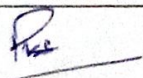


ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

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

Dwarka Prasad Soni Vs. Union Bank of India & Ors.,

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
19-10-2022	<p>1. This is a petition under Section 33-C(2) of the Industrial Disputes Act, 1947, hereinafter referred to by the word "Act". Applicant workman is present in person. He pressed his application dated 6-9-2022 seeking recall of order dated 28-7-2022 passed by this Tribunal which OP/Management as filed a written reply today which is taken on record.</p> <p>2. I have heard the workman in person and learned Counsel Shri Shailendra Pandey for the Management and have gone through the record.</p> <p>3. 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</p>	



law.

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.

4. It is the case of the applicant workman that he preferred a representation before the Management in Bank in the light 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 band 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.

5. The main objection of 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.

6. Holding that Industrial Relations Code 2020 and Rules have not been in force on date the application was filed by the applicant workman under Section 49 Clause-9 read with Section 50 of Industrial Relation Code-2020 seeking setting aside or earlier Award as not maintainable. The application was rejected.



7. Now the applicant has come up with an application to recall its order dated July-2022 again on the same ground that Industrial Relation Code-2020 is in force which is not true. He seems to be ill advised litigant. He may have genuine reasons and cannot seek redressal of his grievances under an Act which is not in force on date. He is at liberty to approach the appropriate forum , may be by raising a fresh Industrial dispute or by approaching Hon'ble High Court in this respect.

8. **Accordingly, the Petition stands dismissed.**

9. **No order as to costs.**


(P.K.SRIVASTAVA)
PRESIDING OFFICER