

**BEFORE JUSTICE (RETD.) SHRI SHANKAR PRASAD, PRESIDING OFFICER,**  
**CGIT-CUM-LABOURT COURT, NAGPUR**

**Case No.CGIT/NGP/01/2020-21**

**Date: 25.11.2024.**

**Party No.1** : The Sub Area Manager,  
WCL Saoner Sub-Area,  
PO & Tah: Saoner, Distt. Nagpur-441107

**Party No.2** : The General Secretary,  
Rastriya Koyala Khadan Mazdoor Sangh(INTUC),  
Head Office: WCL Head Quarters Complex,  
Telankhedi Road, Nagpur-440001

**AWARD**

(Dated: 25<sup>th</sup> November, 2024)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and their workman, Shri Chandrakant Krishnarao Sarode, for adjudication, as per letter **No.L-22012/19/2020-IR (CM-II) dated 03.07.2020**, with the following schedule:-

**"Whether the action of the management of Western Coalfields Ltd., Saoner Sub-Area in deductiong basic and increment and not receiving payment of Basic and Increment with full arrears to Shri Chandrakant Krishnarao Sarode is just fair & legal? If not, What relief the workman is entitled to?"**



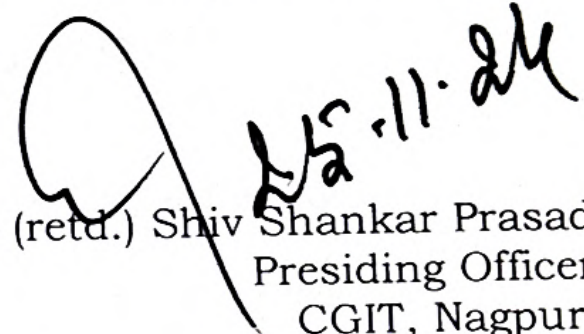
2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement. But neither the workman nor the Respondent/management filed their Statement of claim and Written Statement.

3. When the reference was fixed for filing of Statement of claim by the workman, the Management filed an application with a prayer to close the matter. Management also submitted the copy of Form-H i.e. Settlement copy between the workman Shri Chandrakant Sarode and Management WCL. The workman Shri Chandrakant Sarode also filed an application that he has reached into settlement with the management WCL and he accepts all the terms and conditions of the settlement. The workman made a prayer in his application to close the matter.

4. As the parties have settled the Industrial dispute by amicable settlement, the applications of both the parties are allowed. Accordingly, the reference is to be answered in favour of the workman in terms of the settlement as mentioned in the compromise pursis. Hence, it is ordered:-

### **ORDER**

**The reference is answered in favour of the workman in terms of the settlement mentioned in the Management's application. The Form-H Settlement Dt. 25.09.2023 is made part of the award.**

  
Justice (retd.) Shiv Shankar Prasad  
Presiding Officer  
CGIT, Nagpur.

Ref. No. Form-H settlement 25

25/09/2023

MEMORANDUM OF SETTLEMENT

Memorandum of Settlement arrived at on 25/09/2023 at AHO, Nagpur Area between the Management and the workman.

Management Representatives

1. G. Sitaraman  
Area personnel Manager, Nagpur Area
2. Sajiv Singh  
Sr. Manager(Personnel), Nagpur Area

Concerned Workman/Union

1. Neeraj Malkhede  
President, INTUC
2. Y. N. Pusadkar
- 3 Shri Chandrakant Sarode  
Concerned Workman.

Short recital of the case

- Shri Chandrakant Sarode was appointed on 27.12.1990 as Welder Helper Category-II (Trainee) and was regularised as Welder Category-V on 01.08.1993. He had joined Saoner Mine No. 1 in the year 1991 and was subsequently transferred in the year 2002 to Saoner Sub area in Civil Department on his request after raising the issue in IR meetings through RKKMS(INTUC)Union. In pursuance to the said demand of the union, a settlement in Form-H was arrived under ID Act 1947 on 01.09. 2002 which was signed by the SAM & Personnel Manager of Saoner SA and by the President and Secretary of RKKMS, Saoner Sub area and the applicant Shri Chandrakant Sarode himself.
- It was agreed by the parties, that on transfer, the applicant will be posted in Civil Department as Valveman Category-II on the Initial Basic of Category-II. It was also agreed that neither the Union nor the concerned workman shall raise any dispute before any statutory/ non-statutory authority.
- Subsequently, Shri Chandrakant Sarode was promoted as Valveman, Cat-III in the year 2010.
- Shri Chandrakant Sarode filed a W.P. No. 4438 of 2013, challenging the action on the part of Management (respondents) in reducing the salary of the petitioner that he was receiving in Category- V and being placed in Category-II w.e.f. 01.09.2002. The said Writ petition was dismissed vide order dated 09.02.2016 by the Hon'ble High Court with the following observations:
- "Even otherwise it can be seen that there is a dispute between the parties with regard to the execution of Form-II, while it is asserted on behalf of the respondents that said document was executed by the petitioner as well as the representative of the Union with full understanding, said fact is seriously disputed by the learned Counsel for the petitioner as it is submitted that the said document was signed under the misconception that it was for protecting his pay. It is further urged that the said document is not as contemplated by Rule 58 of Industrial dispute rules. Considering aforesaid disputed facts, we do not feel that the present would be a proper case to

*exercise writ jurisdiction. In case the petitioner desires to avail any legal remedy, if available to him, it is open for him to do so. The points in that regard are kept open. The writ petition is dismissed with no order as to costs."*

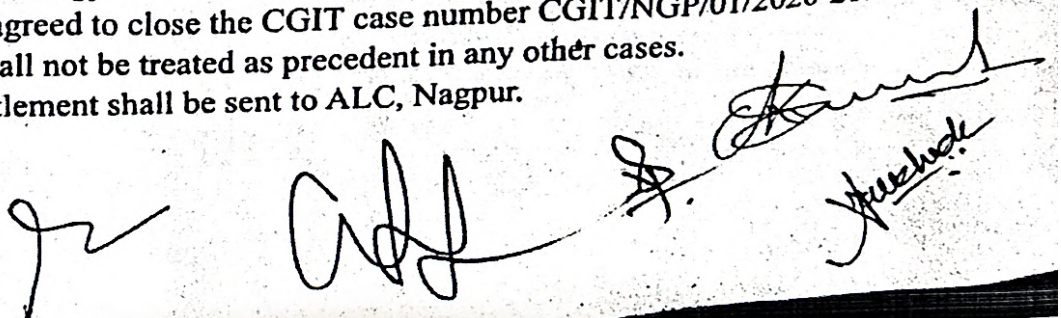
- Thereafter, Shri Chandrakant Sarode raised an industrial dispute under ID Act, 1947 on 20.08.2016 over the issue of not receiving the payment of Basic as deducted by the management of Saoner Sub area through Gen. Secretary, RKKMS(INTUC) Union. The matter could not be settled due to divergent views of both the parties and hence ended in failure on 02.07.2019 as informed by ALC, Nagpur to the Secretary, Govt. of India, Ministry of Labour and employment, New Delhi. The Section Officer, Govt. of India, Ministry of Labour vide order dated 03.07.2020 referred the said dispute for adjudication to the CGIT, Nagpur "Whether the action of management of Western Coalfields Limited Saoner Sub area in deducting Basic and increment and not receiving payment of Basic and increment with full arrears to Shri Chandrakant Kishanarao Sarode is just fair and legal? If not, to what relief the workman is entitled to?"
- The matter is still pending before CGIT, Nagpur.
- Now, RKKMS(INTUC) Union is requesting for resolve/settle the matter amicably by way of restoring the wage cut 'notionally' having no financial impact as per CIL Circular No. 268 dated 14.04.2016, the relevant portion of which is reproduced below:

*"Court Cases: It was decided that since there are court cases pending at various courts incurring huge cost to the company and the individual concerned, the National Litigation Policy should be followed to redress such cases as Alternate Dispute Redressal Mechanism(ADRM). Appeals are to be avoided except in case of Policy matters or matters of principle...."*

### TERMS OF SETTLEMENT

In view of the above facts and also keeping in mind his retirement due on 30<sup>th</sup> September 2023, it is proposed for protection of pay of Welder Category-V to Shri Chandrakant Sarode and Notional Fixation of Pay without any financial benefit on the following terms and conditions to be settled before Hon'ble CGIT, Nagpur:

1. The workman concerned will be granted protection of his existing wages from the date it was reduced notionally. Accordingly, he will get basic of Rs.4027.38.
2. He will be granted wage fixation from the date of reduction of wages without any arrears arising out of the same.
3. The workman/ Union will not file any claim in future about protection of wages, restoration of any category/grade or any other financial benefits arising out of present dispute.
4. His further Career growth will be as per his present Designation vis-à-vis Cadre Scheme.
5. The workman concerned/union agree to the above terms and conditions and the same to be filed before CGIT, Nagpur.
6. Both the parties have agreed to close the CGIT case number CGIT/NGP/01/2020-21.
7. That this settlement shall not be treated as precedent in any other cases.
8. That a copy of this settlement shall be sent to ALC, Nagpur.



I चंद्रकांत चव्हाण सरोदे have read the draft of the settlement prepared by WCL management and understood the meaning of it, explained to me in vernacular by APM (NA) and after having fully understood the meaning thereof, I agree to the same voluntarily and affix my signature without any coercion or duress or pressure, purely out of my free will and consent.

This settlement shall come into force from 25/09/2023 and will remain in operation henceforth.

### Management Representatives

*Handwritten signature and date: 25/9/23*

1. G. Sitaraman  
Area personnel Manager, Nagpur area
2. Sajiv Singh  
Sr. Manager (Personnel), Nagpur area

*Handwritten signature*

### Witnesses of Management

1. SHEJAL KHARE *@Dehale*
2. SRIRAM KUMAR C *Signature*

### Distribution to:

- GM(P/IR), WCL, Nagpur
- AGM, WCL, Nagpur Area
- AFM, WCL, Nagpur Area
- Manager(Pers./Admn), Nagpur Area

### Copy for kind information:

- Principal Secretary, Govt. of India, Ministry of Labour, New Delhi
- RLC(C), Nagpur
- ALC(C), Nagpur: With a request to please register the said settlement under I.D. Act, 1947.

### Concerned Workman/Union

1. Neeraj Malkhede  
President, INTUC

*Handwritten signature and date: Malkhede 25/9/23*

*Handwritten signature and date: 25/9/23*

3. Shri Chandrakant Sarode  
Concerned Workman.

*Handwritten signature*

### Witnesses of Workman

1. S.R. Zama *Signature*
2. Manik Khorgade *Signature*