

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

NO. CGIT/LC/C/01/2013

**PRESENT: P.K.SRIVASTAVA
H.J.S.(Retd.)**

**1.Smt. Rajkumari shah
W/o late Shri V.K.Shah,**

**2.Vikas shah
S/o late Shri V.K.Shah**

**3.Rahul shah,
S/o late Shri V.K.Shah**

Applicants

Versus

**1.Life Insurance Corporation of India
Zonal Manager,
Jeevan prakash
Hoshangabad Road, Bhopal**

**2.Divisional Manager,
LIC, Madan Mahal, Jabalpur**

**3.Branch Manager,
LIC, Beena District Sagar**

Non-applicants

ORDER

(Passed on this 22nd day of March-2021)

1. The applicants who claim themselves to be the legal representative of the deceased/workman V.K.Shah for filing this application under Section 33(C)(2) of the Industrial Disputes Act, 1947, hereinafter referred to as the word 'Act', whereby they have prayed that the Management be ordered to release the well earned income of the deceased/workman amounting to Rs. 4,00,000/- of the first year premium and loss of vehicle allowance Rs.60,000/- with 12% interest and other consequential benefits, resulting their from.
2. According, to the applicants, the deceased workman who is the late husband of applicant no.1 and father of applicant no.2 & 3 was working as Development Officer with the Management within the

period 1990 to 2005, he had earned Rs.4,00,000/- as FP & FYRP appraising's which were not given to him. He has also earned Rs.60,000/- as vehicle loss allowance and this amount was also not released to him. Then the deceased workman moved an application before this Tribunal, application under Section 33(C)(2) of the 'Act' which was registered as petition No.C/4/2008 before this Tribunal .During the pendency of that petition filed earlier, the workman died and the applicants, being his widow and son's were brought on record as legal representative on 25-9-2009. It is the case of the applicant's that the Management reached with an understanding with the applicant's whereby he assured the applicants to pay the money as stated and on the basis of this understanding, the applicant's withdrew the earlier petition vide order dated 22-6-2012. It was further alleged that the Branch Manager who had assured payment got transferred and the new incumbent did not honor the commitment and refused to pay amount, hence this petition. Accordingly the applicant's have prayed for payment of amount as stated above.

3. The applicant's have filed certified copy of earlier petition, application for bringing them as L.R's of the deceased workman, two affidavits and order dated 22-6-2012 on that petition which are marked as Exhibit W-1 to W-3.
4. The case of the OP-Management is that there was no such understanding reached at between the Branch Manager and the applicant's at any point of time as stated. In fact on the representation of the applicant's the whole amount was calculated and it was found that amount of commission on 872''Salary Saving Scheme' Policies procured by him during the appraising period of 1990 to 2003 was payable to the workman which was recalculated and the whole amount came to Rs. 1,82,775/-, which was paid to the applicants. The Management has filed true copy of calculation (Annexure M-1, M-2 and M-3) alongwith copy of application sent by deceased/workman to the Management and its reply Exhibit M-4 and M-5.

5. Applicant No.1 examined herself on oath but she did not appear for cross-examination, hence her evidence cannot be read in evidence in support of the claim. Applicant No.2 examined himself on oath and was cross-examined. The Management examined Administrative Officer Praveen Katariya who could not be cross-examined by the applicant inspite of opportunity given.
6. I have heard arguments of Shri Amitabh Bharti, learned counsel for the Management. None was present for applicants.
7. Both the sides witness have reiterated their claim in their statements only. In cross-examination of applicant's witness, who is applicant no.2, he states that the calculation given by Management is wrong, but he does not tell how it is wrong and on what basis it is wrong and what is the correct calculation as well as its basis. As stated earlier the Management witness left uncross-examined, inspite of opportunity being given to applicant side, hence his statement is un-rebutted. In such circumstances, the applicant cannot be held to have proved his claim . Accordingly ,the application lacks merit and is liable to be dismissed.

ORDER

Accordingly, application under Section 33(C)(2) of the Industrial Disputes Act,1947 is dismissed.

No order as to costs.

**(P.K.SRIVASTAVA)
PRESIDING OFFICER
Dated:22-3-2021**