

**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.

REFERENCE CASE NO. 16 OF 2021

PARTIES: Chandrika Beldar and 10 others.
Vs.
Management of Narsamuda Colliery of ECL and Another.

REPRESENTATIVES:

For the Union/Workmen: Mr. R. K. Tripathi, Union representative.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal
STATE: West Bengal.
Dated: 09.01.2024

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Shri. Ananda Kumar Mukherjee

A W A R D

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/43/2021-IR(CM-II)** dated 16.09.2021 has been pleased to refer the following dispute between the employer, that is the Management of Narsamuda Colliery under Sodepur Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Narsamuda Colliery under Sodepur Area in not giving the post of SDL Operator after completion of three years of service as SDL Helper i.e. w.e.f. 2012 with notional seniority in respect of (1) S/ Shri Chandrika Belder (2) Shyamal Bouri (3) Kanhiya Muchi (4) Kanhiya Rajbhar (5) Kailash Rajbhar, (6) Abid Hussain (7) Baidyanath Majhi (8) Kanan Majhi (9) Thakur Paswan (10) Amit Nunia and (11) Jamaluddin Mia is just and legal? If not, to what relief the workmen are entitled to? ”

1. On receiving Order **No. L-22012/43/2021-IR(CM-II)** dated 16.09.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 16 of 2021** was registered on 17.09.2021 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited and Mr. R. K. Tripathi, union representative are present. The case is fixed up today for further evidence of workman witness and evidence of management witness.

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Dr. Mukherjee

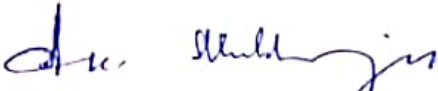
3. In this Reference case eleven workmen namely Shri Chandrika Beldar, Shyamal Bouri, Kanhiya Muchi, Kanhiya Rajbhar, Kailash Rajbhar, Abid Hussain, Baidyanath Majhi, Kanan Majhi, Thakur Paswan, Amit Nunia, and Jamaluddin Mia had raised the Industrial Dispute that the management of Narsamuda Colliery under Sodepur Area of Eastern Coalfields Limited did not designate and post them as SDL Operator after completion of three years of service as SDL Helper w.e.f. 2012 with notional seniority. Parties initially contested the case and evidence has been adduced by Baidyanath Majhi on behalf of other SDL Helpers. Mr. R. K. Tripathi, union representative of Koyala Mazdoor Congress has filed a petition before this Tribunal today i.e. on 09.01.2024 stating that the management of Eastern Coalfields Limited considered the promotion of Chandrika Beldar and others to the post of SDL Operator. It has not been clearly stated in the petition whether the said workmen have been promoted to the post of SDL Operators or not. However, employees are not interested to continue further and prayed for closing the proceeding. In view of application submitted, it appears to me that concerned workmen are not inclined to proceed further. Same is accordingly dismissed for non-prosecution.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.




(ANANDA KUMAR MUKHERJEE)
Presiding Officer,
C.G.I.T.-cum-L.C., Asansol.

Presiding Officer
Central Govt. Industrial
Tribunal -cum- Labour Court
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