

**THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR**

CGIT/LC/M/06/2025

Present: P.K.Srivastava

H.J.S..(Retd)

Arvind Pal

Through the Union

Rashtriya Koyla Khadaan Mazdoor

Sangh (INTUC), Chandameta

Distt. Chhindwara (M.P.)

Workman

Versues

Western Coalfields Limited

Through the Sub-Area Manager

Vekoli Shivpuri sub-Area

Vekoli PENCH Region

Post Sirgora, Tehsil Parasiya

Distt. Chhindwara (M.P.)

Management

AWARD

(Passed on this 29th day of June, 2026)

The workman Arvind Pal has filed an application seeking setting-aside of ex-parte Award/Judgment dated 04.02.2025, passed by this Tribunal in case R/03/2023. The objection was filed by the Management and after hearing both the parties, order dated 06.11.2025 was passed by this Tribunal. This order was challenged by the Workman before Hon'ble High Court of M.P. at Jabalpur by way of filing MP No.7393 of 2025, which was heard and decided by a single bench of Hon'ble High Court vide its order dated 21.01.2026. It was observed in the said order that *finding of this Tribunal that an application for setting aside was filed beyond the limitation of 30 days, as provided under the Rules is not correct in law because according to the Act, the limitation will run from the date of application of Award in the Gazette and on the date*

when the application was filed, the Award was not published by Government in their Gazette. Hon'ble High Court has remanded back the matter to this Tribunal to decide the application in the light of its observations.

Section 17 of the Industrial Disputes Act reads as follows –

“17. Publication of reports and awards.—

(1) Every report of a Board or Court together with any minute of dissent recorded therewith, every arbitration award and every award of a Labour Court, Tribunal or National Tribunal shall, within a period of thirty days from the date of its receipt by the appropriate Government, be published in such manner as the appropriate Government thinks fit.

(2) Subject to the provisions of section 17A, the award published under sub-section (1) shall be final and shall not be called in question by any Court in any manner whatsoever”. सत्यमेव जयते

Hon'ble High Court has relied on three Judge Bench Judgment of Hon'ble Supreme Court in the case of *Haryana Suraj Malting Ltd. V.s. Phool Chand*, reported in (2018) 16 SCC 567. Hon'ble High Court has quoted following paragraphs of the said judgment which are reproduced as follows –

“11. Thus, under the statutory scheme, the Labour Court/Tribunal is empowered to follow its own procedure as it thinks fit, meaning thereby, a procedure which is fit and proper for the settlement of the industrial dispute and for maintaining industrial peace. If a party fails to attend the Court/Tribunal without showing sufficient cause, the Court/Tribunal can proceed ex parte and pass an ex parte

award. The award, ex parte or otherwise, has to be sent to the appropriate Government as soon as it is made and the appropriate Government has to publish it within 30 days of its receipt. The award thus published becomes enforceable after a period of 30 days of its publication.

13. That an ex parte award can be set aside in case the Court/Tribunal is approached within 30 days of its publication under Section 17 of the Act, is no more res integra. In Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal [Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal, 1980 (Supp) SCC 420, it has been held at para 14 that:

"14. The contention that the Tribunal had become functus officio and, therefore, had no jurisdiction to set aside the ex parte award and that the Central Government alone could set it aside, does not commend to us. Sub-section (3) of Section 20 of the Act provides that the proceedings before the Tribunal would be deemed to continue till the date on which the award becomes enforceable under Section 17-A. Under Section 17-A of the Act, an award becomes enforceable on the expiry of 30 days from the date of its publication under Section 17. The proceedings with regard to a reference under Section 10 of the Act are, therefore, not deemed to be concluded until the expiry of 30 days from the publication of the award. Till then the Tribunal retains jurisdiction over the dispute referred to it for adjudication and up to that date it has the power to entertain an application in connection with such

dispute. That stage is not reached till the award becomes enforceable under Section 17-A....."

14. At para 6 in Grindlays [Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal, 1980 Supp SCC 420: 1981 SCC (L&S) 309], it was held that the Tribunal can exercise such powers, if it thinks fit, in the interest of justice. It has also been held that the Tribunal is endowed with such incidental or ancillary powers as are necessary to discharge its functions effectively for the purpose of doing justice between the parties, unless there is any express indication in the statute to the contrary. To quote: (SCC p. 423)

"6. We are of the opinion that the Tribunal had the power to pass the impugned order if it thought fit in the interest of justice. It is true that there is no express provision in the Act or the rules framed there under giving the Tribunal jurisdiction to do so. But it is a well-known rule of statutory construction that a Tribunal or body should be considered to be endowed with such ancillary or incidental powers as are necessary to discharge its functions effectively for the purpose of doing justice between the parties. In a case of this nature, we are of the view that the Tribunal should be considered as invested with such incidental or ancillary powers unless there is any indication in the statute to the contrary. We do not find any such statutory prohibition. On the other hand, there are indications to the contrary."

31. Therefore, all the decisions hereinabove noted by us referred to Grindlays [Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal, 1980 Supp SCC 420: 1981 SCC (L&S) 309]. On a close reading of para 14 of Grindlays [Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal, 1980 Supp

SCC 420: 1981 SCC (L&S) 309), in the background of the analysis of law under paras 10 to 13, it is difficult for us to comprehend that the power to set aside an ex parte award is not available to a Labour Court/Industrial Tribunal. On the principles of natural justice, and on a purposive interpretation of the scheme of the Act and Rules, we find it difficult also to discern that the ratio of the decision in Grindlays [Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal, 1980 Supp SCC 420: 1981 SCC (L&S) 309], is what is stated in para 14 to the extent that an application for setting aside an ex parte award has to be filed within 30 days of publication of the award. On the contrary, the ratio in Grindlays [Grindlays Bank Ltd. v. Central Govt. Industrial Tribunal, 1980 Supp SCC 420: 1981 SCC (L&S) 309] is that the Tribunals can exercise its ancillary and incidental powers, on the broader principles contained under Order 9 Rule 13 CPC. No doubt, the Limitation Act, 1963 is not applicable to the Labour Court/Tribunal [M.P. Steel Corpn. v. CCE, (2015) 7 SCC 58: (2015) 3 SCC (Civ) 510; Nityananda, M. Joshi v. LIC, (1969) 2 SCC 199]. UP

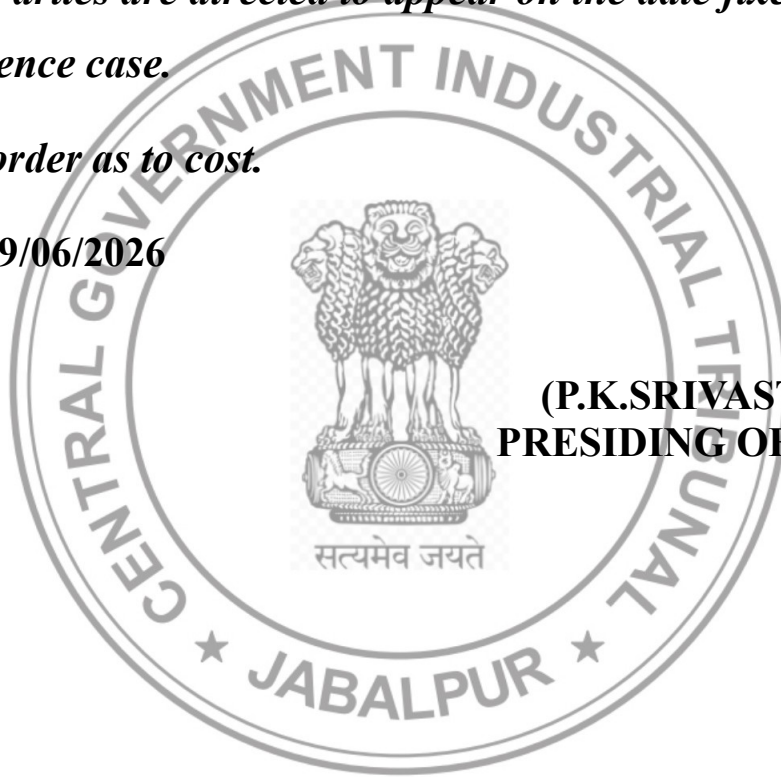
34. In case a party is in a position to show sufficient cause for its absence before the Labour Court/Tribunal when it was set ex parte, the Labour Court/Tribunal, in exercise of its ancillary or incidental powers, is competent to entertain such an application. That power cannot be circumscribed by limitation. What is the sufficient cause and whether its jurisdiction is invoked within a reasonable time should be left to the judicious discretion of the Labour Court/Tribunal."

I have heard Learned Counsel for the Mr. Rohit Gujele for the Management and Mr. Pranay Choubey for the Workman side and gone through the record as well.

Hence, in the light of aforesaid direction of Hon'ble High Court and the proposition of law propounded in the case referred to by Hon'ble High Court in their Judgment, the impugned judgment and Award dated 04.02.2025 passed in case R/03/2023 is set-aside. The case be restored to its original No. i.e. R/03/2023 and be fixed _____ on for hearing. Parties are directed to appear on the date fixed in the said reference case.

No order as to cost.

DATE:- 29/06/2026



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