

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, JABALPUR

NO. CGIT/LC/C/04/2023

Present: P.K.Srivastava

H.J.S..(Retd)

**Gaurang Trivedi,
 S/o Shri Bhanu Prasad Trivedi,
 Occupation: Retired Employee,
 R/o 102, Moti Bag Colony, Indore Road,
 Ujjain (M.P.)**

Workman

Vs

**General Manager,
 Opium & Alkaloid Factory,
 District: Neemuch (M.P.)**

Management

(JUDGMENT)

(Passed on this 11th day of July-2025)

The Applicant award holder workman, has filed a petition under Section 33 C (2) of The Industrial Disputes Act, 1947 (in short the 'Act') seeking computation and recovery of his dues against the Management from 01.05.1994 till date along with damages and interest.

Facts connected are mainly that, the Appellant Workman filed a dispute with respect to dismissal by the Management which was referred to this Tribunal and was registered a case R/98/1997. The case was decided by this Tribunal and award holding the dismissal of the Applicant illegal and holding him entitled to be reinstated was passed by my Learned Predecessor on 11.04.2013. Management filed a Writ Petition No. 20648/2013 before the Hon'ble High Court of Allahabad, which was decided after hearing vide order, dated 10.08.2022. The writ petition was dismissed and the Award was affirmed. Thereafter, the Applicant submitted a representation before Management on 17.08.2022 and filed reminders on 09.12.2022 and 12.02.2023 seeking benefits to him admissible under the Award but Management did not take any action.

Thereafter, he filed a contempt petition before Hon'ble High Court for intention of contempt proceeding against Management with respect to non-compliance of order of Hon'ble High Court as mentioned above.

This petition was disposed by Hon'ble High Court vide its order dated 14.06.2023 with liberty to approach the Competent Court under Section 33 C (2) of the Act. This Tribunal had held the Appellant Establishment entitled to be reinstated from the date of his dismissal confirmed by the Hon'ble High Court.

An affidavit has been filed in support.

The Workman has further filed a copy of dismissal order, copy of Award, copy of order of Hon'ble High Court, Copies of representations mentioned above and copy of order of Hon'ble High Court in contempt proceedings.

Notices were sent to the Management, they appeared through their Learned Counsel and filed a written reply wherein they did not dispute the factual position as mentioned above and further stated that a pay fixation order has been issued to the Applicant. He has been paid Rs. 10,90,943/- as his back wages and for the payment of remaining amount as well pensionary benefits, sanction has been sought from the Ministry. The remaining amount also shall be paid after the sanction is received. Affidavit has been filed in support. Management has filed copy of pay fixation order dated 05.09.2023. Order dated 13.09.2023 during the period of suspension of Workman on duty.

The applicant has filed written reply with affidavit and a calculation sheet. Wherein he has challenged the payable amount fixed by the Management in their orders. The management has filed a written objection with regard to the calculation sheet filed by the Applicant Award holder with affidavit and an order dated 05.09.2023 which they have already filed.

I have heard argument of Learned Counsel for Applicant Award holder Mr. Rohit Sohgaure & Mr. Manoj Singh Learned Counsel for Management. I have gone through the record. Applicant has filed a memorandum of arguments also, which is on record. I have gone through the memorandum of arguments.

First argument, taken by applicant, is that he is entitled to full salary for the period of suspension from 14.05.1992 to 01.05.1994, he has referred to judgment of Hon'ble Supreme Court in the case of *Raj Narain V.s. Union*

of India (2019) 5 SCC 809 (Para 7) in which when the disciplinary proceeding were dropped, the Workman was held entitled to full salary for suspension period. Same view has been taken by *Hon'ble High Court of MP in the case of Y.S. Sachan V.s. State of M.P. (2003) 4 MPLJ 219 (Para 8)*.

The second argument is that since, the Workman has been held entitled to be reinstated with 50% back wages and continuity of service, he is entitled to the benefit of annual increments like ACP etc. **congruent** to him. Learned Counsel has referred to judgment of Hon'ble Supreme Court in the case of *Mahabir Prasad V.s. Delhi transport Corporation, 2014 SCC Online Delhi 3757, Para 20 and 21* wherein it has been laid down that when there is direction of grant continuity it means that employee is to be given promotional increments for the period he was out of the employment in the scale and the involved grade which replace it later he was also to be entitled to ACP benefits. Perusal of fixation chart submitted by Management shows that though the Workman has been fixed pay in revised pay but benefit of ACP has not been granted to him. Though the Learned Counsel for Management has vehemently opposed these arguments and has defended the fixation as well calculation by Management but he could not cite any Rule or provision in this respect.

Hence, in the light of above discussion and settle principle of law referred to above, the applicant workman is held entitled to his dues as calculated by him in the Annexure IA – 1 to his objection/reply dated 06.02.2025 which is Rs. 80,25,830/-.

The application stands disposed accordingly.

DATE:- 11/07/2025

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