

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/C/15/2016

Coal India Pensioners Association,
 Bishrampur Area,
 Qtr.No.1B/32, Bishrampur ,
 District Surajpur(C.G.)

Applicant

Versus

1.South Eastern Coalfields Limited,
 South Eastern Coal Fields Ltd.
 Seepat Road,Bilaspur(C.G.)

2.General Manager,
 SECL Ltd.Bishrampur Area,
 Post Bishrampur,District Surajpur

Respondent

O R D E R

(Passed on this 13th day of January-2021)

1. Application under Section 33(C)(2) of the Industrial Disputes Act,1947, hereinafter referred to by the word 'Act' has been filed by applicant Pensioners Association with an allegation that the workman Surendra Tiwari is the member of Association. He informed the Association vide his letter dated 18-11-2015 requesting for indulgence of the Association with regard to non-payment of various dues claimed by him by the respondent/Management. In pursuance of this letter the Association preferred an application under Section 33(c)(2) of the Act requesting the Management that the dues of the Member Pensioner be paid and thereafter he be asked to vacate the residence allotted to him during the service which he has held to pursue his claim after retirement. But no response was given by the Management, hence this petition before the Tribunal.
2. The case of the Management is that the workman was allotted residential accommodation which he illegally held even after retirement. A proceeding of eviction of the pensioner/workman was done by the Authorised Officer and the workman was ordered to vacate the residence. The workman preferred appeal before the District Judge concerned which was dismissed and now a writ is pending before the Hon'ble High Court against the dismissal order of the said appeal. Also it was pleaded that the Management is entitled to recover vacant possession of its premises which is in illegal occupation of workman pensioner and also penal rent as well as electricity and other dues as per law from the service dues admissible to the pensioners subsequent to his retirement.

3. As it appears from perusal of the record that the applicant absented himself during the proceedings hence during evidence by applicant the case was posted for evidence of Management. The Management did file its evidence on affidavit. A fresh notice was issued to the applicant/Association which has been served on it with an endorsement that the pensioner whose case the Association is pursuing has vacated the property under his illegal occupation and has left the place. Learned Counsel for the Management Shri A.K.Shashi submits that now the dispute has ceased to exist.
4. As it is clear that the main excuse of withholding the dues, taken by the Management was non-payment of rent/penal rent and other legally admissible dues by the retired workman and illegal occupation of residence allotted to the workman during tenure of his service. Now the workman has handed over the vacant possession of premises hence, he is entitled to recover his admissible dues as claimed by him after deduction of penal rent and other legally admissible dues which the retired workman owes to Management.
5. On the basis of above discussion, it is held that the workman is entitled to get his dues after deduction of penal rent and other dues admissible and payable to Management as per law by workman.

6. **The petition stands disposed of accordingly.**

No order as to costs.

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

Date:=13/1/2021

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