

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/M/01/2019

Present: P.K.Srivastava

H.J.S..(Retd)

1. Dharam Lal
S/o. Sukhdev
2. Jakir Hussain
S/o. Rahman
3. Anil Kumar Agrawal
S/o. Kamta Prasad
4. Murli Ram Soni
S/o. Manhar Lal Soni

All are R/o. Through Dharamlal,
Harnabanda Station Road, Durg (C.G.)

Workmen

Versus

1. Senior Regional Manager
Food Corporation of India
Regional Office - Vidhansabha Road
Raipur (C.G.)
2. District Manager
Food Corporation of India
Durg (C.G.)

Management

(J U D G M E N T)

(Passed on this 09th day of April 2025)

This is a petition filed by the applicant workmen seeking amendment in order dated 16.07.2014 passed by my learned Predecessor in the case of Misc./02/1998.

The management has filed its written objection.

Both the parties have filed photocopy documents, which are orders of this Tribunal, Hon'ble High Court and Hon'ble Supreme Court, which are not disputed.

At the time of argument Counsel for the applicant workmen did not appear, hence argument of learned Counsel Shri Shailendra Pandey were heard by me. I have gone through the record as well.

The facts connected in brief are mainly that, an Award was passed by this Tribunal on 29.11.1991 in case no. CGIT/LC/R/17/1987 by which the petitioners were held entitled to be reinstated and regularized without back wages. They preferred a Misc. Writ Petition No. 2454/1992 before Hon'ble High Court of M.P. which was decided after hearing by a Single Bench of Hon'ble High Court vide order dated 26.07.1997 the Award was maintained with modification that the six workmen, mentioned in the Award, shall be entitled to regular salary fixed for the post in corporation only from the date of their regularization and not from any date or period. This order was confirmed by Hon'ble Supreme Court in SLP (C) 22692/1997 vide order dated 18.12.1997 dismissing the SLP and thus has become final between the parties.

The management has taken a stand for non implementation of the Award stated as above, on the ground of its Circular dated 08.01.2020 in which the departmental labour system stood declared as dying cadre and therefore all the Field Officers were instructed to ensure that, there was no further induction of any worker under this system and wherever any Court case is pending for such induction, appropriate application/affidavit shall be immediately filed before Hon'ble Courts/Tribunal/Authority to bring this Circular on record along with suitable submissions in consultation with conducting advocate and concerned Law Officer.

Learned Counsel for management submits that, in the light of this Circular the Departmental Labour System has been abolished and this order cannot be implemented. This is a fallacious argument, which cannot be accepted at all. The decision became final between the parties after dismissal of SLP above referred by Hon'ble Supreme Court in 1997 itself. Such an order cannot be frustrated on the basis of Circular issued by the department approximately after 23 years ie ;in 2020 and the order passed by this Tribunal, modified by Hon'ble High Court and confirmed by Hon'ble Supreme Court, shall override over the Circular. This is

also to be noticed that, this Circular will be affective from the date of its issue and not retrospectively as there is no mention of its retrospective applicability in the Circular. Also, it comes out that, the management has kept this order pending and has not complied with for the last 23 years, which is arbitrary and reprehensible on the part of management. The management is a Government Organization; it cannot be allowed to flout Court orders in such a manner.

It is unfortunate that, these workmen are fighting of protracted legal battle since 1991, ultimately succeeded in 1997 when SLP of management was dismissed by Hon'ble Supreme Court. Thereafter, they are struggling for enforcement of the Award and getting their claims in the light of the final order, which is being flouted by management for one or other reason, which is most condemnable. They would have attained the age of their superannuation till now. We have to keep in mind that even if the management regularizes these workmen now they may get nothing. Hence, in these circumstances, for doing full justice moulding of relief becomes imperative otherwise management will be successful in getting benefits of its own misdeed of flouting an order even confirmed by Hon'ble Supreme Court in 1997.

In the light of these observations, dismissing the objections of management, it is held under obligation in law to regularize the petitioners as Mazdoors in compliance of the orders mentioned above and grant wages as well all the in services and post service consequential benefits to them from the date of the order of Hon'ble Supreme Court dismissing the SLP, as mentioned above, though they are at liberty to retrench them from the date of the Circular of 2020 above noted, but after following Rules and formalities in law (Industrial Disputes Act 1947)in this respect. Petition stands disposed accordingly with litigation cost computed at Rs. 50000/- on management. Management is further directed to accomplish the orders within a time frame of three months and pay all the dues under these orders to the applicant workmen along with litigation cost within this period, failing which interest @ 10% p.a. from the date of this order till payment.

DATE:- 09/04/2025

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