

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

NO. CGIT/LC/C/08/2022

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Kamal Shankar Singh

Qtr. No.-504, Janta Quarters,

Aishbagh Stadium, Bhopal (M.P.)

Workman

Versus

The Chief General Manager

Bharat Sanchar Nigam Ltd.

Hoshangabad Road, Bhopal (M.P.)

Management

ORDER

(Passed on this 21st day of June-2024)

1. This case has come up on the basis of an application Under Section 33-C(2) of the Industrial Disputes Act 1947, hereinafter referred to by the word 'Act', filed by the appellant wherein he has taken a case that he was illegally retrenched from services on 09.08.1990. He raised a dispute which was referred to this Tribunal and Award dated 10.05.2016 was passed holding the action of management in retrenching the appellant illegal and also holding the appellant entitled to reinstatement with 50% of back wages payable within 30 days from the date of notification of Award in default 9% interest per annum till payment. This Award was confirmed by Hon'ble High Court of Madhya Pradesh in Writ Petition No. 16182/2016 vide order dated 18.08.2017. The case of the workman is that he approached the management with the copy of Award and also order of Hon'ble High Court, requesting the management to pay the arrears between the period 09.08.1990 to 10.05.2016 in the light of the Award which is Rs. 13,66,998/- an arrears of salary since 01.05.2016 to 31.07.2019 which is Rs. 4,80,895/-. He had to file a petition Under Section 33-C(2) of the Act for computation of the

amount and its payment by management, which was registered as C/2/2019 and was decided by this Tribunal on date 06.05.2022. Now, he has claimed computation and payment of the amount under the Award and Order of Hon'ble High Court mentioned above for the period June 2016 to July 2019 and from August 2019 to October 2022, which is Rs. 4,80,895/- and Rs. 6,40,344/- total Rs. 11,21,239/- which he is entitled to get from management. The workman has filed a copy of Award and order of Hon'ble High Court and various circulars with respect to fixation of wages during the period of question and the calculation sheet along with the petition.

2. Notices were issued to management which were served on them but the management did not care to appear and did not file any objection on the petition. Hence, arguments of learned Counsel for applicant/workman have been heard and record has also been perused.
3. From the evidence on record, it is established that the Award is final between the parties. It is also proved that the Award has not been complied with by the management. The appellant has filed a calculation sheet against which no objection has been preferred, hence this calculation sheet is uncontroverted. I find no calculation mistake in the calculation sheet, hence in the light of these facts, the workman is held entitled to receive the amount as claimed in the petition with interest @ 9% as mentioned in the Award.

ORDER

On the basis of the above discussion, the petition under Section 33-C(2) of the Industrial Disputes Act 1947 is allowed. The management of BSNL is directed to pay the appellant an amount of Rs. 11,21,239/- with interest @ 9% p.a. from the date of this order till payment.

No order as to cost.

DATE:- 21/06/2024

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