

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,
ASANSOL.**

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

L. C. APPLICATION NO. 01 OF 2020

PARTIES: Sunil Kumar Chakraborty
Vs.
Project Manager, M/s. Ambey Mining Pvt. Ltd. and Three Others.

REPRESENTATIVES:
For the Union/Workman: None.
For the Management: None.

INDUSTRY: Coal.
STATE: West Bengal.
Dated: 03.05.2023

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A W A R D

- 1.** Instant application under section 33 C (2) of the Industrial Dispute Act, 1947 was filed by Sunil Kumar Chakraborty, ex-employee of M/s. Ambey Mining Private Limited, praying for payment of his dues in respect of Annual Bonus from 2015 to 2019 amounting to Rs. 69,902/- (Rupees sixty-nine thousand nine hundred and two only).
- 2.** The case is fixed up today for ex-parte hearing. On repeated calls the applicant, Sunil Kumar Chakraborty is found absent. None appeared for the opposite parties M/s. Ambey Mining Private Limited and M/s. Integrated Coal Mining Limited.
- 3.** In his application, the petitioner claimed that he is a Survey Assistant at Sarisatoli Coal Mine Project. He has been rendering service under the opposite party M/s. Ambey Mining Private limited but he has not been paid annual bonus from 2015 to 2019. In his application he has prayed for payment of Annual Bonus from the opposite party after determining the amount due to him. On perusal of record, it appears that by letter No. L-22012/11/2018-IR (CM-II) dated 15.01.2020 of the Government of India, Ministry of Labour had examined the issue raised by Mr. Sunil Kumar Chakraborty for filing an application under Section 2A of Industrial Dispute Act, 1947 and declined the same. In the said letter, Ministry suggested that he may file a fresh claim before the Labour Court under Section 33 C (2) of Industrial Dispute Act, 1947.

4. On close scrutiny of particulars, the opposite parties involved, does not appear to be a Central Government establishment. It is a private company. So, in my considered view, the application under Section 33 C (2) of Industrial Dispute Act is not maintainable. Furthermore, the petitioner has failed to appear on the date fixed for ex-parte hearing. The L.C. Application is therefore dismissed as not maintainable.

Hence,

ORDERED

that the L. C. Application under section 33 C (2) of the Industrial Dispute Act, 1947 is dismissed. An Award be drawn up in light of the above observation. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi under section 33 C (4) of Industrial Dispute Act, 1947 for information and Notification.

(ANANDA KUMAR MUKHERJEE)

Presiding Officer,
C.G.I.T.-cum-L.C., Asansol.