court within time after the cause of action had arisen long back.

10. In view of above discussion, we are of the view that Original Application was not maintainable before Tribunal being barred by limitation. Tribunal, therefore, has committed manifest error in 4 allowing the same by means of impugned judgment.

11. In the result, the writ petition is allowed. Impugned judgment dated 11.01.2005 passed by Tribunal is hereby set aside and Original Application No. 496 of 1996 is hereby dismissed."

On the above said basis the respondent prayed that the statement of claim filed by the applicant be dismissed.

Findings & Conclusion :

I have heard Sri Parvez Alam Authorised representative on behalf of applicant/workman and Ms. Sandhya Dubey, learned counsel for respondent and gone through the records.

Undisputed facts of the present case are to the effect that on 12.12.1983 the workman/applicant was appointed as casual employee with the respondent as Safaiwala and in the said capacity he worked and discharged his duties till

18.2.1989 and thereafter his services were retrenched w.e.f. 19.2.1989. On 17.1.2018 the appropriate government made reference to this Tribunal and accordingly the present industrial dispute was registered.

Taking into consideration the above said facts and law as laid down by the Hon'ble Apex Court in the case of Ratan Chandra Samanta (Supra) and by the Division Bench of Allahabad High Court, Lucknow Bench, Lucknow in Union of India & others Versus Panna Lal as well as the position of law on the point that if an applicant approaches for redressal of his grievance at belated stage then no relief can be granted for reinstatement of service keeping in view the law as laid down by the Hon'ble Rajasthan High Court, Jaipur Bench, in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, in which it has been held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (supra), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in *Gitam Singh [Asstt. Eng., Rajasthan Development Corpn. v. Gitam Singh]*, that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief."

Further, the Hon'ble Supreme Court in *Sadhu Singh (supra)*, held as under:

"6. We shall at the outset deal with the issue of limitation. The respondent was retired compulsorily from service on 4.1.2003. Original Civil Suit No. 41 of 2010 was instituted in 2010. The trial Judge as well as the first appellate court were of the view that the suit was not barred by limitation since the representation of the respondent for the grant of the three selection grades was rejected on 18.1.2010. The first appellate court, while concurring with the trial Judge also noted that the "final request" made by the respondent-plaintiff on 18.1.2010 was rejected and hence the suit was within limitation.

7. The respondent waited for seven long years after his retirement to pursue a claim for the grant of selection grade. This was clearly beyond the residuary period of limitation of three years provided in Article 137 of the Schedule to the Limitation Act, 1963. That apart, in the decision of this Court in *State of Rajasthan v. Shankar Lal Parmar*, the Court has considered the ambit of the scheme for selection grade. This Court has held thus:

"6. Another important and relevant clause in the said order for our perusal is Clause 7, which is also reproduced hereinbelow:

7. Selection grades in terms of this order shall be granted only to those employees whose record of service is satisfactory. The record of service which makes one eligible for promotion on the basis of seniority shall be considered to be satisfactory for the purpose of grant of the selection grade."

7. Clause 7 makes it clear that only those employees would be entitled for grant of selection grades, whose service record has been satisfactory and are otherwise eligible for promotion on the basis of seniority but have not been able to get the same as there might not be any channel of promotion or for want of sanctioned posts in the cadre."

8. The Court held that in terms of Clause 7, only those employees whose service record has been satisfactory could be entitled to be granted selection grade. In this context, the Court held:

"17. Clause 7 further makes it clear that only those/such employees would be entitled to be granted selection grade whose service record has been satisfactory. This implicitly shows that the person who has an untainted, unblemished, clean and unpolluted record in service would be treated on a higher pedestal than those who have either tainted, blemished, unclean or polluted record. This obviously appears to be a reasonable classification and is under the ambit and touchstone of Article 14 of the Constitution. There is neither any ambiguity nor any doubt in the same."

9. On the touchstone of the above principles, it is evident that the respondent had been subjected to several disciplinary proceedings and as many as 19 charge- sheets were issued against him which resulted in penalties of a varying nature. The service record of the respondent cannot be regarded as untainted or clean.

10. Ms Nidhi, learned counsel for the respondent submitted that some of the penalties which were imposed on the respondent were without cumulative effect. The consequence of the withholding of increments without cumulative effect is that after the period prescribed, the respondent would be entitled to restoration of the original pay scale or the original pay. However, this does not obviate the position that the imposition of the penalty itself indicates that the service record of the employee was not satisfactory. Another submission which has been urged is that the penalties were of a minor nature. Assuming that to be so, it is evident that for the grant of selection grade, the respondent did not fulfil the requirements of a clean record of service. The grant of the selection grade is not a matter of right and was subject to the terms and conditions which were stipulated. The respondent failed to fulfil these terms and conditions.

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade." (Emphasis supplied)

Further, the Hon'ble Supreme Court, in *Bichitrananda Behera (supra)*, after considering the erstwhile judgments of *Union of India v. Tarsem Singh*, *Union of India v. N. Murugesan*, and *Chairman, State Bank of India v. M.J. James*, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Reverting to the facts of the present case it is not in dispute that the service of the applicant/workman had been retrenched on 19.2.1989 and the present industrial dispute has been referred to this Tribunal on 17.1.2018. Taking into consideration the said facts if the applicant would had made representations that persons juniors to him were regularised, as per settled position of law the applicant/workman is not entitled for any relief for setting aside of retrenchment from services w.e.f. 19.2.1989.

Award

For the foregoing reasons the workman is not entitled for any relief as per the Reference No. L-41012/107/2016-IR (B-1) dated 17.1.2018 and the same is answered accordingly.

Dated: 11th July, 2025

Lucknow:

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1859.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (32/2011) प्रकाशित करती है।

[सं. एल - 41011/101/2010- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 32/2011) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen.

[No. L-41011/101/2010- IR(B-I)]

SALONI, Dy. Director

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

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 32/2011**Reference No. L-41011/101/2010-IR(B-I) dated 14.03.2011****BETWEEN**

Mandal Sangatan Mantri, Uttra Railway Karmchari Union

283/63, Kha Gadhi Kanora (Premvati Nagar) Manaknagar, Lucknow-16.

Versus

Senior Divisional Railway Manger (Personnel) Northern Railway, Hazratganj, Lucknow.

Judgment

By means of order/reference no. L-41011/101/2010-IR(B-I) dated 14.03.2011, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

“Whether the demand of Union regarding placing Shri Gyan Chander S/o Shri Jagjivan Ram, Assistant Loco Pilot, Loco-shed, Lucknow in the penal of the year 1983-84 above his juniors, is legal and justified? To what relief the workman is entitled?”

In response, the claimant has filed his statement of claim on 21/4-30/5-2011, in which it has been stated that Sri Gyan Chander, workman was initially engaged as casual labour on the post of cleaner on 11.04.1980; however, his services were retrenched on 04.09.1981. He approached this Tribunal by filing ID case no. 48 of 1983, which was decided and award was passed in the year 1987, against which respondent filed a writ petition before the Hon'ble High Court, which was dismissed. Thereafter, he was reinstated in services. In view of above said factual background he has prayed for following relief:

“अतः माननीय सी० जी० आई० टी०-कम-लेबर कोर्ट लखनऊ से विनम्र निवेदन है कि उपरोक्त आदेश/अवार्ड के अनुसार कर्मकार को भी 1983-84 के पैनल में कनिष्ठ कर्मकारों के ऊपर वेतन व अन्य सभी हित लाभों सहित, समायोजित करने हेतु अवार्ड पारित करने की कृपा करें। महान कृपा होगी।

The respondent has filed written statement and thereafter the rejoinder and documents have been exchanged.

On behalf of respondent a plea was taken that at this belated stage when the workman has retired from service then in that circumstances he should not be entitled for any benefit as claimed by him.

In order to decide said controversy it would be appropriate to it would state following facts:

In *Nedungadi Bank Ltd. v. K.P. Madhavankutty and Ors.* 2000 (2) SCC 455 it was noted at paragraph 6 as follows:

"6. Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the

circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was *ex-facie* bad and incompetent."

Further, in **S.M. Nilajkar and Ors. v. Telecom District Manager, Karnataka 2003 (4) SCC 27** the position was reiterated as follows: (at para 17)

"17. It was submitted on behalf of the respondent that on account of delay in raising the dispute by the appellants the High Court was justified in denying relief to the appellants. We cannot agree. It is true, as held in *M/s. Shalimar Works Ltd. v. Their Workmen* (supra) AIR 1959 SC 1217, that merely because the Industrial Disputes Act does not pro-vide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation prescribed for reference of disputes to an industrial tribunal, even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale. A delay of 4 years in raising the dispute after even reemployment of the most of the old workmen was held to be fatal in *M/ s. Shalimar Works Limited v. Their Workmen* (supra) AIR 1959 SC 1217, In *Nedungadi Bank Ltd. v. K.P. Madhavankutty and others* (supra) AIR 2000 SC 839, a delay of 7 years was held to be fatal and disentitled to workmen to any relief. In *Ratan Chandra Sammanta and others v. Union of India and others* (supra) 1993 AIR SCW 2214, it was held that a casual labourer retrenched by the employer deprives himself of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal if it has resulted in material evidence relevant to adjudication being lost and rendered not available. However, we do not think that the delay in the case at hand has been so culpable as to disentitle the appellants for any relief. Although the High Court has opined that there was a delay of 7 to 9 years in raising the dispute before the Tribunal but we find the High Court factually not correct. The employment of the appellants was terminated sometime in 1985-86 or 1986-87. Pursuant to the judgment in *Daily Rated Casual Employees Under P&T Department v. Union of India* (supra) AIR 1987 SC 2342, the department was formulating a scheme to accommodate casual labourers and the appellants were justified in awaiting the outcome thereof. On 16-1-1990 they were refused to be accommodated in the scheme. On 28-12-1990 they initiated the proceedings under the Industrial Disputes Act followed by conciliation proceedings and then the dispute was referred to the Industrial Tribunal cum-Labour Court. We do not think that the appellants deserve to be non suited on the ground of delay."

Also, in Hon'ble Apex Court in the case of *Krishi Utpadan Mandi Samity vs. Pahal Singh* reported in 2007 12 SCC 193 and more particularly paragraph Nos. 10, 11, which read as under:-

"10. The Labour Court was also under an obligation to consider as to whether any relief, if at all could be granted in favour of the workman in view of the fact that the industrial dispute had been raised after 18 years. It was obligatory on the part of the Labour Court to consider that the respondent was in employment for very short period. It had also not arrived at a finding that the respondent was in continuous service within the meaning of Section 2(g) of the U.P. Industrial Disputes Act or for that matter in terminating the ser-vices of the respondent, the appellant did not comply with the requirements of law particularly Section 6-N thereof. In absence of such a finding, the High Court in our opinion should have interfered with the Award.

11. It is now well-settled principle of law that "delay de-feats equity".

(see also *Haryana State Co-operative Land Development Bank v. Neelam* (2005) 5 SCC 91)

Further, in the present case, it is also not in dispute rather admitted by the workman he has raised his grievance to be included in screening for year 1983-84 by means of raising industrial dispute in the year 2003, which was referred to this Tribunal after 20 years, as such, he is not entitled for any relief. Because, Hon'ble Rajasthan High Court, Jaipur Bench, in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, has held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of *Mohan Lal* (supra), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in *Gitam Singh [Asstt. Eng., Rajasthan Development Corpn. v. Gitam Singh]*, that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief."

Further, the Hon'ble Supreme Court in *Sadhu Singh (supra)*, held as under:

"6. We shall at the outset deal with the issue of limitation. The respondent was retired compulsorily from service on 4.1.2003. Original Civil Suit No. 41 of 2010 was instituted in 2010. The trial Judge as well as the first appellate court were of the view that the suit was not barred by limitation since the representation of the respondent for the grant of the three selection grades was rejected on 18.1.2010. The first appellate court, while concurring with the trial Judge also noted that the "final request" made by the respondent-plaintiff on 18.1.2010 was rejected and hence the suit was within limitation.

7. The respondent waited for seven long years after his retirement to pursue a claim for the grant of selection grade. This was clearly beyond the residuary period of limitation of three years provided in Article 137 of the Schedule to the Limitation Act, 1963. That apart, in the decision of this Court in *State of Rajasthan v. Shankar Lal Parmar*, the Court has considered the ambit of the scheme for selection grade. This Court has held thus:

"6. Another important and relevant clause in the said order for our perusal is Clause 7, which is also reproduced hereinbelow:

7. Selection grades in terms of this order shall be granted only to those employees whose record of service is satisfactory. The record of service which makes one eligible for promotion on the basis of seniority shall be considered to be satisfactory for the purpose of grant of the selection grade."

7. Clause 7 makes it clear that only those employees would be entitled for grant of selection grades, whose service record has been satisfactory and are otherwise eligible for promotion on the basis of seniority but have not been able to get the same as there might not be any channel of promotion or for want of sanctioned posts in the cadre."

8. The Court held that in terms of Clause 7, only those employees whose service record has been satisfactory could be entitled to be granted selection grade. In this context, the Court held:

"17. Clause 7 further makes it clear that only those/such employees would be entitled to be granted selection grade whose service record has been satisfactory. This implicitly shows that the person who has an untainted, unblemished, clean and unpolluted record in service would be treated on a higher pedestal than those who have either tainted, blemished, unclean or polluted record. This obviously appears to be a reasonable classification and is under the ambit and touchstone of Article 14 of the Constitution. There is neither any ambiguity nor any doubt in the same."

9. On the touchstone of the above principles, it is evident that the respondent had been subjected to several disciplinary proceedings and as many as 19 charge- sheets were issued against him which resulted in penalties of a varying nature. The service record of the respondent cannot be regarded as untainted or clean.

10. Ms Nidhi, learned counsel for the respondent submitted that some of the penalties which were imposed on the respondent were without cumulative effect. The consequence of the withholding of increments without cumulative effect is that after the period prescribed, the respondent would be entitled to restoration of the original pay scale or the original pay. However, this does not obviate the

position that the imposition of the penalty itself indicates that the service record of the employee was not satisfactory. Another submission which has been urged is that the penalties were of a minor nature. Assuming that to be so, it is evident that for the grant of selection grade, the respondent did not fulfil the requirements of a clean record of service. The grant of the selection grade is not a matter of right and was subject to the terms and conditions which were stipulated. The respondent failed to fulfil these terms and conditions.

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade." (Emphasis supplied)

Further, the Hon'ble Supreme Court, in Bichitrananda Behera (supra), after considering the erstwhile judgments of Union of India v. Tarsem Singh, Union of India v. N. Murugesan, and Chairman, State Bank of India v. M.J. James, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Reverting to the facts of present case, as the relief which is claimed by the claimant pertains to year 1984 in respect to which grievance has been raised on 21/4-30/5-2011, cannot be granted in view of the position of law as stated herein above.

Award

For the foregoing reasons the workman is not entitled for any relief as per the Reference No. L-41011/101/2010-IR(B-I) dated 14.03.2011 and the same is answered accordingly.

Lucknow.

09th April, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (47/2019) प्रकाशित करती है

[सं. एल - 41012/30/2017- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 47/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of North Railway and their workmen.

[No. L-41012/30/2017- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I. D. No. 47/2019

Ref. No. L-41012/30/2017-IR(B-I) dated: 27.03.2018

BETWEEN

Smt. Fatima, W/o Late Nasirudin, R/o 174 Takiya pir jalil, Golaganj, Lucknow

AND

Chief Factory Manager, Loko Workshop

North Railway, Charbagh, Lucknow & Divisional Railway Manager, Lucknow

Award

By order No. L-41012/30/2017-IR(B-I) dated: 27.03.2018 the present industrial dispute has been referred for adjudication to this CGIT, Lucknow, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"क्या प्रबंधन, उत्तर रेलवे, लखनऊ द्वारा भूतपूर्व श्रमिक स्व० नसीरुद्दीन, को दि० 06-09-1999 से रिमूव करने के बाद विधवा पत्नी श्रीमती फातिमा को देय लाभ का भुगतान न किया जाना व उसके पुत्र निजामुद्दीन को करुणामूलक आधार पर नौकरी न दिया जाना न्यायोचित एवं बेध है ? यदि नहीं तो वादी किस रहत को पाने का हकदार है ?"

Accordingly, an industrial dispute No. 47/2019 has been registered.

On 21.08.2023 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant's husband has been illegally removed from service vide order dated 06.09.1999 and he died in the year 2010; and accordingly has prayed following relief:

"अतएवं श्रीमान् जी से निवेदन है कि उपरोक्त बाद में सम्बंधित मृतक कर्मकार का एकपक्षीय जाँच कार्यवाही के आधार पर निष्कासन आदेश दिनांक 106/09/99 को निरस्त कर वादिनी को कर्मकार की एकमात्र व्याहता एवं विधिक उत्तराधिकारणी मानते हुये उसके पति के सेवा निवृत्ति विषयक देयो की अदायगी प्रार्थिनी को तत्काल सुनिरचित करायी जाए तथा मृतक के प्राप्तव्य समस्त सेवा एवं हितलाभ सेवायोजको से दिलाया जाना न्याहित में आवश्यक तथा कर्मकार पक्ष द्वारा प्रार्थनीय है। अति कृपा होगी।"

The respondent did not file any written statement in spite of several opportunities accordingly, opportunity of respondent to file written statement was closed vide order dated 15.02.2024 and claimant was afforded opportunity to file its evidence on affidavit in support of its case.

From the perusal of record, it is clearly established that claimant/workman has not filed evidence on affidavit in support of his case in spite of several opportunities; and it is a case of no evidence from the side of workman/claimant in support of his case.

Thus, in view of the above said facts and the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

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

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

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

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

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

As the workman did not file any evidence on affidavit in support of his case, so it is a case of no evidence filed on behalf of workman in support of case, liable to be dismissed.

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

Award as above.

Lucknow.

20th August, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (19/2019) प्रकाशित करती है

[सं. एल - 41011/28/2018- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workmen.

[No. L-41011/28/2018- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW.

I.D. No. 19/2019

Ref. No.L-41011/28/2018 IR(B-I) Dated: 24.12.2018

Shri Madan Mohan Pandey,

S/o Shobha Awasthi,

49, Tilak Nagar, Lucknow (UP).

.....Appellant

Versus

The Divisional Railway Manager,

North Eastern Railway(NER),

Ashok Marg, Lucknow (UP).

The Senior DME(C&W),

Northern Eastern Railway,

Ashok Marg, Lucknow.

.....Respondents

JUDGMENT

By order No.L-41011/28/2018 IR(B-I) Dated: 24.12.2018, the present industrial dispute has been referred for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“क्या प्रबंधक, पूर्वोत्तर रेलवे, लखनऊ द्वारा, श्री मदन मोहन पाण्डेय, तकनीशियन ग्रेड -1 लखनऊ को वादी से जूनियर्स को दिनांक 15-10-2005 से एमसीएमवरिष्ठ तकनीशियन/ वेतन 5000-8000 में पदोन्नति न दिया नाना नयायोचित एवं वेध है? यदि नहीं तो कामगार किस रहत को पाने का हकदार है?”

Accordingly, the present I.D. Case No. 19/2019 has registered before this tribunal.

SUBMISSION ON BEHALF OF WORKMAN

Shri D.P. Awasthi Advocate, on behalf of workman, on the basis of pleading in the written statement submits as under:-

(1). That, the workman Shri Madan Mohan Pandey S/o Late Tulsi Ram Pandey was working as Technician under Coaching Depot Officer, North Eastern Railway (N.E.R.) Lucknow Junction, Lucknow which falls under administrative control of aforementioned opposite parties of North Eastern Railway, Lucknow He was promoted to post of technician Grade-II in grade of Rs. 4000-6000/- and working as such upto June 2003.

(2). That, the workman was to be further promoted in next higher grade designated as Technician Grade-1 in scale of Rs. 4500-7000/- w.e.f. July 2003 but he was not promoted and his junior namely Ram Chandra Singh Yadav, R.P. Awasthi and several others were promoted w.e.f. July 2003.

(3). That, due to restructuring of Cadre higher grade post of master craftsman in grade of Rs. 5000/-to Rs. 8000/- were created by opposite parties and these were to be filled up from Technician Grade-I on the basis of their seniority.

(4). That, the opposite parties illegally promoted Juniors to workman concerned against the post of M.C.M. (Master Craftsman) in grade of Rs. 5000-8000/- w.e.f. 15.10.2005 and ignored the workman Shri Madan Mohan Pandey thereby he has been superceded by his Juniors namely Shri Ram Chander Singh Yadav and R.P.Awasthi.

(5). That, the aforesaid supercession has been caused due to fault on the part of opposite parties who acted illegally on the basis of Annual C.R. (Confidential Report) for the year 2000, 2001 and 2002 of Shri Madan Mohan Pandey the workman aforesaid filled by the then S.S.E. Bareilly Shri Nasir Akhtar who was not competent being beyond to his jurisdiction and the same has been set aside by the highest authority designated as senior Dy. General Manager, NER Gorakhpur as evident from Annexure-I to this claim statement.

(6). That, from the facts reasons and circumstances as mentioned above it is evident that Shri madan Mohan Pandey is liable to be promoted against the post of Master Craftsman in grade of Rs. 5000-8000/- p.m. from 15.10.2005 the date from which his Juniors aforesaid have been promoted with all consequential benefits.

Accordingly, learned counsel for workman prayed that this Hon'ble Learned Tribunal may very kindly be pleased to hold that the action of management of North Eastern Railway in not giving promotion to Shri Madan Mohan Pandey Technician Grade-I to next higher post of Master Craftsman in Grade 5000-8000/- w.e.f. 15.10.2005 the date from which his Juniors have been promoted as illegal and not justified and the workman may held entitled to be promoted as Master Crafts Man (M.C.N.) from date his Juniors have been promoted with all consequential benefits.

SUBMISSION ON BEHALF OF RESPONDENT

Shri S.M. Tripathi, Advocate on behalf of respondent, on the basis of pleading in the written statement dated 25.03.2025, submits as under:-

(1). Shri Ram Chandra Singh Yadav and R.P. Awasthi were promoted as Technician Grade- 1 in Scale of Rs.4500-7000 w.e.f. July, 2003. No documentary proof of their promotion as Technician-1 prior to the applicant has been filed by the Applicant. Hence the averments are false and vehemently denied.

(2). It is submitted that posts of Master Craftsman (M.C.M.) were to be filled up from Technician Grade-1 on the basis of their seniority and working report.

(3). The applicant Madan Mohan Pandey was never superceded by Shri Ram Chandra Yadav and R.P. Awasthi as alleged. They were never promoted as MCM prior to the applicant. It is submitted that no documentary proof of the alleged supersession of the applicant has been filed by the Applicant before the Hon'ble Tribunal. However it is submitted that the applicant since could not be promoted as Technician Grade-1 (Rs.4500-7000) w.e.f. 2003 due to administrative error hence the matter was reviewed in terms of para 228 of Indian Railway Establishment Mannual (in short IREM) (Vol. 1) and the applicant was promoted as Technician Grade-II (Rs.4000-6000) on proforma promotion w.e.f. 01.11.1995 vide Promotion order dated 11.03.2010 and Technician Grade-1 (4500-7000) on proforma promotion w.e.f. 08.07.2003 vide office order dated 07.06.2010.

(4). That consequent to above promotions of the applicant, he was further promoted to the post of Master craftsman (MCM) in grade Rs.5000-8000 w.e.f. 21.12.2005 at par with one Shri Manager Prasad Yadav on proforma basis and actual promotion since 31.12.2009 to the post of MCM vide office order dated 17.03.2010.

(5). the the matter of promotion of the applicant was reviewed and the applicant Shri Madan Mohan Pandey was given proforma promotions vis-a-vis his junior and the pay in the higher grade was fixed proforma and enhanced pay was allowed from the date of actual promotion in terms of provisions contained in para 228 of IREM (Vol.-II).

(6). The applicant was allowed promotion to the post of MCM (Rs.5000-8000) 9300-34800 Grade Pay Rs.4200/-) vis-à-vis his junior Shri Manager Prasad Yadav w.e.f. 21.12.2005 as Sr. Tech. /MCM on proforma basis and the enhanced pay was allowed w.e.f. 30/31- 12.2009 i.e. from the date of actual promotion vide Office order dated 17.03.2010.

Accordingly, learned counsel for respondent prayed that present claim filed by workman, is barred by limitation as such no relief can be granted, as per the reference dated 24.12.2018, especially in view of fact that the cause of action occurred to the workman on 15.10.2005, when it juniors were promoted.

FINDINGS AND CONCLUSIONS

After hearing the learned counsel for parties, first point to be considered in the present case is that the relief as claimed by the claimant as per the reference dated 24.12.2018, that he has not been given promotion w.e.f. year 2005(15.10.2005) for the same he is not entitled or not on the ground of unexplained delay (delay & laches).

In this regard Hon'ble Rajasthan High Court in the case of **M.D./Chief Manager, Jaipur Agar, Rajasthan State Road Transport Corp., Jaipur v. General Secretary, Rajasthan Transport Workers Organisation, Jaipur, 2024 (182) FLR 892**, in which it has been held as under:

"6. In the case at hand, the respondent-workman was appointed on the post of Driver vide order dated 17.12.1986. Accordingly, the benefit of first selection scale became due after nine years, sometime in 2004-2005. The same was not done and neither was the non-grant of the benefit at the time was challenged by the respondent-workman. The benefit of first selection scale was only granted vide order dated 06.04.2004. This deferment was also not challenged immediately and was only challenged for the first time in 2013. The first issue that is to be decided by this Court is what effect, if any, would this delay have on the merits of the case.

7. To decide the first issue, recourse may be taken to Hon'ble Supreme Court judgment of Mohan Lal (supra), the relevant portion of which is reproduced as under:

"19. We are clearly of the view that though the Limitation Act, 1963 is not applicable to the reference made under the ID Act but delay in raising industrial dispute is definitely an important circumstance which the Labour Court must keep in view at the time of exercise of discretion irrespective of whether or not such objection has been raised by the other side. The legal position laid down by this Court in Gitam Singh [Asstt. Eng., Rajasthan Development Corpn v. Gitam Singh], that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.

20. Now, if the facts of the present case are seen, the position that emerges is this: the workman worked as a work-charged employee for a period from 1.11.1984 to 17.2.1986 (in all he worked for 286 days during his employment). The services of the workman were terminated with effect from 18.2.1986. The workman raised the industrial dispute in 1992 i.e. after 6 years of termination. The Labour Court did not keep in view admitted delay of 6 years in raising the industrial dispute by the workman. The judicial discretion exercised by the Labour Court is, thus, flawed and unsustainable. The Division Bench of the High Court was clearly in error in restoring the award of the Labour Court whereby reinstatement was granted to the workman. Though, the compensation awarded by the Single Judge was too low and needed to be enhanced by the Division Bench but surely reinstatement of the workman in the facts and circumstances is not the appropriate relief"

Further, the Hon'ble Supreme Court in Sadhu Singh (supra), held as under:

11. For the above reasons, we are of the view that both on the question of limitation as well as on merits, the respondent was not entitled to the relief which was sought. The suit instituted by the respondent resp seven years after he had demitted office was barred by limitation. That apart, the respondent failed to meet the basic requirements for the selection grade. (Emphasis supplied)

Further, the Hon'ble Supreme Court, in Bichitrananda Behera (supra), after considering the erstwhile judgments of Union of India v Tarsem Singh, Union of India v. N. Murugesan, and Chairman, State Bank of India v. M.J. James, concluded that delay and laches are vital in service matters, and can be seen as acquiescence."

Hon'ble Karnataka High Court in the case of **Chamundeshwari Sugars Ltd. V. H.T. Raju (Since Deceased) by L.Rs. & others 2025 (184) FLR 721** has held as under:

"7. The facts are sufficiently said and they do not require reiteration. The issue relates to the grant of permission to prosecute the petitioner. With this background, let me consider what facts I have here. In the present case, the proceedings began based on the complaint made by Late H.T. Raju Suffice it to note that HT. Raju made a complaint to the Labour Commissioner on 16.05.2017. The true copy of the complaint is furnished along with the Writ Petition and the same is marked as Annexure-M. It is dated 16.05.2017 and H.T. Raju made allegations about non-payment of HRA, medical allowance and leave wages as per Settlement dated 21.08 1986. The Management filed its objections and brought to the notice of the Labor Commissioner that it had settled all the dues to HT. Raju.

It is not in dispute that the Management and the Union signed a Settlement dated 21.08.1986 and thereafter, several settlements were entered into between the Management and the respective Union from time to time. Moreover, H.T. Raju was allotted a quarter and therefore, he was not eligible for HRA. It is pivotal to note that H.T. Raju resigned and the same was accepted by the Management accordingly a service certificate was also issued back in the year 2006 ie, on 04.09.2006 and the gratuity amount and leave encashment were also paid.

If one visualizes the scenario of the facts, the settlement happened back in the year 1986 and the dues were settled in the year 2006. Strangely, H.T. Raju made an allegation and gave a complaint. There is an inordinate delay of almost thirty years from the date of settlement. Reckoning the date from the settlement of dues, there is an inordinate delay of almost eleven years. The impugned order is at Annexure-Q. A perusal of the same reflects that the Labor Commissioner has erroneously proceeded in the matter and has blindly granted permission to prosecute the petitioner Management."

Further the Hon'ble Himanchal Pradesh High Court in the case of **Slig Ram v. Executive Director (Personnel) & another 2025 (184) 1043** has held as under:

8 It is a matter of record that according to the reference, petitioner's services were terminated w.e.f. 23/26.03.1998. The questions to be answered by the learned Labour Court were (i) whether such termination, of petitioner's services who had raised industrial dispute after more than 16 years, without complying the provisions of the Act is legal & justified. (ii) If not, keeping in view the delay of more than 16 years in raising the industrial dispute, to what relief petitioner would be entitled to.

9. Industrial dispute was raised by the petitioner on 11.03.2014. Admittedly cause of action had accrued to the petitioner in the year 2007, when according to him persons disengaged alongwith him were re-instituted. From 26.03.1998 (date of termination of petitioner's services as mentioned in the reference), there was delay of 16 years in taking recourse to law.

Accordingly, it has been held that workman is not entitled for any relief.

In case of **The State of Himachal Pradesh and other vs. Smt. Tara Devi reported in 2025 LLR(740)** it has been held as under:-

16. The issue still remains that if the workman was really aggrieved by the grant of fictitious breaks to her or the factum of juniors allegedly being retained while she was disengaged, then, why she did not raise the issue in between the year 2004 to 2010 and why did she rake up the issue only thereafter when she served for 16 days in the year 2010. All these aspects of the matter have been ignored by the learned Labour Court.

17. Learned Court has not appreciated that the conduct of the workman also has to be taken into consideration and in this particular case the conduct of the workman did not entail the relief as was granted to her by the learned Labour Court.

And in case of **Saryu Ravidas @ Seryu Rabidas & Others vs. Central Coalfields Ltd. and Others, reported in 2025(186) FLR (154)** it has been held as under:-

15. In the case of University of Delhi v. Union of India and others [(2020)13 SCC 745], it has been held that condonation of long delay should not be automatic as the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. While considering condonation of delay, the routine explanation would not be enough, rather it should be in the nature of indicating "sufficient cause" to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation.

16. In the case of Shankara Co-op. Housing Society Ltd. v. M. Prabhakar [(2011)5 SCC 607], the Hon'ble Supreme Court has held that delay and laches is one of the factors that requires to be borne in mind by the High Courts when they exercise their discretionary power under Article 226 of the Constitution of India. In an appropriate case, the High Court may refuse to invoke its extra-ordinary powers, if there is such negligence or omission on the part of the applicant to assert his rights taken in conjunction with the lapse of time and other circumstances. Filing of representations would not be adequate explanation to justify the delay.

17. In the case of State of M.P. and others v. Nandlal Jaiswal and others [(1986)4 SCC 566], the Hon'ble Supreme Court has held that power of the High Court to issue an appropriate writ under Article 226 of the Constitution of India is discretionary and the High Court in exercise of its discretionary power, does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.

18. It is thus well settled that delay and laches is one of the factors to decline exercise of discretionary power under Article 226 of the Constitution of India, if there is negligence or omission on the part of the applicant to assert his rights.

19. Considering the facts and circumstances of the present case as well as the aforesaid judicial pronouncements, this Court is of the view that the present case has been preferred after an inordinate delay i.e. 15 years of passing the impugned order dated 03.05.2010 that too, without giving any cogent explanation for the same. As such there is no reason to exercise discretionary jurisdiction so as to grant any relief to the petitioners.

Recently in the case of **Amna Khatoon & Others v.s. Aligarh Muslim University Through Its Vice-Chancellor, Aligarh & Another [2025(186)FLR 590]**, The Hon'ble Allahabad Court has dismissed the claim as raised by the claimant/Petitioner, on the ground of limitation, and also on the grounds that selection of the juniors were not challenged by the workman/petitioner, who was superseded, relevant paragraph reads as under:-

16. At this stage, Court takes note that during pendency of this writ petition i.e., for last 5 years, much water has flown and that posts have already been filled up and since their selection are not under challenge, therefore, relief sought in present writ petition is rendered infructuous.

Reverting to the case of present case, the cause of action which has arisen to the workman, was in the year 2005(15.10.2005), and in respect the same he approached, appropriate authority/tribunal in the year 2018, nearly after 13 years, thus, the same cannot be granted, on the ground of delay as per the procedure of law as stated above, especially keeping into the fact if the same is given then seniority and other avenues given to the other co-workers will be affected which have already been given effect to.

AWARD

For the foregoing reasons the workman is not entitled for any relief as per the Reference No.L-41011/28/2018 IR(B-I) Dated: 24.12.2018, and the same is answered accordingly.

Lucknow,

01.09.2025.

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पूर्वोत्तर रेलवे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (64/2021) प्रकाशित करती है

[सं. एल - 12025/01/2025- आई आर (बी-1)-122]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 64/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Purvotter Railway and their workmen.

[No. L-12025/01/2025- IR(B-I)-122]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 64/2021

BETWEEN

भगवती, पुत्र कान्ता, निवासी बड़ी रेतवाहिया जंगल घूसर

गोरखपुर, उत्तर प्रदेश-273014

AND

1. महाप्रबन्धक, मेसर्स इंप्रेसन्स सर्विसेज प्राइवेट लिमिटेड द्वारा डब्ल्यू जेड 8/7 प्रथम तल कीर्ति नगर नई दिल्ली-110015

2. मंडल रेल प्रबंधक, पूर्वोत्तर रेलवे लखनऊ मंडल अशोक मार्ग, लखनऊ-226001

3. श्री अभिषेक कुमार मिश्रा, प्रोपराइटर-मेसर्स आर.एन. इंडस्ट्रीज शॉप नं० 80, अपनन्दिनी ट्रांसेपार्ट कापोरेशन न्यू टी.पी. नगर, गोरखपुर-273016

AWARD

On 05.04.2021 claimant filed the present case before this Tribunal under section 2-A(2) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act).

Facts in brief:-

The facts as taken by claimant in her claim petition are that he was engaged on the post of Safai Karamchari through opposite party no.3 as contractual employee for doing cleaning work at Gorakhpur Railway Station.

It is further submitted in the claim petition that for discharging the duties he was paid salary at the rate of 7500/- per month; however, his services were terminated/disengaged from 14th August, 2019 without following the provisions as provided under section 25F, 25D, 25N and 25-F of the Act.

Accordingly prayer has been made that oral order of termination/disengagement of her services dated 14th August 2019 may be set aside and respondent be directed to take back into services with all consequential effect.

On behalf of Respondent No. 2 (Mandal Rail Prabhandhak Purvotter Railway Lucknow Mandal, Ashok Marg Lucknow- 226001). Preliminary objection has been filed taking the plea that claimant was not engaged by respondent no. 2 so no question arises whatsoever to disengage/terminated his services.

From the perusal of record, it is clearly established that claimant/workman has not filed evidence on affidavit in support of his case in spite of several opportunities; and it is a case of no evidence from the side of workman/claimant in support of his case.

Thus, in view of the above said facts and the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

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

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

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

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

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

As the workman did not file any evidence on affidavit in support of his case, so it is a case of no evidence filed on behalf of workman in support of case, liable to be dismissed.

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

Award as above.

Lucknow.

09th July, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (15/2022) प्रकाशित करती है

[सं. एल - 12025/01/2025- आई आर (बी-I)-123]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 15/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workmen.

[No. L-12025/01/2025- IR(B-I)-123]

SALONI, Dy. Director

ANNEXURE

BEFORE THE PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, LUCKNOW

I.D. No.15 of 2022

Reference No.K-10/1-20/2021-IR dated 11.5.2022

Anupam Gaur, S/o Sri Anand Kumar Gaur

R/o D.P.Awasthi, 49, Tilak Nagar, Lucknow

-----Applicant/Workman

Versus

1. Divisional Railway Manager,
North Eastern Railway, Ashok Marg, Lucknow.
2. Chief Medical Officer, North Eastern Railway Hospital, Gonda

----Respondents

Judgment

By means of order/reference no. K-10/1-20/2021-IR dated 11.5.2022, the Central Government considered it desirable to refer the dispute for adjudication to the following effect:-

“Whether the action of management of North Eastern Railway, Lucknow in terminating the services of Shri Anupam Gaur, S/o Shri Anand Kumar Gaur, Pharmacist, Sub Divisional Hospital, North Eastern Railway, Gonda w.e.f. 18.6.2019 is legal and justified? If not, to what relief the workman is entitled to and from which date?”

In response to the reference dated 11.5.2022 the present I.D. Case had been registered before this Tribunal.

The workman Sri Anupam Gaur, S/o Sri Anand Kumar Gaur filed a Claim Statement and in brief the workman stating that on 14.7.2018 the workman was appointed as Pharmacist in Sub Divisional Hospital, North Eastern Railway, Gonda and in the said capacity he worked till 8.6.2019 when his services were terminated/retrrenched without complying the provisions of Section 25-F & 25-H of the Industrial Disputes Act 1947.

In view of the said background the prayer which was made by the workman is as under:-

“Wherefore it is most respectfully prayed that this Hon’ble Court may very kindly be pleased to hold that the said termination is illegal and not justified and the workman is entitled for reinstatement with back wages with retrospective effect and give its award accordingly in the interest of justice.”

On behalf of the respondents the written statement was filed on 19.12.2022 stating therein as under:-

- The workman had been engaged on the post of Contract Pharmacist vide order dated 11.7.2018 on the basis of notification dated 16.2.2018 issued by the Eastern Railway, Lucknow Mandal who worked w.e.f. 14.7.2018 to 18.6.2018 as per contract basis. It was mentioned in the terms of contract that on availability of permanent employee, the engagement of contract can be terminated at any time.
- As per Clause-1 of the notification dated 16.2.2018 the engagement was fulltime and valid upto 30.6.2018 or availability of regular selected railway employee by the RRB whichever is earlier meaning thereby the engagement was automatically terminated on availability of regular employee.
- In the case of workman, one Sri Ram Dheeraj Mohlu had been regularly appointed through RRB in Lucknow Mandal and thereafter vide order dated 17.6.2019 Sri Ram Dheeraj Mohlu was established as regular Pharmacist and accordingly the engagement of workman had terminated automatically on 18.6.2019.
- It had also been mentioned in the contractual agreement that the workman had been given the consolidated amount towards wages and no additional amount or facility shall be given to him. The workman accepted the terms and conditions of the contract.
- The workman does not come within the ambit and scope of definition as given under Section 2(S) of I.D. Act and if the workman has any problem then he can taken the shelter under the provisions of Railway Act 1890, hence, the present case filed by the workman is liable to be dismissed on the ground of maintainability. The applicant/workman did not work 336 days rather the workman worked for the period 14.7.2018 to 18.6.2019 which is less one year.
- It has also been mentioned in the written statement that from the perusal of Clause 4 it is clear that no right of continuity or regularity will accrue to a person who is contractually engaged under Para Medical Contract Staff of Railway. Hence, there is no violation of Section 25-F of the Act keeping in view the Clause 4 & 5 of the Letter dated 26.4.2022 issued by the Eastern Railway.
- The services of the workman had been discontinued/retrrenched vide order dated 17.6.2019 and he worked for the period 14.7.2018 to 18.6.2019.

In addition to the documentary evidence filed by the parties, the workman Sri Anupam Gaur in support of his case had filed evidence on affidavit on 14.3.2023 and he was cross examined on 30.8.2023. On behalf of respondents in support of their case the evidence of one Sri Ranjeet Kumar was filed who is working on the post of Assistant Personnel Officer-III in the office of Mandal Rail Prabandhak, Purvottar Railway, Lucknow and he was cross examined on 31.10.2023.

Finding & conclusion:

Heard Learned counsel Sri D.P. Awasthi on behalf of workman and Ms. Pinki Sharma Learned Counsel for the respondent and gone through the records.

An advertisement/notification was issued by the respondents on 16.2.2018 and Clause-1 of the notification is reproduced below:-

पैरामेडिकल कैटेगिरी के रिक्त पदों पर पूर्वोत्तर रेलवे लखनऊ मण्डल में कार्य करने हेतु अनुबन्ध के आधार पर नियुक्ति।

निम्नलिखित रिक्त पदों पर पूर्णरूप से अनुबन्ध के आधार पर योग्य अभ्यर्थियों की भर्ती करते हेतु किया जाना है। नियुक्ति तय समेकित मासिक वेतन पर पूर्णकालिक होगी जो दिनांक 30.6.2018 तक या रेलवे भर्ती बोर्ड द्वारा नियमित रूप से चयनित अभ्यर्थियों की नियुक्ति/उपलब्धता या नियमित रेलवे कर्मचारी की उपलब्धता में से जो पहले हो तक होगी। पदों का विवरण निम्न प्रकार है:-

क्र० सं०	श्रेणी	कुल रिक्तियाँ	वर्गवार विभाजन				वेतन प्रतिमाह	दिन व समय	वॉक इन इन्टरव्यू का स्थान/तिथि समय
			अजा	अजजा	ओबीसी	सामान्य			
01	स्टाफ नर्स गोण्डा चिकित्सालय	05	01	—	01	03	21,190/—	—	सीएमएम कार्यालय बादशाहनगर 05.03.2018 समय —11:00 बजे
02	स्वास्थ्य एवं मलेरिया निरीक्षण—3 लखीमपुर, खलीलाबाद एवं गोण्डा	03	—	—	01	02	20,570/—	—	तदैव

03	फार्मासिस्ट 03-गोण्डा 01-ऐशबाग	04	01	—	01	02	12,190/—	—	तदैव
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1— अभ्यर्थियों की संख्या अधिक होने पर आवश्यकतानुसार अगले दिन तक साक्षात्कार लिया जा सकता है जिसके लिए अभ्यर्थियों को अपने रुकने की व्यवस्था स्वयं करनी होगी।

2— आकस्मिक परिस्थिति का ध्यान रखते हुए रिक्तियों के बराबर प्रतीक्षा सूची भी बनाई जाएगी।

3— आवेदन निर्धारित तिथि 28.02.2018 तक डाक द्वारा/व्यक्तिगत रूप से मुचिधी/लखनऊ, बादशाहनगर चिकित्सालय कार्यालय में उपलब्ध कराना सुनिश्चित करना होगा।

In response to the said advertisement the workman submitted his candidature on 11.7.2018. Thereafter on 11.7.2018 the competent authority had issued an order thereby giving appointment to the workman which reads as under:-

पूर्वोत्तर रेलवे

कार्यालय आदेश संख्या 6152/2018

पूर्वोत्तर रेलवे/लखनऊ मंडल के चिकित्सा विभाग में पैरामेडिकल कैटेगरी के रिक्त पदों पर कार्य करने हेतु अनुबन्ध के आधार पर निम्नलिखित अभ्यर्थी को उनके नाम के सम्मुख अंकित स्थल पर नियुक्ति की जाती है:-

क्र०सं०	अभ्यर्थी नाम	पदनाम	नियमानुसार पारिश्रमिक	कार्यस्थल
01	श्री अनुपम गौड़, पुत्र आनन्द कुमार गौड़	फार्मासिस्ट	नियमानुसार पारिश्रमिक	गोण्डा

केवल एक नाम

उपरोक्त अभ्यर्थी अपर मुख्य चिकित्सा अधीक्षक लखनऊ में चिकित्सा प्रमाण पत्र संख्या शून्य दिनांक 05-07-2018 द्वारा फार्मासिस्ट की चिकित्सा श्रेणी सी/2 में योग्य पाये गये हैं।

नोट — श्री अनुपम गौड़, पुत्र श्री आनन्द कुमार गौड़ की पदस्थापना इस कार्यालय द्वारा जारी अधिसूचना दिनांक 16-02-18 में दिये गये नियमों एवं शर्तों पर आधारित होगी।

उपरोक्त पर मुचिधी/बादशाहनगर का अनुमोदन प्राप्त है।

आर.के.पाण्डेय, सकाधि/द्वितीय

लखनऊ

In pursuance to the said order the workman joined his duties. One Sri Ram Dheeraj Mohlu-Pharmacist who was permanently employee and had been working at Paschim Railway Barodara Mandal was placed at Up Mandaliya Hospital, Gonda on the post of Pharmacist on his own request. In view of the said development the services of workman had been disengaged.

The workman in his cross examination had admitted that in pursuance to the advertisement he had submitted his candidature and after going through the conditions as mentioned in the advertisement had accepted and joined on the post of Pharmacist on contract basis. Further during his cross examination the workman Sri Anupam Gaur had been shown the advertisement issued by the respondents which was annexed as one of the annexures along with the written statement. He admitted the said document as well as conditions no.1 to 13 as mentioned in the advertisement. The workman also admitted that he had been given appointment as per the terms and conditions of the advertisement.

Accordingly, in view of above said facts it is clearly established that the services of the workman, Anupam Gaur from the post of Pharmacist as per the terms of his appointment order so, there is no merit in the case of workman as once he has accepted the terms of his appointment order on the basis of which he has joined his duties on the post of Pharmacist he is bound by the said term.

Thus taking into consideration the above said facts it is not disputed between the parties that the workman Sri Anupam Gaur was appointed on the post of Pharmacist as per the terms and conditions of the advertisement as casual employee and on 18.6.2019 his services were terminated/disengaged in terms of the appointment order when a permanent employee Sri Ram Dheeraj Mohlu who was working on the post of Pharmacist at Paschim Railway Barodara Mandal on his own request had been transferred to Lucknow Region and was placed at Up Mandaliya Hospital, Gonda by means of order dated 17.6.2019 issued on behalf of Mandal Rail Prabandhak (Karmik), Lucknow. As a result of which the services of the workman was disengaged on 18.6.2019.

In the case of Director Institute of Management Development U.P. Vs. Smt. Puspa Srivastava, J.T. 1992 (4) S.C. 489 wherein the Apex Court held as under:-

"Para No. 23-In the instant case, there is no such rule. The appointment was purely ad hoc and on a contractual basis for a limited period. Therefore, by expiry of the period of six months, the right to remain in the post comes to an end."

Division Bench of this court in the case of Life Insurance Corporation and another Vs. Sri Rajeev Kumar Srivastava 1994 (12) LCD held as under:-

Para No. 17 The next submission of the learned counsel of the appellants is that the judgment of Hon'ble Supreme Court in the case of Director, Institute of Management Development U.P. (supra) determines the case of the parties may be seen. In this case Honb'le Supreme Court has held that where the appointment is purely on ad hoc basis and is contractual and by efflux of time the appointment comes to an end, the person holding such post can have no right to continue on the said post. We have considered the submissions. The ratio of the judgment of Honb'le the Supreme Court leaves no room for doubt that the petitioner's contractual employment oh daily payment basis having come to end by efflux of time, does not amount to retrenchment. Thus the provision of Section 25(F) of Industrial Disputes Act is also not attracted."

Further Hon'ble Apex Court in the case of State of Orissa Vs. Chandra Sekhar Mishra 2002(10) SCC 583 held as under:-

"Secondly, the respondent was appointed on 1.2.1972 on contract basis for a period of three years. This period of contract was extended up to 31.1.1978. when the respondent was only a contractual employee, there could be no question of his being granted the relief of being directed to be appointed as a regular employee."

The same view again reiterated by the Hon'ble Apex Court in the case of Account Officer (A&I) A.P. SRTC and Another Vs. P.Chandra Sekhara Rao and others, 2006 (7) SCC page 488.

Constitution Bench of the Apex Court in Secretary, State of Karnataka and others Vs. Uma Devi and others, IT 2006 (4) SC 420, in Para 34 of the judgment has observed as under:-

"If it is contractual appointment, the appointment comes to an end at the end of the contract, if it were an engagement or appointment on daily wages or casual basis, the same would come to an end when it is discontinued."

In the case of Uma Devi (Supra) the Apex Court in para 36 of the judgment has observed as under:-

"It is not as if the person who accepts an engagement either temporary or casual in nature, is not aware of the nature of his employment. He accepts the employment with eyes open. It may be true that he is not in a position to bargain not at arms length since he might have been searching for some employment so as to eke out his livelihood and accepts whatever he gets. But on that ground alone, it would not be appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so, it will be creating another mode of public appointment which is not permissible. IF the Court were to void a contractual employment of this nature on the ground that the parties were not having equal bargaining power, that too would not enable the Court to grant any relief to that employee. A total embargo on such causal or temporary employment is not possible, given the exigencies of administration and if imposed, would only mean that some people who at least get employment temporarily, contractually or causally, would not be getting even that employment when securing of such employment brings at least some succor to them. After all, innumerable citizens of our vast, contrary are in search of employment and one is not compelled to accept the casual or temporary employment if one is not inclined to go in for such an employment. It is in that context that one has to proceed on the basis that the employment was accepted fully knowing the nature of it and the consequences flowing from it. In other words, even while accepting the employment, the person concerned knows the nature of his employment. It is not an appointment to a post in the real sense of the term."

Further, Sri D.P. Awasthi Learned Counsel for the workman in support of the case had placed reliance upon the judgment passed by the Hon'ble Supreme Court in the case of State Bank of India Versus Shri N. Sundara Money reported in 1976 AIR 1111, relevant portion of which is quoted below:-

"The legal issue The skiagram of the employment order must now be. studied to ascertain which of the rival meanings counsel have pressed deserves preference. Statutory construction, when courts consider welfare legislation with an economic justice bias, cannot turn on cold print glorified as grammatical construction but on teleological purpose and protective intendment. Here [s. 25F](#), 25B and [2\(oo\)](#) have a workers' mission

and the input of Part IV of the Constitution also underscores this benignant approach. While canons of traditional sanctity cannot wholly govern, courts cannot go haywire in interpreting provisions, ignoring the text and context. With these guidelines before us, we seek to decode the implications of the order of appointment. But before doing so, an analysis of the legal components of [s. 25F](#) will facilitate the diagnostic task.

The leading case on this facet of law is *The Hospital Mazdoor Sabha*(1). Gajendragadkar, J. (as he then was) observed:

"Section 25F(b) provides that 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 he has been paid at the time of retrenchment compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months. Clauses (a) c and (e) of the said section prescribe similar conditions but "we are not concerned with them. On a plain reading of [s. 25F\(b\)](#) it is clear that the requirement prescribed by it is a condition precedent for the retrenchment of the work man. The section provides that no workman shall be .1, retrenched until the condition in question has been satisfied. It is difficult to accede to the argument that when the P section imposes in mandatory terms a condition precedent, non-compliance with the said condition would not render the impugned retrenchment invalid failure to comply with the said provision renders the impugned orders invalid and inoperative."

I have carefully gone through the said judgment and same is not applicable to the facts and circumstances of present case, as in the present case, the services of the workman have been terminated as per the terms of the appointment order, so, no question of retrenchment of services arises whatsoever.

Hence, the workman Sri Anupam Gaur, S/o Sri Anand Kumar Gaur is entitled for any relief.

Award

The claim statement filed by the workman Sri Anupam Gaur, S/o Sri Anand Kumar Gaur is hereby dismissed.

Lucknow.

09th April, 2025

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (101/2025) प्रकाशित करती है

[सं. एल - 12025/01/2025- आई आर (बी-I)-124]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 101/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-124]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 4th day of August, 2025

INDUSTRIAL DISPUTE No. 101/2025

Between:

Shri Tatapudi Lazaru,
Messenger, 1-22, Sc Peta,
Kuyyeru, Kajuluru Mandalam,
Kakinada, AP-533263.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Kuyyeru, Konaseema,
AP-533263.
2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

.....

Respondent

Appearances:

For the Petitioner : None

For the Respondent: Shri B. Shiva Ram Sharma, advocate

AWARD

The Government of India, Ministry of Labour by its Order no. 7/93/2024-B1 dated 31.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Tatapudi Lazaru is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 101/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 4th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1865.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (102/2025) प्रकाशित करती है

[सं. एल - 12025/01/2025- आई आर (बी-1)-125]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 102/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-125]

SALONI, Dy. Director

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

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 4th day of August, 2025

INDUSTRIAL DISPUTE No. 102/2025

Between:

Shri Badugu Nalla Ramakrishna,
Attender, D.No. 2-150 Chadalawada
Vemuru, Guntur, Andra Pradesh-522301.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Gownner Peta Vijayawada,
Krishna, Andhra Pradesh-520002.
2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

..... Respondent

Appearances:

For the Petitioner : None

For the Respondent: Shri Y. Ranjeeth Reddy, advocate

AWARD

The Government of India, Ministry of Labour by its Order no. 7/94/2024-B1 dated 31.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri Badugu Nalla Ramakrishna is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 102/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 4th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (104/2025) प्रकाशित करती है

[सं. एल - 12025/01/2025- आई आर (बी-I)-126]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.104/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-126]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 5th day of August, 2025**INDUSTRIAL DISPUTE No. 104/2025**

Between:

Shri Golla prabhakara Rao,

Messanger, D.No. 1-1 Ananthavaram

Post, Kolluru Mandal, Bapatla,

Andra Pradesh-522301.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Tenali Main Branch,
Guntur, Andhra Pradesh-522201.
2. Assistant General manager,
State Bank of India, LHO,

Amaravati, Gunfoundry,
Hyderabad-500001.

.....Respondent

Appearances:

For the Petitioner : None

For the Respondent: Shri B. Shiva Ram Sharma, advocate

AWARD

The Government of India, Ministry of Labour by its Order no. 7/96/2024-B1 dated 31.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri GOLLA PRABHAKARA RAO is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 104/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 5th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (109/2025) प्रकाशित करती है

[सं. एल - 12025/01/2025- आई आर (बी-I)-127]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 109/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2025- IR(B-I)-127]

SALONI, Dy. Director

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

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 5th day of August, 2025

INDUSTRIAL DISPUTE No. 109/2025

Between:

Shri G Anthony Francis,
Temporary Messengar, 6-545,
C Block, 5th Line Chandrababu Nagar,
Andhra Kesari Nagar, Nellore-524004.

.....Petitioner

AND

1. Branch Manager, State Bank
Of India, Ranganayakula Peta Branch,
Nellore, Andhra Pradesh-524001.
2. Assistant General manager,
State Bank of India, LHO,
Amaravati, Gunfoundry,
Hyderabad-500001.

.....Respondent

Appearances:

For the Petitioner : None

For the Respondent: Shri B. Shiva Ram Sharma, advocate

AWARD

The Government of India, Ministry of Labour by its Order no. 7/101/2024-B1 dated 31.12.2024 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s State Bank of India and their workmen. The reference is,

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the services of Shri G ANTHONY FRANCIS is legal and justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No 109/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 5th day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 21 अक्टूबर, 2025

का.आ. 1868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई सी आई सी आई बैंक लिमिटेड के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (139/2025) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-1)-128]

सलोनी, उप निदेशक

New Delhi, the 21st October, 2025

S.O. 1868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.139/2025) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of ICICI Bank Limited and their workmen.

[No. L-12025/01/2025- IR(B-I)-128]

SALONI, Dy. Director

ANNEXURE

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

Present: - Sri IRFAN QAMAR

Presiding Officer

Dated the 22nd day of August, 2025

INDUSTRIAL DISPUTE No. 139/2025

Between:

Shri Bhabani Shankar Samantaray,
C/96, Sector-2, Rourkela Dist.,
Sundargarh, Odisha-769006.

.....

Petitioner

AND

1. ICICI Bank Limited,
Vedayapalem Branch,
Door No. 25-2-480-1, Savitree Nagar,
Vedayapalem, SPSR Nellore-524004.
2. ICICI Bank Limited,
ICICI Bank towers,
Bandra-Kurla Complex,
Mumbai-400051.

.....**Respondent**

Appearances:

For the Petitioner : None

For the Respondent: Shri GVS Ganesh, advocate

AWARD

The Government of India, Ministry of Labour by its Order no. 7/4/2025-B1 dated 10.03.2025 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s ICICI Bank and their workmen. The reference is,

SCHEDULE

1. Whether Shri Bhabani Shankar Samantary, Ex-Relationship Manager of ICICI Bank Ltd. is “workman” as per section 2(s) of the Industrial Disputes Act, 1947?
2. If so, whether the action of the management of ICICI Bank Limited to terminate the services of Shri Bhabani Shankar Samantary is justified? If not, what relief Shri Bhabani Shankar Samantary is entitled to?

The reference is numbered in this Tribunal as I.D. No 139/2025 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Despite service of notice and sufficient opportunity didn't filed any claim statement and documents. Hence, In absence of claim statement 'no-claim' Award is passed. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 22nd day of August, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 अक्टूबर, 2025

का.आ. 1869.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिणी रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (31/2016) प्रकाशित करती

[सं. एल - 12015/01/2016- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 22nd October, 2025

S.O. 1869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.31/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Southern Railway and their workmen.

[No. L-12015/01/2016- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

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

Date: 07-08-2025

**Present: SUSHIL KUMAR-II,
PRESIDING OFFICER**

Industrial Dispute No. 31/2016

BETWEEN

Shri M.Chandran,
S/o. Shri Murugesan,
#48/1A, Surammal Street,
Egmore, Chennai-600 008.

: 1st Party/Petitioner

AND

The Divisional Railway Manager,
Chennai Division, Southern Railway,

NGO Annex, Park Town,
Chennai-600 003.

: II Party/ Respondent

Appearance:

For the 1st Party/Petitioner : M/s.N.Shanmuga Sundaram, Advocates

For the II Party/Respondent : Mr. K.Muthamil Raja, Advocate

The Central Government, Ministry of Labour & Employment vide its Order No. L-12015/01/2016-IR(B-1) dated 19.08.2016 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of management of Divisional Manager, Southern Railways for not settling the back wages of Shri MChandran in accordance with the direction of award in CC No.30/1998 is legal and justified, if not to what relief the workman is entitled to and from which date?”

2. The C.C. No.30 of 1998 in the case of Shri M.Chandran Vs. The Divisional Railway Manager, Southern Railway, Chennai was decided by the Central Govt. Labour Court, Chennai on 25.06.2002, wherein it was decided that the Petitioner was entitled to all the wages due to him from 14.07.1988 to 20.02.1990 and further directed on the following terms:-

“10. In the result, this petition is allowed directing the Respondent to pay a sum of Rs.49,748/- as prayed for to the Petitioner, but he is not entitled to any interest. No costs.”

3. Against this order, the Respondent/Management preferred W.P.No.40401 of 2002 before the Hon’ble High Court of Madras challenging the award passed by the Labour Court, Chennai dated 25.06.2002. This was allowed vide order dated 11.06.2007 and the workman Shri M.Chandran was directed to raise an industrial dispute before the competent forum.

4. Shri M.Chandran preferred an appeal against this order before the Division Bench of the Hon’ble High Court of Madras, which dismissed the Writ Appeal No.19 of 2010 and upheld the order of the Single Bench vide order dated 22.04.2010. Subsequently, the claimant filed a W.P.No.3491 of 2015 wherein the Hon’ble High Court of Madras gave direction to the 1st Respondent i.e., Secretary to Govt. of India, Ministry of Labour & Employment, New Delhi to consider the application of the Petitioner and pass orders on merits in accordance with law.

5. Therefore, as per directions of the Hon’ble Court dated 30.10.2015, the Central Government on 19.08.2016 referred the matter to this Tribunal to adjudicate the aforesaid reference.

6. In the claim statement, the claimant submits that the decision of the Labour Court, Chennai dated 25.06.2002 may be executed and pass any other order deems fit in the interest of justice.

7. The Respondent submits that an Original Application No.1690/1992 for the same relief was filed by the Petitioner before the Hon’ble Central Administrative Tribunal, Chennai, which was dismissed by the Hon’ble CAT vide order dated 28.04.1995. Further, SLP was filed against this order, which was also dismissed by the Hon’ble Supreme Court. Therefore, the Doctrine of res judicata is applicable and this reference is not maintainable.

Witnesses Examined:

For the First Party Petitioner : WW1 Shri M.Chandran

For the 2nd Party/Management : MW1 Shri R.Anantharamasubramanian

Documents Marked:

On the Petitioner’s side:

Ex.No.	Date	Description
Ex.W1	25.06.2002	Copy of order of the Central Labour Court, Chennai in Claim Petition No.30 of 1998.
Ex.W2	11.06.2007	Copy of order in W.P. No.40401 of 2002 passed by the Hon’ble High Court of Madras
Ex.W3	22.04.2010	Copy of order passed in W.A.No.19 of 2010 Hon’ble High Court of Madras
Ex.W4	16.02.2014	Copy of Form A application for reference
Ex.W5	30.10.2015	Copy of order in W.P.No.34916 of 2015 dated 30.10.2015 passed by the Hon’ble High Court of Madras

Ex.W6	17.08.2016	Copy of Letter dated 17.08.2016 of Dy.Secretary, Ministry of Labour & Employment, New Delhi to the petitioner Shri M.Chandran

Documents Marked:On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	28.04.1995	Copy of order passed in O.A. No.1690 of 1992 by Hon'ble CAT., Chennai
Ex.M 2	15.07.1988	Letter No.M/P535/I/E/Vol.VII by Respondent to petitioner
Ex.M3	25.08.1988	Letter No.M/P535/I/E/Vol.VII by Respondent to petitioner
Ex.M4	10.08.2007	Copy of Order passed in O.A. No.1163/2004 by Hon'ble CAT., Chennai

8. Having gone through the award passed by the Labour Court, Chennai dated 25.06.2002, it is clear that claim petition No.30 of 1998 was allowed and the Respondent was directed to pay a sum of Rs.49,748/- to the petitioner/claimant. This award was challenged in W.P No.40401 of 2002 before the Hon'ble High Court of Madras, copy of the judgement is marked as Ex. W2, wherein the Hon'ble Court has concluded as under:-

"14. The points raised by the learned counsel for the petitioner, whether the second respondent in a workman under Section 2(a) of the I.D. Act and the delay in approaching the Court are all the matters to be decided by the competent Adjudicating Officer. The petitioner management, in its Counter statement filed before the Labour Court, has stated that with regard to the claim of wages, the second respondent has to raise an industrial dispute, thereby admitting that the second respondent is a workman and he has to get the matter adjudicated before the appropriate forum.

15. I am not inclined to go into the said question at this stage. Since the scope of the Labour Court is confined to Section 33 (C) (2) and in view of the ruling of the supreme Court cited supra, the dispute with regard to the claim of wages has to be raised before the appropriate authority. Therefore, the impugned award of the Labour Court is without jurisdiction and unsustainable. aside Accordingly, the same is set aside.

16. Writ Petition stands allowed, directing the second respondent to raise an industrial dispute before the competent Forum within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the period of pendency of the Writ Petition has to be excluded while calculating the period of limitation, for entertaining the dispute. No costs."

9. The said order passed by the Hon'ble High Court of Madras was challenged by the claimant through Writ Appeal No.19 of 2010 and the Hon'ble Division Bench has concluded as under:-

"6. We see no error in the decision of the learned Single Judge.

7. Hence, the writ appeal is dismissed. No costs. Consequently, the above MP is also dismissed."

10. As per document marked as Ex.W4, an application form was submitted by the claimant before the Secretary to Govt. India, Ministry of Labour & Employment, New Delhi. In Writ Appeal No.34916 of 2015, the Hon'ble High Court of Madras directed Respondent No.2 to consider and dispose off the application filed by the petitioner/claimant and in compliance with the order, the present industrial dispute was referred by the Central Government. In the reference, it is stated that this Tribunal has to decide as to whether the action of management of Divisional Manager, Southern Railways for not settling the back wages of Shri M.Chandran in accordance with the direction of award in CC No.30/1998 is legal and justified. Since the award passed by the Central Govt. Labour Court dated 25.06.2002 in C.C. No. 30/1998 was set aside by the Hon'ble High Court of Madras in Writ Petition No.40401 of 2002 and the same was affirmed by the Hon'ble Division Bench in Writ Appeal No.19 of 2010, the fact remains that there is no Award in existence passed by the Labour Court, Chennai in C.C. No.30/1998. Therefore, there is no liability upon the management of Divisional Manager, Southern Railways for settling the back wages to the claimant/Petitioner on the basis of Award dated 25.06.2002, the claimant is not entitled to get any relief.

11. In order to get salary for the above mentioned period, the claimant must prove before this Tribunal that he was in continuous service during this period also. The Respondent has filed a copy of the judgement passed by the Hon'ble Central Administrative Tribunal, Chennai in O.A No.1690 of 1992 which is marked as Exhibit M1. On perusal of this judgement, it reveals that a charge memo dated 06.07.1989 was issued to the claimant and after getting

explanation, Enquiry Officer was appointed and enquiry was conducted. Subsequently, the enquiry report was accepted by the Disciplinary Authority and an order of removal from service was imposed on the claimant and appeal was rejected on 20.09.1991. The revision application filed by the claimant was also rejected by the Respondent on 16.09.1992 and these orders were challenged before the Hon'ble CAT., Chennai and the O.A. filed by the claimant was rejected by the Hon'ble CAT., Chennai.

12. As per Exhibit M4, the claimant Mr.M.Chandran filed a O.A.No.1163 of 2004 before the Hon'ble Central Administrative Tribunal, Madras Bench and order dated 01.10.2004 was challenged. This O.A. was rejected and thus, order of removal from service was confirmed and the order is still in existence.

13. As per discussion above, the claimant was not in service during the period i.e., 14.07.1988 to 22.02.1990. Therefore, the claimant/petitioner is not entitled for any back wages for the above mentioned period. Ordered accordingly.

AWARD

14. For the reasons cited above, the reference is answered in negative.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 2025

का.आ. 1870.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कमांडेंट (ब्रिगेडियर), अश्व प्रजनन स्टड, हिसार के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रमन्यायालय नं.-II चंडीगढ़ के पंचाट (Ref.854/2005,863/2005,850/2005,831/2005,851/2005,852/2005,863/2005,856/2005,827/2005,829/2005,860/2005,862/2005) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-I)-115]

सलोनी, उप निदेशक

New Delhi, the 22nd October, 2025

S.O. 1870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 854/2005, 863/2005, 850/2005, 831/2005, 851/2005, 852/2005, 863/2005,856/2005,827/2005,829/2005,860/2005,862/2005)oftheCent.Govt.Indus.Tribunal-cum-Labour Court No.- II Chandigarh as shown in the Annexure, in the industrial dispute between the management of The Commandant (Brigandier), Equine Breeding Stud, Hisar and their workmen.

[No. L-12025/01/2025- IR(B-I)-115]

SALONI, Dy. Director

ANNEXURE

Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh

(Presiding Officer:- Mr. Kamal Kant).

1. ID No.854 of 2005, Registered on 09.09.2005. Sh. Gulzar Singh S/o Sh. Joginder Singh, Beldar, Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
2. ID No.863 of 2005, registered on 09.09.2005. Balbir Singh S/o Sh. Jagar Singh, Daily wager, working under Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
3. ID No.850 of 2005, Registered on 09.09.2005. Jangir Singh S/o Sh. Bhagwan Singh, Beldar, Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
4. ID No.831 of 2005, Registered on 09.09.2005, Ram Singh S/o Amar Singh, Beldar. Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
5. ID No.851 of 2005, Registered on 09.09.2005, Sh. Surta Ram S/o Lilu Ram, Beldar (now deceased), representing through its LRs:-

- i. Lichhmi Wd/o Late Surta Ram
 - ii. Bala D/o Late Surta Ram
 - iii. Naresh S/o Late Surta Ram
 - iv. Santosh D/o Late Surta Ram
 - v. Kiran D/o Late Surta Ram
 - vi. Harpal S/o Late Surta Ram
 - vii. Saroj S/o Late Surta Ram
 - viii. Vijaypal S/o Late Surta Ram
 - ix. Vijender S/o Late Surta Ram
- All R/o Village Ludas, Tehsil and Distt. Hisar.
6. ID No.852 of 2005, Registered on 09.09.2005, Gurmail Singh S/o Sh. Harnam Singh, Beldar. Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
 7. ID No.863 of 2005, Registered on 09.09.2005, Balbir Singh S/o Sher Singh, Beldar. Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
 8. ID No.856 of 2005, Registered on 09.09.2005, Sh. Rameshwar S/o Aghadi, Beldar (now deceased) representing through its LRs
 - i. Chandro Wd/o Late Rameshwar
 - ii. Sombir S/o Late Rameshwar
 - iii. Bhateri D/o Late Rameshwar.

All R/o VPO Bhaini, Tehsil Maham, Distt. Rohtak.
 9. ID No. 827 of 2005, registered on 09.09.2005, Sh. Ram Niwas S/o Sh. Maha Singh, Tractor Driver (now deceased) representing through its LRs:-
 - i. Bala Wd/o Late Sh. Ram Niwas
 - ii. Rambir S/o Late Sh. Ram Niwas
 - iii. Sandeep S/o Late Sh. Ram Niwas
 - iv. Karambir S/o Late Sh. Ram Niwas
 - v. Geeta D/o Late Sh. Ram Niwas
 - vi. Khushi D/o Late Sh. Ram Niwas
 - vii. Parmila D/o Late Sh. Ram Niwas

All R/o Village Rakhi Khas, Sub-Tehsil Kheri Jalab, Distt. Hisar.
 10. ID No. 829 of 2005, Registered on 09.09.2005, Gurnam Singh S/o Sh. Nadar Singh, Beldar. Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
 11. ID No.860 of 2005, Registered on 09.09.2005, Khajan Singh S/o Sh. Lachman Singh, Beldar. Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.
 12. ID No.862 of 2005, Registered on 09.09.2005, Kulwant Singh S/o Sh. Harnam Singh, Beldar. Working under the Commandant, Equine Breeding Stud, Hisar, R/o Village Peerwarali, PO Naye Kalan, Tehsil and Distt. Hisar.

.....Petitioners/Workmen

Versus

The Commandant (Brigadier), Equine Breeding Stud, Hisar.

.....Management

Present: Sh. B S Beniwal, AR for workmen.

Sh. Paramjit Singh Rana, AR for management.

Judgment/Award**Dated:01.08.2025**

1. Above noted all industrial disputes had arisen out of similar nature references being sent by the Government of India, Ministry of Labour and Employment, New Delhi under sub-section(1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called as ID Act). In these references, the workmen have claimed their rights against The Commandant (Brigadier), Equine Breeding Stud, Hissar and there are almost same facts in each case, which has been pleaded by each workman separately through his separate claim petition. Hence, it would be appropriate to decide all these 12 cases by a common judgment.
2. All these cases were registered in January, 1997 on the basis of the separate reference of similar nature but of the same date i.e. 30.12.1996 raising same issue due to termination of services of above noted workmen by the management of Equine Breeding Stud, Hissar. The reference raised in each ID case as per above noted ID is as under in each case:

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of name of worker S/o XX XX XX daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

3. After receiving reply in each case, settlement was arrived at between the parties and final award was passed on 14.11.2008 by the then Presiding Officer Sh. Kuldeep Singh, CGIT-cum-Labour Court-II, Chandigarh in each case, operative part of which is as follows:

“The workman and the respondent-commandant have made a joint statement which has been placed on record. The parties have agreed that the workman will be provided with the job as and when required basis. If the workman is covered under the scheme of regularization he will be provided the benefit accordingly. The workman will be paid wages as per the wages given to similarly situated workman. On this assurance the workman has withdrawn from the reference.”

The award dated 14.11.2008 passed in these cases was also duly notified by the Labour Ministry-Government of India under Section 17 of the ID Act on 05.12.2008.

4. Thereafter, advertisement for various posts of Beldars, Chowkidars PTC was issued by the management. Therefore, these workmen challenged the said advertisement by filing various writs before the Hon'ble Punjab and Haryana High Court, details of which are as follows:
 - i. CWP No.14395 of 2013 Baldev Singh & others versus Union of India & others
 - ii. CWP No.14472 of 2013 Smt. Bala Devi Versus Union of India & others
 - iii. CWP No.15736 of 2013 Lal Singh & others versus Union of India & others
 - iv. CWP No.3051 of 2012 Baldev Singh and others versus Union of India and others
 - v. CWP No.4825 of 2012 Ram Niwas & others versus Union of India and others
5. Hon'ble High Court dismissed all the writs vide a common order dated 24.03.2017, which reads as follows:

The issues involved in the aforesaid cases would more suitably be redressed in the wholesome alternative remedy available to the petitioners before the Labour Court in an Industrial Disputes Act, 1947 setting by an evidence based adjudication. It is the view of the Full Bench judgment of this Court in Manohar Lal Vs. State of Punjab through the Secretary, PWD (PH), Punjab, Chandigarh & another, 1983 (2) SLR 658 : 1983 (2) ILR. (Punjab) 576 that the remedy provided to a workman giving him right to claim a reference under Section 10 of the Act for the redress of his grievance is certainly an alternate remedy and does ordinarily bar the filing of a writ petition.

Accordingly, these petitions are disposed of by relegating the petitioners to seek the remedy of reference of the disputes which have come in existence from the appropriate Government/Central Government to the Central Government Industrial Tribunal-cum-Labour Court exercising jurisdiction over the subject matter. The Court hopes and trusts that the appropriate Government in relation to the disputes will consider making a reference within two months from the date of receipt of certified copy of this order. In case no order is passed within the time directed, then the 18 workers in the above petitions who constitute a class espousing each others cause will

have liberty to directly approach the Tribunal and present their statements of claim as a special measure to save time. It will be assumed that in the litigation before the Tribunal a dispute has already been raised and arisen in terms of Section 2(k) of the Act and it will not be an objection of the respondents that the dispute was not properly raised/made, since sufficient body of workers in these petitions have agitated their rights before this Court and form a Union by themselves. The parties are locked in contest and therefore neither mediation in this Court or conciliation by the Labour Commissioner's office can effectively restore peace and harmony.

Since the petitioners have served for substantial periods prior to 1990 and after 2008 in the organization, the respondent department of Central Government may continue to utilize the services in the same arrangements, if the exigencies of administration require as they may have acquired special skills handling horses.

This order expresses no opinion on merits of the industrial dispute/s for that will be in the domain of the Tribunal after reference of the dispute is registered for the trial to take place.

The petitions stand disposed of as above.

6. A perusal of aforesaid order passed by the Hon'ble High Court of Punjab & Haryana reveals that the Hon'ble High Court was pleased to relegate petitioners therein (workmen) to seek remedy of reference of dispute through appropriate Government. It was also directed by the Hon'ble High Court that in case no reference order was passed within time limit prescribed, the workmen (petitioners) were at liberty to directly approach the Tribunal by presenting their statement of claims. Therefore, in view of above, petitioners/workmen filed applications for revival of earlier industrial disputes cases of 1997 as Labour Ministry did not sent fresh reference as per order of Hon'ble High Court referred hereinabove. Vide order dated 16.08.2018, the then Presiding Officer (Link Officer) of CGIT-I, Chandigarh granted liberty to petitioners/workmen to file fresh claim. Accordingly, each workman filed petition under Section 2A of the ID Act. Hence, fresh claim statement was filed by individual workman in above noted all the cases.

Case of petitioners/ workmen:-

7. A perusal of each claim petition reveals that all the petitioners/workmen, except Balbir Singh S/o Sh. Jagar Singh and Sh. Ram Niwas, were appointed as Beldars. Sh. Balbir Singh S/o Sh. Jagar Singh was appointed as daily wager and Sh. Ram Niwas was appointed as Tractor Driver. The services of workmen with the management were on daily wages basis but they worked without any break for several years. It appears that in March, 1990, the services of claimants-workmen were terminated without following the procedure under the ID Act, as such to protect the right of the workmen, they raised Industrial Dispute under Section 2A of the Act. It is further stated that earlier the Industrial Dispute cases which were marked as ID No.854 of 2005, ID No.863 of 2005, ID No.850 of 2005, ID No.831 of 2005, ID No.851 of 2005, ID No.852 of 2005, ID No.863 of 2005, ID No.856 of 2005, ID No. 827 of 2005, ID No. 829 of 2005, ID No.860 of 2005 and ID No.862 of 2005 were contested between the workmen and management and on 14.11.2008, a settlement was arrived and award dated 14.11.2008 was passed in Lok Adalat, the operative part of which has already been reproduced as above.
8. In view of the aforesaid settlement arrived between workmen and management, the workmen were kept in services. It is maintained that no qualification was required for appointment of Class-IV employee and they were designated civilian in the lower formation in the Army but further at the time of 6th pay commission, the management issued a communication dated 21.09.2010 for recruitment on all the post and qualification for Class-IV employees have been raised to Matriculation/ITI. It is further said that the workmen requested for regularization of their services pursuant to the settlement dated 14.11.2008 and on other subsequent dates on the strength of their long and uninterrupted services and when the claim of the workmen was not settled the workmen filed a **Civil Writ Petition bearing No.22851 of 2010 titled as Baldev Singh & Ors. Versus Union of India** before Hon'ble Punjab and Haryana High Court and the same was disposed of on 05.01.2011 with the directions to the management to take decision on the representation of the claimant along with other co-workers and due to non-compliance of the orders given by the Hon'ble Punjab & Haryana High Court, a **COCOP No.1279 of 2011** was also filed as the management instead of considering the directions of the Hon'ble High Court, had issued advertisement for various posts without considering the claim of the workmen. Due to non-compliance of the directions issued by the Hon'ble High Court by the management, the workmen also filed subsequent writs as mentioned above, which together were decided on 24.03.2017. Operative part of order dated 24.03.2017 has been reproduced hereinbefore in para no.5 above.
9. It is prayed that the workmen be granted the relief and direct the management to regularize the services of the workman and give all service benefits which is given to regular employees from the date of

regularization including promotional benefits and monetary benefits with interest. It has also been prayed in all these claim statements that earlier award dated 14.11.2008 be made applicable in strict sense as management cannot back out from the settlement. It has been further prayed that claimant workmen may not be retrenched/not be terminated during the period of service till their retirement.

Case of management:

10. Notice of the above said petition was given to the management, who filed reply thereof in each case, maintaining therein that the management is having a total land of 1826 acres, out of which approximately 1200 acre of land is being utilized for growing fodder and forage for horses of Indian Army and the work being carried out is purely of agriculture nature, animal husbandry and veterinary treatment of the horses in the hospital. Management employs Military personnel in addition to other category of employees for the purpose of the stud. It is admitted that workmen might have worked on daily paid labourer category as per requirement. It is maintained that the provision of the Act is not applicable on daily paid labourer working for agriculture and farming for growing fodder for horses. However, it is maintained that these workmen were not employed on the post of beldars, tractor drivers or any other class-IV employees. No appointment letter was issued to the present workmen. There are no provisions for regularization of services of daily paid laborers without going through the regularization procedure of appointment. However, passing of award dated 14.11.2008 is admitted. The award was followed in letter and spirit. No assurance was given to these workmen to be kept in service on a regular post. The qualification for each post was fixed by the Government of India as per requirement of each post. It is further pleaded by the management that statement of long service by the workmen cannot be accepted without the dates of their uninterrupted services mentioned in the claim statement. However, it is admitted by the management that post of various trades were issued through advertisement in the year 2008 and 2015 and posts have been filled up after competitive merit.
11. According to the management, the Hon'ble High Court had ruled in **Writ Petition COCP No.14395/2013** that Central Government may continue to utilize their services in same arrangement, if exigencies of administration required then, however, no order on merit of Industrial Dispute was passed. It is specifically stated in the reply that those workmen are being utilized for farming purposes as and when required basis and being paid daily wages accordingly. According to management, no violation of any rule have been committed by the management and the prayers made by workmen cannot be granted as daily wager cannot be regularized without following the procedure for recruiting for the post advertised from time to time. According to management, the claim of these claimants is liable to be dismissed.
12. From the pleading of both the parties and on the basis of reference, following issue arises for adjudication:

“Whether in terms of the award dated 14.11.2008 based on settlement and conciliation between the workmen/petitioners and management, workmen/petitioners are entitled for regularization of their services?”
13. In each case, each workman has examined himself in his respective claim petition and has tendered into evidence record and reiterated his claim as per claim petition.

On the other hand, management examined Major Jaspal Singh (Adjutant & Quartermaster) EBS, Hisar, in each case.
14. **Arguments of parties:** While arguing the case, AR for the workmen/petitioners contended that in this case, every worker is working under the management and the Equine Breeding Stud, Hisar is an industry as per decision of the Hon'ble Supreme Court in the **Bangalore Water Supply and Sewerage Board V/s A. Rajappa; 1978 AIR (Supreme Court) 548,** and since they are working for a long time, they had filed earlier claim petition due to their illegal termination by the management and denying them for equal wages for equal work. The said matter was later on compromised between the parties on 14.11.2008 in pre-lok adalat by the then Presiding Officer and as per the award dated 14.11.2008, workmen were required to be taken in job and were required to be regularized in service and they were required to given service benefits as per similarly situated workmen and the said dispute was settled. Thereafter, workmen were allowed to work on temporary basis, however, fresh advertisement were issued by the management to recruit various posts on which workmen were working and ultimately, as per the directions of the Hon'ble High Court, various writs were disposed on 24.03.2017, present claim has arisen for regularization of workmen. He further contended that as per the award dated 14.11.2008, workmen were required to be regularized, but they have not been regularized and instead of regularizing them, other persons have been recruited. It is prayed that they may be regularized in terms of award dated 14.11.2008.
15. Rebutting and opposing the above said contentions raised on behalf of the workmen, Id counsel for the management has argued that Hon'ble High Court has not expressed any opinion on merit and as per

award dated 14.11.2008, these workmen were taken back into the services on the daily wages as and when required basis. It has been argued that a claim of their regularization cannot be considered as they were only daily wages employee as and when required basis and as per advertisement, the various posts of Class-IV employees have already been filled up. It is also argued that public employment cannot be given without fair process of selection and in the facts and circumstances, the claim statement of workmen are liable to be dismissed.

Findings:

16. I have given due consideration to the arguments advanced by the AR for both the parties.
17. Admittedly, in this case, workmen were daily wagger and they were doing different work with the management. Those employees, who were governed by the rules of management would fall under these rules. However, in respect of present workers, they would fall under the ID Act as the management is an industry as per **Banglore Water Supply (supra)** judgment. Industry has been defined under the ID Act in Section 2J, which reads as follows:-

(j)[*"industry "means any business, trade, undertaking, manufacture or calling of employers and includes any calling service, employment, handicraft or industrial occupation or avocation of workmen*];

18. While interpreting the said definition of the Industry, Hon'ble Supreme Court in **Banglore Water Supply (supra)** has held as under:-

*Indeed, in this respect, it should make no difference whether, on the one hand, an activity is undertaken by a corporate body in the discharge of its statutory functions or, on the other, by the State itself in the exercise of its inalienable functions. If the water supply and sewerage schemes or fire fighting establishments run by a Municipality can be industries, so ought to be the manufacture of coins and currency, arms and ammunition and the winning of oil and uranium. The fact that these latter kinds of activities are, or can only be, undertaken by the State does not furnish any answer to the question whether these activities are industries. When undertaken by a private individual they are industries. **Therefore, when undertaken by the State, they are industries.** The nature of the activity is the determining factor and that does not change according to who undertakes it. Items 8, 11, 12, 17 and 18 of the First Schedule read with section 2(n)(vi) of the Industrial Disputes Act render support to this view. These provisions which were described in Hospital Mazdoor Sabha as 'very significant' at least show that, conceivably, **a Defence Establishment**, a Mint or a Security Press can be an industry even though these activities are, ought to be and can only be undertaken by the State in the discharge of its constitutional obligations or functions. The State does not trade when it prints a currency note or strikes a coin. And yet, considering the nature of the activity, it is engaged in an industry when it does so.*

Thus, though management is a defence establishment, but is getting service from private persons on temporary basis and as per the above findings of the Hon'ble Supreme Court, will be treated as industry.

19. It is an admitted fact that after termination of service of each workman, reference was received in each case to decide whether action of the management in terminating the service of each worker was justified or not, along with the fact whether the workmen were entitled for equal wages for equal work. However, as stated earlier, the matter was settled in pre-lok adalat on 14.11.2008 in terms of order passed by the then Presiding Officer as reproduced above in para no.3 of the judgment. A perusal of the said para made it ample clear that parties have agreed that workmen will be provided job as and when required by management. If the workman is covered under the scheme of regularization he will be provided the benefit accordingly. However, from perusal of portion of award as reproduced above in para no.3 of the judgment, it emerges that each workman has agreed that he would be provided with job as and when required basis and if workman is covered under the scheme of regularization, he would be provided benefit accordingly. It was also agreed that workman will be paid as par wages given to the similarly situated workmen. Now their present claim petition, which has been filed to implement the award dated 14.11.2008. The workman is claiming regularization and there is no dispute between the parties that as and when the job is arisen, the workmen were employed by the management.
20. It is also admitted fact that after passing of award dated 14.11.2008, various vacancies were advertised by the management along with minimum qualification and admittedly, workmen were entitled for applying the same and they could not claim their right on those vacancies, as these vacancies belong to specific cadre i.e. beldar and tractor driver etc., subject to the condition they fulfill the requirements of the post and they could have been appointed subject to their selection. As per award dated 14.11.2008, services of

workmen could be taken on the daily wage basis and if there is scheme for regularization, they were entitled for the benefits accordingly. Workmen have failed to produce on record any scheme of regularization of them under which they could have been regularized and even as per management, there has been no such scheme for regularization of workmen. Workmen have claimed that since they were already appointed on various posts i.e. beldar and tractor driver etc., so fixing of minimum qualification of Class-IV posts by the government was illegal. In this regard, it is pertinent to point out that workmen have challenged the said qualification before the Hon'ble High Court, but order of relaxing the qualification was not been approved by the Hon'ble High Court. It is clear that these workmen were not able to apply for regular posts due to reason of minimum qualification for various posts. Moreover, there is no evidence produced by the workmen that they have been posted on the posts, for which each workmen claims i.e. beldar and tractor driver etc. There was no appointment letter issued to the workmen maintaining that he was appointed as beldar and tractor driver etc. Moreover, in **Civil Appeal No.3595-3612 of State of Karnataka V/s Umadevi and others [2006(3) J.C.R. 36]**; Hon'ble Supreme Court has held as follows:-

“Regularization of ad hoc, daily wagers and temporary employees appointed without following the procedure prescribed by the Rules applicable for recruitment to such posts will violate right of equality under Article 14 and 16- Such appointments are contrary to the scheme of Constitution and cannot be regularized even on the ground of discrimination which is contrary to the constitutional scheme of appointment to public employment.”

Thus, as per case law cited in **State of Karnataka V/s Umadevi and others (supra)** workmen could not claim regularization. In case, they are regularized, it would tantamount to the back-door entry in service, which is deprecated by the Hon'ble Supreme Court in **Uma Devi case (supra)**.

21. It is also added here that during the course of arguments, ld. counsel for the workmen relied upon the case titled as **Jaggo versus Union of India and ors, Civil Appeal No.14831 of 2024 (2024 INSC 1034:2025(1) SLR 1)**, and claims that engaging of worker on temporary basis for extending period made them eligible regular appointment. In this regard, it is pertinent to mention here that perusal of the said authority made it clear that it is applicable in cases when the role are integral to the functioning. There is no evidence on record that the roll, which were played by the workmen are integral to the organization functioning. Rather, they were kept on the need basis and this fact is even clear from the award dated 14.11.2008 which has been accepted by the workmen, wherein it is stated that workmen will be provided the job as and when required. If the workman is covered under the scheme of regularization he will be provided the benefit accordingly. The workman will be paid wages as per the wages given to similarly situated workman.
22. It is also added here that workman has given no evidence that they were not given pay similar to these workmen, who were working regularly. Thus this ground of challenging the award is also not valid.
23. In the light of discussion made hereinabove and in the facts and circumstances of the present cases, all the above noted ID cases are dismissed without passing any award in favor of claimant-workmen.
24. It is therefore ordered that all above noted ID cases bearing ID No.854 of 2005, ID No.863 of 2005, ID No.850 of 2005, ID No.831 of 2005, ID No.851 of 2005, ID No.852 of 2005, ID No.863 of 2005, ID No.856 of 2005, ID No. 827 of 2005, ID No. 829 of 2005, ID No.860 of 2005 and ID No.862 of 2005 are being dismissed without passing any award in favor of respective claimant-workmen.
25. 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, 22 अक्टूबर, 2025

का.आ. 1871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स दक्षिणी रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (3/2022) प्रकाशित करती है।

[सं. एल - 12025/01/2025- आई आर (बी-I)-129]

सलोनी, उप निदेशक

New Delhi, the 22nd October, 2025

S.O. 1871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 3/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of M/s. Southern Railway and their workmen.

[No. L-12025/01/2025- IR(B-I)-129]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT,
CHENNAI****Date: 24-09-2025****Present: SUSHIL KUMAR-II,
PRESIDING OFFICER****Industrial Dispute No. 3/2022****BETWEEN**

Shri J.Krishnan

S/o. Jayaraman

Kesavanallathur Village,

Mettu Street, Saraswathi Nagar,

Kadambattur Post,

Thiruvallur Taluk-631 203.

: 1st Pary/Petitioner**AND**

The Management

Medical Superintendent / DRH/AJJ

M/s. Southern Railway, Arakonam.

: II Party/Respondent

Appearance:For the 1st Party/Petitioner

:

M/s.G.Muthu, Advocates

For the II Party/Respondent

:

Mr. K.Muthamil Raja, Advocate

The Central Government, Ministry of Labour & Employment vide its Order No.8(10)2020-B4/Adj-A1 dated 01-02-2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand of workman Shri J.Krishnan for reinstatement of service with back wages in the estt of Respondent Management of M/s.Southern Railway, Arakkonam is justified or otherwise? If not to what relief he is entitled?”

2. As per the claim statement filed by the Petitioner, he was working as Safaiwala from 02.04.1997 and not attended the duty, due to stomach pain and got treatment from 04.01.2003 to 10.02.2007. He further stated that in the meantime, his wife was also affected with mental disorder in home sickness. He submitted that leave request to the management was sent, but the Respondent refused to entertain his request and finally vide Penalty Advice dated 23.11.2007, he was removed from service due to unauthorized absence from duty from 04.01.2003 to 10.02.2007 (totally 693 days).

3. The Petitioner further stated that domestic enquiry was concluded in biased manner violating principles of natural justice and prayed for reinstatement with back wages.

4. The Respondent in its reply stated that Petitioner while working as Safaiwala remained unauthorized absent for a period of 693 days from 04.01.2003 to 10.02.2007 in different spells and did not follow the Railway Medical Rules.

5. The charges were framed against the Petitioner and enquiry was conducted as required under rules. The Disciplinary Authority after following all due procedures issued Penalty Advice and the Petitioner never preferred appeal within the stipulated period and he raised industrial dispute after a lapse of 14 years i.e., highly belated and ought not to be entertained.

Witnesses Examined:

For the First Party Petitioner : WW1 Shri J.Krishnan, Petitioner

For the 2nd Party/Management : MW1 Shri G.Suresh, Assistant Health Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	13.07.2007	Copy of appointment order of Inquiry Officer
Ex.W2	27.07.2007	Copy of ,proceedings of Departmental Enquiry
Ex.W3	25.10.2007	Copy of letter issued by Disciplinary Authority serving enquiry report to the Petitioner
Ex.W4	23.11.2007	Copy of Penalty Advice
Ex.W5	05.12.2007	Copy of letter sent by Petitioner to Respondent
Ex.W6	12.05.2008	Copy of letter sent by Petitioner to employees Association
Ex.W7	09.11.2020	Copy of dispute raised before ALC, Central.
Ex.W8	19.04.2021	Copy of rejoinder
Ex.W9	27.09.2021	Copy of ALC letter to respondent/management
Ex.W10	-	Copy of letter of respondent to ALC.,Central
Ex.W11	01.02.2022	Copy of Deputy Chief Labour Commissioner order

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	01.03.2007	Standard form of charge sheet
Ex.M 2	07.03.2005	Annexure to standard Form No.5
Ex.M3	11.04.2007	Letter sent by Petitioner to respondent
Ex.M4	27.04.2007	Standard form of Order
Ex.M5	27.07.2007	Departmental enquiry letter
Ex.M6	17.08.2007	Proceedings of enquiry
Ex.M7	25.10.2007	Serving copy of Enquiry report
Ex.M8	23.11.2007	Penalty Advice
Ex.M9	19.07.2010	Re-installment letter

6. At the time of hearing, none was present on behalf of the Respondent. Heard learned counsel for the Petitioner and perused the records.

7. The first point for determination is whether absentia from duty by the Petitioner was wilful or under unavoidable circumstances?

The Petitioner stated the reasons in his claim statement –

i) Stomach pain;

(ii) Mental disorder developed to his wife.

8. The Petitioner has submitted 11 documents which are marked as Ex.W1 to Ex. W11 and none of them relates to medical prescription, purchase of medicine/bill and certificate for illness / fitness. Thus, no proper evidence is available on record to establish the fact that Petitioner and his wife were suffering from any disease during the period of absentia.

9. The Petitioner further stated in the claim statement that he submitted leave applications before the Respondent authorities, but failed to file a copy of any such leave application. Further, the Petitioner failed to produce any postal receipt or acknowledgement of receiving leave letters submitted by the Petitioner before the Respondent authorities. There is no evidence on record that may substantiate the stand of the Petitioner. Thus, this point of determination is decided against the Petitioner.

10. The second question that arises for determination is whether enquiry was conducted in a fair and proper manner and adhered to the principles of natural justice or not?

11. The respondent in proof of affidavit stated that charge memo was submitted on 12.04.2007 and the Petitioner has accepted the charges. This fact is established by Annexure R-III.

12. The Respondent further stated in its reply that as per Rule 9 of Railway Services (Discipline & Appeal) Rules, 1968, Enquiry Officer was appointed by the Disciplinary Authority to enquire the case (Annexure-IV) established this fact that Enquiry Officer was appointed by the Disciplinary Authority.

13. The Respondent further stated that charges were translated into Tamil language to the delinquent employee and understood by him (Annexure No.V & VI will prove this fact. The enquiry report was furnished to the Petitioner which was received on 25.10.2007. No defense statement was received from delinquent employee within the stipulated time. Thus, it is the employee/workman himself who fails to submit any defense before the Enquiry Officer. After conducting enquiry, the Disciplinary Authority issued Penalty Advice to the delinquent employee on 23.11.2007, which was acknowledged by the Petitioner on 08.12.2007 – Annexure-VII establishes the fact.

14. This fact is also established that Petitioner failed to submit any appeal before the competent authority and raised industrial dispute after a gap of 14 years without assigning any reason/explanation for the delay. Thus, it may be concluded that enquiry was conducted in just and fair manner and strictly followed the principles of natural justice.

15. The learned counsel for the Petitioner relied on case law in the case of *Jai Bhagwan Vs. Management of Ambala Central Co-operative Bank Ltd.* AIR 1984 SC 286, wherein it was held that termination of service of workman in total breach of principles of natural justice and delay in raising industrial dispute by the workman has no effect and also concluded that existence of other remedy does not bar an employee from raising this industrial dispute. As per facts of that case, one Mr. Phulel Singh had SB account with the Respondent bank. A cheque for Rs.4,200/- purporting to have been signed by Shri Phulel Singh drawn on the Ambala Central Co-operative Bank was presented through Punjab & Sind Bank Limited, Dhulkot and the proceeds were duly remitted by latter bank. Shri Phulel Singh objected to the entry relating to Rs.4,200/- and alleged that he had never issued cheque for Rs.4200/- . A complaint was also lodged with the police. Further, the appellant was suspended in connection with proceeding of bogus cheque. FIR was registered against him. But, the case ended in discharge. In the meantime, Managing Committee of the bank placed the Appellant under suspension and one Mr.Hans Raj, Assistant Manager was appointed to enquire into the matter and the Appellant was advised to present at Naraingarh Branch on 29th July, 1974. No charge sheet was ever issued to the Appellant. Statement of Appellant was however, recorded by the Enquiry Officer and submitted his report on 21.08.1974. Thus, as per facts of this case, charge sheet was not issued to the delinquent employee and was not provided to submit his defense. Due to these reasons only, the Hon'ble Supreme Court held that enquiry was conducted in total breach and in violative of principles of natural justice.

16. But, this situation is not present in the case in hand. The claimant was provided with charge sheet and it was translated to him in Tamil language and he was provided as right of defense. But, the Petitioner failed to submit any defense in his favour.

17. The learned counsel for the Petitioner filed another case law in the case of *State of Uttaranchal & Ors Vs. Kharak Singh* (2009) I –LLJ-235 (SC), wherein the Hon'ble Supreme Court held that domestic enquiry suffers from infirmity as the Enquiry Officer himself acted as investigator, prosecutor and judge and documents were not furnished to delinquent employee. But, in the present case, such situation is not present. The Enquiry Officer and Disciplinary Authority are two different persons and enquiry was conducted in just and fair manner. Therefore, the case law relied on by the learned counsel for the Petitioner does not come for rescue of the Petitioner in this case.

18. The learned counsel for the Petitioner again relied on another case law in the case of *Atlas Cycle (Haryana) Ltd Vs Kitab Singh* (2013) II LLJ 289 (SC). In this case, the claim of theft by the workman was not raised before the labour court. The Labour Court findings overlooked the materials on record which was considered as perversity and the Hon'ble High Court was justified in interfering the conclusion and the same was rightly upheld by

the Division Bench of the Hon'ble Supreme Court. The facts of that case and the present case in hand are totally different.

19. In the present case, the Petitioner himself admitted that he remained absent for 693 days. He raised question of illness, but failed to prove the fact of illness. He again failed to prove submission of leave application before the Respondent authorities. Therefore, the above case law relied by the learned counsel for the Petitioner does not support the case of the Petitioner.

AWARD

The claim petition filed by the Petitioner is dismissed. The reference is answered accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 2025

का.आ. 1872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तमिलनाडु ग्राम बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (02/2023) प्रकाशित करती है।

[सं. एल - 12011/02/2023- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 22nd October, 2025

S.O. 1872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 02/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Tamil Nadu Grama Bank and their workmen.

[No. L-12011/02/2023- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

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

Date:31-07-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

Industrial Dispute No. 02/2023

BETWEEN

Tamilnadu Grama Vangi Nagai

Mathipeettalarhal Sangam,

Reg.No.1574/MDU

Represented by its General Secretary

3/845, Bharathi Nagar,

Karunanithipuram,
Paramakudi-623 707.

Ramanathapuram Dist.

: 1st Party/Petitioner

AND

1.The Management Tamil Nadu Grama Bank :

(Head Office) No.6m, Hasthampatti,

Yercard Road, Salem.

2. Regional Manager, 65, Kanyakulam Road,

- 1st floor, Viluppuram-605 602.
3. Regional Manager, 3/168, Bharathi Nagar,
Mohanur Road, Namakkal-637 001.
4. Regional Manager, 304, Salem Road,
Krishnagiri-635 001.
5. Regional Manager, No.1951-F1/3, 1st floor,
PPTS Towers, Trichy Road, Ramanathapuram
Coimbatore-641 045.
6. Regional Manager, No.84B, Salai Street, : II Party/ Respondent
Opp. Veeralakshmi Super Market,
Periya Kancheepuram-631 502.
7. Regional Manager, West Car Street,
Tirunelveli Town-627 006.
8. Regional Manager, 2-70-1, Collectorate Complex,
Virudhunagar-626 002.
9. Regional Manager, Melur Okkur Road, Piravallur,
Sivagangai Dist. – 630 501.
10. The Regional Manager, 97H/33, Palayamkottai Road,
3rd Mile, Pudukudi, Thoothukudi-628 008.
11. The Regional Manager, Plot No.1, Heritage Tower,
Lakshmi Nagar, Pudukottai Road, Thanjavur-613 005.

Appearance:

- For the 1st Party/Petitioner : Mr. N.Malaikannu, Authorized Representative
- For the 2nd Party/Respondents : M/s.T.S.Gopalan & Co., Advocates

Award

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/02/2023-(IR) (B-I) dated 24.01.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand raised by Tamil Nadu Grama Vangi Nagai Mathipeettalarhal Sangam vide letter dated 15.03.2022 (Annexure-A) against the management of Tamil Nadu Grama Bank, Salem, to regularize the service of Jewel Appraisers is proper, legal and justified? If yes, what relief the petitioner/union is entitled to and what directions, if any, are necessary in this respect?”

3. The above schedule mentioned Industrial Dispute has been raised by the Tamilnadu Grama Vangi Nagai Mathipeettalarhal Sangam seeking the following relief:-

(i) The respondent bank comes under the definition of Industry as per section 2 (J) of the I.D. Act, 1947, (hereinafter referred to as ‘the Act’) which means the systematic activity carried on by co-operation between the employer and his workmen (whether such workers are employed by such employer directly or by or through any agency including contractor) for the production, supply or distribution of goods or services with a view to satisfy the human wants or wishes whether or not.

(a) any capital has been invested for the purpose of carrying on such activity or

(b) Such activity is carried on, with a motive to make any gain or profit.

(ii) Industrial establishment or undertaking means, "an establishment or undertaking in which industry is carried on" as defined in section 2 (k)(a) of the ID Act 1947 and establishment means any place where any industry, trade, business, manufacture or occupation is carried on.

(iii) In this connection is submitted that in the respondent management systematic activities with the co-operation between the respondents and workman jewel appraiser is going on for service with investment of capital with a motive to make profit. It is industrial establishment as defined in sec 2(k)(a) of the ID Act 1947 in which banking business is carried on, in which the jewel appraisers are doing the perennial natured work of appraisal of jewels in all working days of in bank continuously for years together.

(iv) It is submitted that the entire work of jewel appraisers in all branches is being ordered, supervised and controlled by the branch managers. Hence employer and employee relationship exists among the respondent management and the jewel appraisers.

(v) Further as per section 2 (k) industrial dispute means any dispute or difference between the employers and employers or between employers and workman or between workman and workman, which is connected with the employment or non-employment or terms of employment or with the conditions of labour of any person as such in this case it is a dispute between employer and the workman of jewel appraisers.

(vi). The jewel appraisers working in Tamil Nadu Grama Bank come under the definition of workman under section 2 (s) of the Industrial Dispute Act, which runs as follows: workman means, any person including apprentice employed in any industry to do 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 proceedings under this act in relation to an industrial disputes. As such the Jewel appraiser are entrusted with skilled, technical and perennial natured work of appraisal of Jewels regarding the weight, quality and worth / purity of Jewels as workman being appointed by respondent management as temporary casual and on commission basis as narrated in the Annexure-I (P.W.4) for implementing vital commercial activity i.e issue of Jewel loan effectively, for the promotion of the business, in order to safeguard the interest of the bank, as a continuous process on all working days of the bank by extracting / utilising the man power of the jewel appraiser who are working in all days of the bank for the entire working hours for years together.

4. As per the case of the claimant/Petitioner, the petitioner union/sangam is a registered trade union, which represents more than 646 workers, working in the respondents management in the name of Jewel Appraiser, as it represents the substantial majority of the above said cadre of workers. The Tamil Nadu Grama Bank is functioning all over Tamil Nadu having its Head Office at Salem under the head of the Chairman, with 10 Regional Offices under the Regional Managers as Submitted above as Respondents from 2 to 11. In all the 646 branches functioning all over Tamil Nadu, commercial activities are being carried out in order to mobilize capital funds for the profitable functioning of the bank. In all branches a minimum of one Manager, one Jewel Assistant Manager, one Cashier, one Office Assistant, one Appraiser are working. One of the most and important business activities to mobilize capital fund is, issue of Jewel loan which is fully secured in nature, and covers more than 60% of the capital fund. For implementing the jewel loan effectively and to be fully secured by way of weight, quality, purity etc., the management have appointed minimum of one workman in each branch of the bank. Before joining the duty, a certificate was obtained from the local police station that there is no case is pending against the workman. The jewel appraiser also deposited Rs.5 lakhs towards caution security deposit. As per the conditions, jewel appraiser should be local resident. It is stated that more than 646 jewel appraisers were appointed by the respondent. in order to support in improving the business as well as recovery to safeguard the interest of the bank. The service / work of the jewel appraiser is perennial in nature and essential for the trade, business and occupation and it is of perennial in nature.

5. The respondent bank comes under the definition of 'industry' u/s.2(j) of the Act. All jewel appraisers are doing perennial nature of work continuously for years together, which is supervised, ordered and controlled by the Branch Manager and comes under the definition of provisions of section 2(s) of the Act. As per definition of sub-section 2(rr), commission payable on promotion of sales or business or both also included in the definition of 'wages'. The management of Tamil Nadu Grama Bank is issuing jewel loan on all working days of the bank and utilize the services of jewel appraisers on all working days at par with the other permanent staff of the branch. The respondent/management deputed jewel appraiser for 100% verification of jewel and loans are issued on such verification. The jewel appraisers are not the same of panel engineers or panel advocates of the respondent/bank as stated in their letter under reference No.TNGB/TNCDW/1021-2020-21 dated 18.02.2021. The jewel appraisers are working during the entire working time of the bank, as per Circular No.TNGB/37/2019-2020 dated 15.05.2019 on par with the permanent workers and therefore, the jewel appraisers services must be regularized.

6. On behalf of all the respondents, it is submitted that jewel appraisers are not employees of the respondent/bank. It is the borrower, who pay charges for certifying purity of the jewel. The said amount is separately paid by the borrower to the appraiser. The jewel appraiser is paid only commission and that too, by the borrower and not by the bank. Jewel appraisers are for their own benefits required to be available in the branch during the business hours. Whenever the borrower comes to tender the jewel for securing loan, who would provide an opportunity to Jewel appraiser to earn their livelihood. The respondents in their counter statement cited three judgements rendered by the Hon'ble Supreme Court in support of their claim, which will be discussed in the later part of this judgement.

7. The Petitioner union has submitted three list of documents/additional documents, which are placed in the paper book, but these documents were not marked as Exhibits. The Petitioner has filed proof of affidavit in support of his claim duly signed by Shri K.Sivakumar, General Secretary.

8. During the pendency of Industrial Dispute, the Petitioner filed a complaint u/s.33A as I.A. to the ID No.2/2023 regarding change of conditions of service, wherein it is stated that respondent /management continuously ordering through Regional Managers (Respondents 2 to 11) for transfer of jewel appraisers from one branch to another branch of the bank, through the Branch Managers verbally without any order of transfer in writing, and requiring the jewel appraisers to join new branch on the very next day on receipt of instructions through e-mail or otherwise. It is also stated respondent /management is instructing the Branch Managers to appoint second appraiser in order to send out the existing jewel appraisers working years together and mentioned copy of letter dated 22.05.2023 of the Regional Manager, Namakkal, who is the 3rd respondent of this dispute.

9. The counter affidavit to I.A in ID No.2/2023 is filed on behalf of 1st and other respondents, wherein it is stated that IA is not maintainable in ID No.2/2023 as the complaint u/s.33A is distinct and separate proceedings. The compliant must be filed independently and not mentioned as I.A in ID No.2/2023.

10. Heard the Authorized Representative of the Petitioner Sangam and the counsel for the respondent and consent was given by the General Secretary of the Petitioner Sangam and perused the materials on record.

11. The first question that arises for determination is whether the workman as stated in the petition comes under the definition of 'workman' and is there any relationship between the employer-employee between the respondent and workman.

12. In the case of General Manager, Indian Overseas Bank Vs. Workman of Indian Overseas Bank AIR 2006 SC 1699, the Hon'ble Supreme Court had considered a question whether jewel appraisers are required to be treated as workman and are to be absorbed as part-time clerical staff of the bank, wherein it was held that Jewel Appraisers are not employees of the bank.

13. In another case, Puri Urban Co-operative Bank Vs. Madhusudan Sahu and Another 1992 (II) LLJ pg.6, it was held that Jewel Appraisers are required to weigh ornaments brought to the bank. It was not obligated for the bank to allot work to any particular jewel appraiser and therefore, Jewel Appraisers are not considered as bank employees.

14. In another case, 1340 Shri Chintaman Rao & Another vs The State of Madhya Pradesh - 1958 SCR 1340, it was held that Jewel Appraisers are not being paid in guaranteed payment, but only commission is paid and there is no disciplinary control of the bank over the jewel appraiser; no control/supervision over the nature of work to be performed; charges are paid by borrowers and not by the bank; no fixed age of retirement; they are not subject to transfer and there is no part to carry on any other avocation/occupation, therefore, the jewel appraisers are not employees of the bank.

15. As per discussion above and in light of the judgements rendered by the Hon'ble Supreme Court, the Jewel Appraisers cannot be treated as workman and there is no relationship of employer-employee exist between the respondent/bank and the workmen of Petitioner union/sangam. Therefore, in my view, the demand raised by Tamilnadu Grama Vangi Nagai Mathipeetalarhal Sangam in respect of Jewel Appraisers is not proper and legal and thus, they are not entitled to get regularization of service. In this view of the matter, the question of consequential relief does not arise.

AWARD

16. Since the I.A as well as the Industrial Dispute No.2/2023 fails, the reference is answered in the negative. Both the IA and appeal raised in Industrial Dispute are dismissed.

SUSHIL KUMAR-II, Presiding Officer