

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
JABALPUR (M.P.)

NO. CGIT/LC/M/17/2024

Present: P.K.Srivastava

H.J.S..(Retd)

**Brijesh Kumar Tanti,
S/o Shri Vishnu Prasad Tanti,
Aged about 34 years, R/o. Nava Nagar,
District Singrauli, M.P. Through Power –
Attorney Holder Sanjay Namdev,
S/o Shri Shiv Kumar Namdev,
R/o Kanai, Post Dhaga,
District Singrauli (M.P.)**

Workman

Vs

- 1. Office of Joint Chief Controller of
Explosives in Esplanade, Kolkata,
Address :- Petroleum and Explosive
Safety Organization, 8, Explanade East,
1st Floor, Side Kanhu Dahar,
Chowr, Esplanade, Kolkata – 700069**
- 2. The Proprietor,
M/s Sarveshwari,
Enterprises, Camp – IOCI,
SMS Plant, PO – Jayant,
District – Singrauli (M.P.) - 486884**

Management

(ORDER)

(Passed on 03rd day of February, 2026)

The Workman Brijesh Kumar Tanti has filed petition under Section 2A (2&3) of the Industrial Disputes Act, 1947 as amended by Amendment Act of 2010 (in short the “Act”) against his termination by the Management through his power of attorney holder Sanjay Namdev. A point with respect to maintainability of the petition because it has been filed by the power of attorney holder of a Workman was raised at a stage of admission. Learned Counsel who has filed the petition, as a counsel of power of Attorney Holder

first appear in the case in hand but did not appear on the date of hearing hence, the order was reserved and is being passed today.

Section 36 of the Act requires to be reproduced which is as follows:

36. Representation of parties.-

(1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by-

(a) any member of the executive or other office bearer] of a registered trade union of which he is a member;

(b) any member of the executive or other office bearer] of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;

(c) where the worker is not a member of any trade union, by 5[any member of the executive or other office bearer] of any trade union connected with, or by any other workman employed in the industry in which the worker is employed and authorized in such manner as may be prescribed.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by-

(a) an officer of an association of employers of which he is a member;

(b) an officer of a federation of associations of employers to which the association referred to in Clause (a) is affiliated;

(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceeding under this Act or in any proceeding before a Court.

(4) In any proceeding before a Labour Court, Tribunal or National Tribunal a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceedings and with the leave of the Labour Court, Tribunal, or National Tribunal as the case may be

This provision nowhere provides that a power of Attorney Holder is also authorized to file the petition on behalf of the Workman. Hence, the petition held not maintainable as such and hence disposed accordingly.

No order as to cost.

DATE:- 03.02.2026

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

