

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,**  
**JABALPUR**

**NO. CGIT/LC/C/14/2017**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

1. **Matadeen Panika,**  
S/o Purshottam Panika, aged about 44 years,  
occupation Dumper Operator, Majankala,  
Post Kachni, Distt. Singrouli village MP.
2. **Kamala Prasad Kushwaha,**  
S/o Devideen Kushwaha, aged about 37 years,  
occupation-Dumper Operator, Village Banauli  
Post Neghahi, Distt. Singrouli MP. R/o
3. **Brijesh Kumar Kushwaha,**  
S/o Shri Dev Narayan Kushwaha,  
aged about 39 years, Occupation Dumper Operator,  
R/o Village Kachani Post Waidhan, Distt. Singrouli MP.
4. **Ramnaresh Panika,**  
son of Girdhari Lal Panika, aged about 29 years,  
Dumper Operator, R/o Village Kharkata  
Post Pateri, Distt. Singrouli MP.
5. **Surendra Kumar Shah,**  
S/o Gulab Prasad Shah, aged about 29 years,  
occupation Dumper Operator, R/o Village Majankala,  
Post Kachani, Ditt. Singrouli MP.
6. **Umesh Kumar Vishwakarma,**  
son of Ambika Prasad Vishwakarma,  
aged about 29 years, occupation Dumper Operator,  
R/o Village Majankala, Post Kachani,  
Distt. Singrouli MP.
7. **Devanand Kahar,**  
S/o Shri Ramgovind Kahar, aged about 43 years,  
occupation Dumper Operator,  
R/o Village Pipara Jhapi, Distt. Singrouli MP.
8. **Pradeep Kumar Kushwaha,**  
S/o Ramnarayan Kushwaha, aged about 37 years,  
Dumper Operator, R/o Village Banauli,  
Post Negahi, Distt. Singrouli MP.

9. **Ramesh Kuma Kewat,**  
S/o Shri Babai Kewat, aged about 40 years,  
Dumper Operator, R/o village Medhauli,  
Post Singrouli Distt. Singrouli MP.
10. **Ramashankar Kushwaha,**  
S/o Shuklal Kushwaha, aged about 34 years,  
Dumper Operator, R/o village Majankala,  
Post Kachani, Distt. Singrouli MP.
11. **Ramdayal Saket,**  
S/o Shri Durga Prasad Saket, aged about 33 years,  
Excavator Operator, R/o village Jalarthene,  
Post Pipra Distt. Sidhi MP.
12. **Keshari Prasad Patel,**  
son of Shri Ram Rakhi Patel, aged about 47 years,  
Dumper Operator, R/o village Nareni,  
Post Padrar, Distt. Rewa MP.
13. **Santosh Kumar Kushwaha,**  
S/o Jairam Kushwaha, aged about 32 years,  
Welder, R/o village Nawanagar,  
Post Negahi Distt. Singrouli MP.
14. **Ramlakhan Pandey,**  
S/o Jamuna Prasad Pandey, aged about 40 years,  
Helper, R/o village Banauli,  
Waidhan Distt. Singrouli MP.
15. **Umesh Tiwari,**  
S/o Gangaram Tiwari, aged about 40 years,  
Dumper Operator, R/o village CETI Basti Singrouli,  
Distt. Singrouli MP.
16. **Badri Prasad Kushwaha,**  
S/o Gayaram Kushwaha, Dumper Operator,  
R/o Village Naugarh, Post Kachni,  
Distt. Singrouli MP.]
17. **Mahendra Kumar Kushwaha,**  
son of Chhotelal Kushwaha, aged about 30 years,  
Welder, R/o village Majankala,  
Post Kachni, Distt. Singrouli MP.
18. **Guru Prasad Shah,**  
S/o Chhotelal Shah, aged about 41 years, Welder,  
R/o village Gharouli Khurd, Post Nigahi,  
Distt. Singrouli MP.

- 19. Ajay Saket,**  
**S/o Ramadhar Saket, aged about 28 years,**  
**Dumper Operator, R/o village Chokara**  
**Post Poni Naigai, Distt. Singrouli MP.**
- 20. Mukesh Kumar Singh,**  
**s/o Umesh Singh, aged about 29 years,**  
**Excavator Operator, R/o village Tetaya Post Atri,**  
**Distt. Gaya Bihar.**
- 21. Ram Pyare Saket,**  
**son of Bagholi Saket, aged about 43 years,**  
**Dumper Operator, R/o village Navanagar,**  
**Post Negahi, Distt. Singrouli MP.**

**Workman**

**Vs**

- 1. Northern Coal Fields Limited,**  
**Through its Chief Managing Director,**  
**Head Quarter Singrouli Distt Singouli MP.**
- 2. Saumya Mining Limited Company,**  
**Through its General Manager Erom Jaidi,**  
**@Guddu Jaidi, Saumya Mining Ltd.**  
**Nigahi Project, Outsourcing Company**  
**Nigahi, Distt. Sigrrouli,**  
**at present address - Gajraj Mining Limited Company**  
**Dudhichua and Jayant P.S. Vindhya Nagar**  
**Distt. Singrouli MP.**
- 3. Ashok Jain, Managing Director,**  
**Saumya Mining Limited Company,**  
**Harikripa, CB-25, Sector-I,**  
**Salt Lack City Kolkata 700064 India.**

**Management**

**&**

**NO. CGIT/LC/C/15/2017**

- 1. Vijay Kumar Verma,**  
**Son of Devsharan Verma,**  
**Aged about 36 years,**  
**Occupation Dumper Operator,**  
**R/o village Widhan, (Ganiyari)**  
**Post Waidhan, P.S.Waidhan, Distt. Singrouli MP.**
- 2. Indresh Kumar Verma,**  
**S/o Bhopal R/o Prasad Verma,**  
**aged about 26 years, occupation-Dumper Operator,**  
**Village Pondinougai, Post Pondinougai,**  
**Distt. Singrouli MP.**

3. **Prayaglal Verma,**  
S/o Parmeshwar Prasad Verma, aged about 27 years,  
Occupation Dumper Operator,  
R/o Village Majan-kala, Post Kachni,  
P.S. Waidhan, Distt. Singrouli MP.
4. **Ramswaroop Chourasiya,**  
S/o Hirachand, aged about 25 years,  
Dozer Operator, R/o Village Navanagar, Post Nigahi,  
Distt. Singrouli MP.
5. **Shivpujan yadav,**  
S/o Fagu Yadav, aged about 48 years,  
occupation Dumper Operator, R/o Jayant Post Jayant,  
P.s. Vindhyanagar, Ditt. Singrouli MP.
6. **Brajesh Sharma,**  
S/o Jagat Narayan Sharma, aged about 28 years,  
occupation Dumper Operator,  
R/o Village Jagmalabandha, Post Katouna,  
Distt. Patna Bihar, at present village Navanagar,  
Distt. Singrouli MP.
7. **Sanjay Kumar**  
S/o Shri Krishna Kumar Choudhary  
aged about 35 years, occupation Trip Man,  
R/o Maniyach, Post Maniyach Distt. Bhojpur  
at present Navagar, Post Nigahi, Distt. Singrouli MP.

**Workman**

**Vs**

4. **Northern Coal Fields Limited,**  
Through its Chief Managing Director,  
Head Quarter Singrouli Distt Singouli MP.
5. **Saumya Mining Limited Company,**  
Through its General Manager Erom Jaidi,  
@Guddu Jaidi, Saumya Mining Ltd.  
Nigahi Project, Outsourcing Company  
Nigahi, Distt. Sigrouli,  
at present address - Gajraj Mining Limited Company  
Dudhichua and Jayant P.S. Vindhya Nagar  
Distt. Singrouli MP.
6. **Ashok Jain, Managing Director,**  
Saumya Mining Limited Company,  
Harikripa, CB-25, Sector-I,  
Salt Lack City Kolkata 700064 India.

**Management**



**(JUDGMENT)**

**(Passed on this 11<sup>th</sup> day of December - 2025)**

**The applicant Workmen** have filed these petitions under Section 33 (C) (2) of the Industrial Disputes Act (in short the 'Act') now the Industrial Relations Code, 2020 (in short the 'Code') with the case that, they have been employed by the Management of Northern Coal Field Limited through Saumya Mining Company Limited and have been working at the site of Northern Coal Field. The Employers did not pay them bonus, leave an encashment, provident fund etc. in spite of the fact that they worked to the satisfaction of the employees, hence violated the provisions of the Act. They have prayed that the Management be directed to make payment or amounts calculated by the petitioners in the Table of Para 4 of the petition which relates to their bonuses, leave salary, provident fund and additional pay for three months with interest. The petitioners have also filed their photocopy of appointment letters, identity cards and photocopy statements of their Bank Accounts. They have also filed a detailed chart in photocopy Annexure A/4 to the petition with respect to the differences of amount which they were paid as bonuses, PF salary, Arrears, Leave and the amount which they are entitled to. It is also their case that they filed the petition before the State Labour Court in Distt. Sidhi which was dismissed with a finding that the State Labour Court at Sidhi did not have jurisdiction to entertain the petitions.

**The Management** of National Coal Field Limited has taken a case in the reply to the petition that these petitioners were not employed by them, hence there is never a relation of employer and employee between them and the petitioners. Also, it has been pleaded that, the amounts claimed are not based on any agreement, contract, settlement, award or admitted liability. Hence, the petition as such is not maintainable under Section 33 (C) (2) of the Act because this provision is with respect to computation of amount under a pre existing rate.

**The Management** of Saumya Mining Company did not appear in spite of notice and did not filed any reply.

**On 28.03.2025**, as the record speaks, Advocate Sheikh Akram appeared for the Contractors M/s Saumya Mining Company undertook to file regular Vakaltnama, he also informed early that NCLT has passed moratorium order. He never appeared thereafter. He did not filed his Vakaltnama nor did he filed any such moratorium order.

I have heard argument of Learned Counsel Mr. G.R. Saket for the petitioners and Mr. Neeraj Kewat Learned Counsel for Management of NCL. I have gone through the record as well.

As the dispute in both the cases is the same, these two cases are being disposed by way of a common judgment.

**Main argument** from the side of the Management is that, this petition is not maintainable under Section 33(C)(2) of the Act because their claims are not on the basis of any settled, adjudicated or admitted right. He further submits that the fact that the petitioners worked on the site Northern Coal Field Limited is disputed. The fact that their exists relation of employee and employer/ principle employer between the petitioners and Northern Coal Field Limited is also disputed. Hence, without getting these facts settled under adjudication, the amount claimed cannot be computed and certified under the Act.

**Learned Counsel** for petitioners has submitted that, they were employed by M/s Saumya Mining and were deputed for the work of Northern Coal Field Limited hence Northern Coal Field Limited are their principle employers and they are liable to pay their wages. He further refers to Section 2(vi) of the Payment of Wages Act. He also submits that, the petitioners are also entitled to get provident fund from the employers.

**As regard the provident fund**, there a separate Act in this respect which is the Provident Fund Miscellaneous Provisions Act, 1952 now the Social Security Code, 2020 which provides special procedure with respect to Provident Fund, hence, the claim with respect to Provident Fund of the petitioners is not cognizable under Section 33 (C) (2) of the Act.

**As regards to the bonuses and wages**, the petitions may be entitled to claim money under these two heads subject to proof of their employment with M/s Saumya Engineering and their deputation at the site of Northern Coal Field Limited is also a matter of proof. The photocopy documents *Annexure A/4* are the computation of the difference between paid and claimed amounts which are also to be decided by evidence.

**In these circumstances**, it is established that the claims with respect to amounts is not yet settled under an Award or a settlement nor has been admitted by Management. A reference of judgment of *Hon'ble Supreme Court in the Case of Municipal Corporation of Delhi V.s. Ganesh Rajak (1995) 1 SCC 235* referred to by Management requires to be taken the Para 12 of the Judgment referred is being reproduced as follows:

*"That where the very basis of the claim or the entitlement of the workman to a particular benefit is itself disputed, and there is no prior adjudication or recognition of such entitlement by the employer, the dispute regarding entitlement falls outside the scope of Section 33-C(2). The Hon'ble Court clarified that the Labour Court has no jurisdiction to first determine the workman's entitlement and thereafter compute any benefit on that basis; such jurisdiction exists only when the entitlement has already been adjudicated or recognized by the employer and only its implementation or interpretation remains. In the present case, since the alleged entitlement is seriously disputed and has never been adjudicated or*

*admitted by the management, the application under Section 33-C (2) is not maintainable and deserves dismissal at the threshold."*

In the light of above discussion, the petition is held not maintainable before this Tribunal, is held sans merit.

**ORDER**

Petitions Case No. C/14/2017 and C/15/2017 are dismissed.

No order as to cost.

Copy of this judgment be placed on both the files.

DATE:- 11/12/2025

(P.K.SRIVASTAVA)  
PRESIDING OFFICER

