

CASE NO. CGIT/LC/M/1/2021

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
28/7/2017	<p>Matter Taken up.</p> <p>Applicant workman present in person.</p> <p>Shri Shailendra Pandey, learned counsel for the management files reply on I.A. of applicant workman .</p> <p>Heard and perused the record.</p> <p>Facts connected in brief are that the applicant workman raised a dispute before the Assistant labour Commissioner against his dismissal by management Bank. Reference was made by the Central Government to this Tribunal . The Case CGIT/LC/R/57-2010 was registered. The workman also filed petition under Section 2A(2&3) of the Industrial Disputes Act,1947 which was registered as CGIT/LC/RC/10/2013. A common award was passed by this Tribunal after hearing the parties which is as follows:-</p> <p style="text-align: center;">A. Penalty of dismissal of Shri Dwarka Prasad Soni, Ex-Peon from service w.e.f 24-1-2008 in terms of Para-3(b) of the Bi-Partite Settlement No.6 of 2002 dated 10-4-2002 is held not justified in law.</p> <p style="text-align: center;">B. The Authority is obligated to pass a fresh order considering all the facts aggravating and mitigating taking into the nature of transactions, which lead into conviction, previous service record of the workman and his length of service recording a finding as to what punishment whether dismissal or other punishment will be justified in the case in hand.</p> <p>It is the case of the applicant workman that he preferred a representation before the management Bank in the light</p>	

P. W.

of the Award. The management Bank again passed the same order of dismissal without following the observations and finding of the Tribunal in the Award, which is bad in law. The workman has sought the relief of setting aside the second order of Management dated 11-1-2021 and for his reinstatement with all back wages and benefits.

The main objection from the management is that since the petition has been filed under Section 49(9) read with Section 50 of the Industrial Relations Code 2020 which is not in force at present, hence, this petition is not maintainable.

It is undisputed that Industrial Relations Code 2020 and Rules therein have not been enforced till date, hence the petition is not maintainable before this Tribunal. Needless to say that the applicant is at liberty to seek remedy in proper forum by raising an Industrial Dispute.

IN the light of above finding, the Petition deserves to be dismissed and is dismissed accordingly.

No order as to costs.


PRESIDING OFFICER