

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

NO. CGIT/LC/C/01/2021

Present: P.K.Srivastava

H.J.S..(Retd)

1-Smt. Rewa Bai, W/o Late Kanhaiyalal

Aged about 65 years,

2-Anita D/o Late Late Kanhaiyalal

Aged about 49 years,

3-Rajendra Kumar, S/o Late Kanhaiyalal

Aged about 47 years,

4-Anil Kumar S/o Late Kanhaiyalal

Aged about 45 years,

5-Chandra Shekhar, S/o Late Kanhaiyalal

Aged about 43 years,

(All R/o – 10/1, New Mhow, Vill.- Dongargaon, Mhow, Indore (M.P.))

Workman

Vs

**Chief Engineer,
Military Engineering Services,
Central Zone, Jabalpur (M.P.)**



**सत्यमेव जयते
(JUDGMENT)**

Management

(Passed on this 07th day of AUGUST - 2025)

The applicants who are the legal representatives of the deceased workman Kanhaiyalal filed this application under Section 33 C (2) of the Industrial Disputes Act, 1947 (in short the 'Act') seeking the execution of the Award dated 17.07.2015 passed by this Tribunal with the case that the Deceased Workman Kanhaiyalal was wrongly retired compulsorily on the basis of misconduct alleged against him vide order of the Management dated 20.12.1996. He raised a dispute, the matter was referred to this Tribunal by way of reference. This Tribunal passed a judgment and Award on 17.07.2015 which was case No. R/116/1998 as follows –

- 1. Action of the Management of MES compulsorily retiring the workman was held illegal and improper.**
- 2. Setting-aside the order of compulsorily retirement, the Workman was directed to be paid back wages from the date of his**

compulsory retirement till date of his superannuation or death, which ever was earlier and thereafter retiral benefits to him/ his family.

This judgment was challenged by Management before the Hon'ble High Court of M.P. in W.P. No. 6151/2016 which was dismissed after hearing vide order dated 15.05.2017. A Special Leave to Appeal, filed by Management before Hon'ble Supreme Court was also dismissed by order dated 05.07.2018. The Department did not comply with the Award hence this Petition.

According to the Applicant, they are entitled to get due salary/ back wages Rs. 27,87,937/-, retiral benefits i.e. Gratuity Rs. 3,50,031/- out of which the department has paid them only Rs. 20,300/- as Gratuity. Further, they are entitled to get Rs. 25,14,316/- as retiral benefits like commuted pension, arrears of pension, arrear of pay and allowances and etc. Accordingly, they are entitled to get Rs. 56,32,984/- from the Department as back wages and other retiral as well pensionary benefits. They are also entitled to get interest @ 9% per annum which is Rs. 30,41,410/- hence they are entitled to get total amount Rs. 86,74,000/- on the date of filing of the petition. They have prayed that the Department be directed to pay them the amount holding the amount claimed and calculated by them is correct.

The petitioners have field a detailed affidavit dated 02.04.2024 totaling the calculation. The Management has filed a detailed reply dated 03.04.2025 with affidavit and three photocopy documents which is the calculation of amount which the Workman is entitled to get under the Judgment/ Award.

I have heard argument of Learned Counsel Mr. Aditya Singh for the petitioner (Award holder) and Mr. P.K. Chourasia Learned Counsel for the Judgment debtor Department. I have gone through the record as well.

A comparative study of the calculation sheets reveals that in the calculation sheet of the Management, the respective benefits of the pay commission with respect to pay scale have not been mentioned, whereas, the calculation sheet filed by the petitioner Award holder specifically mentions these facts, hence, holding the calculation of the petitioner Award holder correct and rejecting the calculation of the Department, the petitioner is held entitled to get Rs. 86,74,000/- under the Award after deducting any amount paid earlier to him.

DATE:- 07/08/2025

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