

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, JABALPUR**

NO. CGIT/LC/A/11/2017

Present: P.K.Srivastava

H.J.S..(Retd)

1. The General Secretary,
Kanahiya Singh,
Satna Cement Factory &
Quwari Mazdoor Congress,
Office Sagmaniya Colony, Satna (MP)
2. Ashwani Kumar Singh,
Mining Engineer,
Satna Cement Factory, Satna
3. Sashi Kumar Singh,
Clerk, Satna Cement Factory, Satna
4. Bramhanand Singh, Fitter,
Satna Cement Factory, Satna
5. Ram Nakshtra Singh,
Driver, Satna Cement Factory, Satna
6. Ashok Singh,
Seezer fetter, Satna Cement Factory, Satna
7. Abhinav Singh,
Pump Operator, Satna Cement Factory, Satna
8. Anil Singh,
Attend Stores, Satna Cement Factory, Satna
9. Raj Govind Singh, Badli Attender,
Satna Cement Factory, Satna
10. Jugnu Singh,
Pump Operator, Satna Cement Factory, Satna
11. Satya Narayan Mahtoo,
Attender Badli, Satna Cement Factory
Satna, [All employee resident at
Sagmaniya Colony, District Satna (M. P.)]

Workman

Versus

Satna Cement Works, Satna M.P.

Management

(J U D G M E N T)

(Passed on this 8th day of October, 2025)

The applicants who were originally ten in numbers but since three of them i.e., **Applicant No. 1 (Ashwani Kumar Singh), Applicant No. 2 (Sashi Kumar Singh) and Applicant No. 4 (Ram Nakshtra Singh)**, have raised a separate dispute also, on the basis of which three separate references are pending before this Tribunal which are R/12/2020, R/13/2020 and R/14/2020, hence their claims are not being considered in this case, they will be considered in their respective cases mentioned above, which are pending before this Tribunal.

This is the petition under **Section 33A of the Industrial Disputes Act, 1947** (in short '**the Act**'), filed by the Secretary of Satna Cement Factory & Quwari Mazdoor Congress through its General Secretary and the applicant workman against M/s Satna Cements with a case that the case of these applicants was espoused by the Secretary of Union and Reference Case No. R/34/2010 had been pending before this Tribunal with respect to their claims on the basis of reference made by the Central Government to this Tribunal after conciliation failed between the applicants Union and management.

The management terminated the services of the applicants' workmen by way of an oral order during pendency of the said dispute which is in violation of Section 33A of the Act, hence is unjust, illegal and arbitrary.

It has been prayed that holding this action of management of M/s Satna Cement, against law because it was without the approval of this Tribunal, the petition be allowed.

Case of the management is that during the said case R/34/2010 has been finally decided by this Tribunal by its judgment and award dated

15.09.2021 and a writ petition has been filed by the management against the said judgment and award before Hon'ble High Court of M.P. which is pending. The operation of the judgment and award has been stayed by Hon'ble High Court.

Also, it is the case of the management that the applicants in the present case were not a party to the dispute in the said case R/34/2010, hence, their termination is not in violation of Section 33A of the Act, also, it has been pleaded that this petition has been filed after 4^{1/2} years of their termination, hence it is barred by unexplained delay and latches on the part of applicants.

Both the sides have filed photocopy documents and affidavits, to be referred to as and when required.

I have heard arguments of the Learned Counsel for the applicants Mr. R. K. Soni and Learned Counsel, Mr. R. B. Tiwari for the Management. The management has filed written submission also. I have gone through written submission and the record as well.

As it is apparent from perusal of the record that objection of management is on two points, **firstly**, that the petition is barred by unexplained delay and latches on the part of petitioners and **secondly**, the petitioners were not a party in the dispute concerned as R/34/2010.

As regards, Section 33A of the Act, provides as under:-

33A. Special provision for adjudication as to whether conditions of service, etc., changed during pendency of proceedings.—Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a conciliation officer, Board, an arbitrator, a Labour Court, Tribunal or National Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner,—

(a) to such conciliation officer or Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and promoting the settlement of, such industrial dispute; and

(b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit his or its award to the appropriate Government and the provisions of this Act shall apply accordingly.

A bare perusal of this section states that there is no limitation provided in the Act for filing of the petition, hence, the ground of delay cannot be accepted and relief cannot be denied to the petitioner only on this ground, if their case and claim is otherwise found just and proper.

As regards, the second ground, management has filed photocopy notices, which were issued to them by the Assistant Labour Commissioner during conciliation proceedings, according to management none of these notices contained the name of petitioners.

According to the petitioners, the dispute in case R/34/2010 was raised by the Secretary of the Union who is an applicant in the present case also. List of the workmen affected in the said case was adjudication. A copy has been filed by the petitioners which is a certified copy obtained by them from the file of case R/34/2010. This list contains the name of the applicants also.

The management does not denied that services of the petitioners were terminated by them in 2013, when the reference case was pending before this Tribunal, the reference case is still pending before Hon'ble High Court in the aforesaid writ.

In light of these facts the action of the management of Satna Cement Factory in terminating the services of the petitioners without approval of this Tribunal is held in violation of Section 33A of the Act and

petitioners are held to be reinstated to their original posts on which they were working and also held entitled to all the attendant benefits with regard to back wages and other benefits, treating them to be in continuous service of management.

Hence, on the basis of above discussion and findings, the petition is disposed with following directions.

ORDER

The action of management of Satna Cement Factory in dismissing the applicant workmen except applicants No. 1, 2 & 4 (whose claims are pending adjudication in other separate cases mentioned earlier), during the pendency of case R/34/2010 without approval of this Tribunal is held in violation of Section 33-A of the Act. The applicants are reinstated in service and shall be deemed to be in continuous service of the management. They are further held entitled to all the backwages and consequential benefits from the date of their termination till the date of execution of award, to be paid by management within 30 days from the date of publication of the award, failing which interest @ 6% p.a. from the date of award till payment.

No order as to cost.

DATE:- 08-10-2025

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**