

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/A/3/2015

Present: P.K.Srivastava
H.J.S. (Retd)

Mahendra Kumar Nayak
S/o Shri Rupa Nayak
R/O Tikrapara, Ward No.3,
Dongargarh(C.G.)
& 14 Others

Workman/Complainants

Versus

The General Manager,
South Eastern Railway,
SER, Garden Reach
Calcutta(West Bengal) & Another.

Management

AWARD

(Passed on this 25th day of July-2022)

1. The applicants' have filed this petition under Section 33(A) of the Industrial Disputes Act, hereinafter referred to by the word "Act", with a case that they are Parcel Porters engaged by the Management of South Eastern Coal Fields Limited for loading and uploading of parcel in their parcel office at Rajnandgaon since the year 1995 on daily basis for four hours per day and after May-1997 their working hours were raised by eight



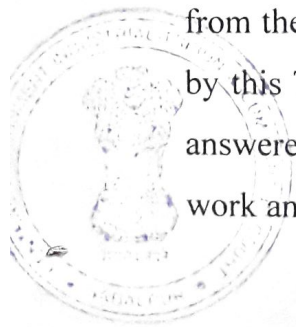
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hours per day. They raised an industrial dispute through Rail Mazdoor Union for their regularisation. A reference in this respect is pending before this Tribunal which is R-132/1999. The Management has terminated their services without any permission of this Tribunal vide an oral order dated 31-8-2005 without any notice. The Union no longer exists. According to the applicants, this action of Management is in violation of Section 33A of the Act. The applicants' have accordingly prayed the Tribunal to take cognizance of this fact and pass appropriate order in the interest of justice, declaring the action of Management in terminating the workman as illegal. An affidavit has been filed in support. A certified copy of the reference in case No.R/132/99 with order sheets up to 10-5-2004 has also been filed.

2. In its reply to the petition, the Management has denied that these applicants' were never appointed by the management in any capacity, even in the capacity of daily wagers, hence there was no question of terminating their services. According to the management, these applicants are free lancers. They used to do loading and unloading of goods for which they were paid by customers and they left the job on their own.


3. The applicants absented themselves since 24-12-2021. None appeared from their side at the time of arguments also. Arguments of Shri R.K.Soni, learned counsel for the management have been heard and record has been perused by me.

4. It comes out from perusal of record that the case referred to above from the side of the applicants i.e. Case No.R/132/1999 has been decided by this Tribunal vide Award dated 8-8-2016 and the Reference has been answered against the applicants, holding the applicants not entitled to any work and any benefits of pay scale.



[Signature]

5. Since the Reference stands decided, the petition is not maintainable as such and without going into the merits, it is dismissed accordingly.


(P.K. SRIVASTAVA)
PRESIDING OFFICER

DATE: 25-7-2022.

