

**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 2021

PARTIES: Sarat Kora
VS.

1. General Manager, Sodepur Area, ECL
2. Agent, Chinakuri Mine No. II, ECL

REPRESENTATIVES:

For the Union/Workmen: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 16.04.2025

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A W A R D

1. Instant application under Section 33C(2) of the Industrial Disputes Act, 1947 was filed by Sarat Kora, ex-employee of Chinakuri Mine No. II of Eastern Coalfields Limited, praying for setting aside the impugned order of dismissal and reinstatement in service.
2. Mr. P. K. Das, learned advocate for the management of Chinakuri/Sodepur Group of Mines, Eastern Coalfields Limited is present. The case is fixed up today for appearance of the workman and his evidence, in default, the case is to be dismissed. Mr. Rakesh Kumar, union representative appeared along with Sarat Kora, ex-employee of Eastern Coalfields Limited.
3. It is submitted that though this application has been filed under Section 33C(2) of the Industrial Disputes Act, 1947, which relates to recovery of amount due to the workman from the employer, this application has been wrongly filed seeking relief for setting aside order of dismissal of Sarat Kora and for his reinstatement.
4. The L. C. Application under Section 33C(2) of the Industrial Disputes Act, 1947 is 'not pressed' by Sarat Kora. Considered. I find that this case has wrongly been filed by the petitioner against the General Manager, Sodepur Area and the Agent, Chinakuri Mine No. II. Relief sought for in this case is for setting aside order of dismissal is not maintainable unless an Industrial Dispute is referred to the Tribunal under Section 10 of the Industrial Disputes Act, 1947 or an application is filed under sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 on failure of reconciliation before the Conciliation Officer. The L. C. Application under Section 33C(2) of the Industrial Disputes Act, 1947 is therefore dismissed for non-prosecution. Let an Award be drawn up in light of my above findings.

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Hence,

ORDERED

Let an Award be passed in view of the above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi under Section 33C(4) of the Industrial Disputes Act, 1947 for information and Notification.

Sd/-

(ANANDA KUMAR MUKHERJEE)

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