

**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. 02 OF 2020

PARTIES: Ranjit Banerjee
Vs.
Dy. General Manager (E&M)/Agent of
Barakar Engineering and Foundry Works, ECL and 3 Others.

REPRESENTATIVES:

For the Union/Workman: Mr. Ranjit Banerjee (in person).
For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

DATED: 05.03.2024

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A W A R D

1. Mr. Ranjit Banerjee, aggrieved workman has appeared in person. The Deputy General Manager (E&M) of Barakar Engineering and Foundry Works under M/s. Eastern Coalfields Limited is represented by Mr. P. K. Das, learned advocate. Instant application has been filed by the petitioner under Section 33 (C) of the Industrial Disputes Act, 1947 on 19.08.2020 seeking an order for payment of House Rent Allowance to the petitioner as per provision of National Coal Wage Agreement for the period from 1981 to 2013.

2. The case is fixed up today for evidence of both parties, in default, the same is to be disposed of. No evidence is adduced. Heard Mr. Banerjee. It is submitted that no quarters was allotted to him during the period from 1981 to 2013 but after several representation House Rent Allowance was not paid to him according to the provision of National Coal Wage Agreement applicable to the company and workmen. At the relevant time, Mr. Banerjee submitted that during the said period he was residing at a Bungalow of Eastern Coalfields Limited at Neamatpur Workshop which was lying in a bad state of repair and is still occupying the same.

3. Mr. P. K. Das, learned advocate raised strong objection against the prayer for recovery of House Rent Allowance. It is submitted that Mr. Banerjee has superannuated from service and not on company's roll from 01.04.2013. Furthermore, he has not submitted any particulars or details of the amount of his claim from the company on account of House Rent Allowance. It is pointed out that Mr. Banerjee is occupying the quarters all through and is still occupying the same after his superannuation. Therefore, he is not entitled to any relief and the case should be dismissed.

4. Perused the application and para-wise written objection submitted by the Agent of Barakar Engineering and Foundry Works, Eastern Coalfields Limited. Considering the materials before the Tribunal and the submissions made and the submission made.

I find that this application has been made after a period of seven (7) years of superannuation from service.

5. According to section 33(C) of Industrial Disputes Act, 1947 “ *where any money is due to a workman from an employer under a settlement or an award or under the provisions of Chapter VA or Chapter VB, the workman himself or any other person authorized by him in writing in this behalf, or, in the case of death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the appropriate Government for the recovery of the money due to him, Provided that every such application shall be made within one year from the date on which the money became due to the workman from the employer.*”

I find this application has been made after a lapse of the statutory period of one year from the time the claim is allegedly due and no reason has been assigned for the delay in filing the application. It is to be borne in mind that the petitioner is occupying a public premises without any official approval and he needs to vacate the same instead of claiming House Rent Allowance. Facts and circumstances of this case prompts me to hold that there is nothing on record which would help in computing any amount payable to the petitioner as House Rent Allowance. In other words, petitioner is not found entitled to get House Rent Allowance and his application under section 33 (C) of Industrial Disputes Act, 1947 stands dismissed on contest.

Hence,

ORDERED

Let an Award be passed in view of the above discussion. Copies of the Award in duplicate be sent to the Ministry of Labour, Govt. 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.