

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

APPLICATION NO. 07 OF 2018

PARTIES: Biju Das.
Vs.
General Manager, Sodepur Area of ECL.

REPRESENTATIVES:

For the Union/Workman: Mr. Asit Kumar Mukherjee, adv.
Ms. Jayasree Mukherjee, adv.

For the Management of ECL: Mr. Manipadma Banerjee, adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 13.09.2023

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A W A R D

1. This Application under Industrial Disputes Act, 1947, filed by Biju Das, dismissed workman against the General Manager, Sodepur Area, Eastern Coalfields Limited is fixed up today for evidence of workman. On repeated call at 12:35 PM none appeared for Biju Das. Mr. Asit Kumar Mukherjee and Smt. Jayasree Mukherjee, advocates for the petitioner are found absent. Mr. Manipadma Banerjee, learned advocate who has filed written statement on behalf of the Agent / Chief Manager (M), BMP Group of ECL is present.

2. The application has been filed directly before this Tribunal supported by a Certificate issued by Conciliation Officer under Section 2A of the Industrial Dispute Act, 1947 dated 14.11.2018, disclosing that Assistant Secretary of Colliery Mazdoor Sabha (CITU) filed an Industrial Dispute under Section 2A of the Industrial Disputes (Amendment) Act, 2010 before the office of the Assistant Labour Commissioner (Central), Asansol consequent upon the termination of Kartick Turi, Ex-Trammer from the services w.e.f. 28.07.2018 by the Management of Patmohna Colliery under Sodepur Area of Eastern Coalfields Limited. As no settlement was be reached within the mandatory period of forty-five (45) days a Certificate was issued in favour of the Union to enable them to approach the Central Government Industrial Tribunal - cum- Labour Court.

3. On a perusal of the petition filed by Biju Das it appears to me that the General Manager, Sodepur Area of Eastern Coalfields Limited was arrayed as the opposite party and neither the Agent of BMP Group nor the Chief Manager (M) of BMP Group of Eastern Coalfields Limited. Written statement filed on behalf of the management is misconceived and hence, not accepted.

4. In his application, workman prayed for setting aside the order of dismissal passed against him, for his reinstatement, payment of full back wages and other benefits w.e.f. 26.05.2016 and to declare the period of his absence as 'dies-non' so that there is no breakage of service. I also take note that instead of filing a petition under section 2A of the Industrial Disputes Act, 1947, the petitioner has filed the application under section 33A of the Industrial Disputes Act, 1947 which relates to change in condition of service during pendency of proceeding. The advocate sought for accommodation on two consecutive dates i.e. on 28.12.2022 and 13.03.2023 for amending the application. Till date no such application has been filed and this Tribunal is constrained to fix the case today for evidence of workman.

5. On a perusal of record, I find that the dismissed workman is not diligent in proceeding with this case and advocates are also found absent. Under such circumstances, application seeking relief for setting aside the order of dismissal and reinstatement is dismissed in the form of a **No Dispute Award** for default.

Hence,

ORDERED

that a **No Dispute Award** be drawn up in respect of the above the Application under sub-section 2 and 3 of section 2A of the Industrial Disputes Act, 1947. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

(ANANDA KUMAR MUKHERJEE)

Presiding Officer,
C.G.I.T.-cum-L.C., Asansol.