

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/LC/Misc./10/2024

G.M., Food Corporation of India V/S. B.K.M.N.C. Union & Other

30.01.2025	<p>Matter taken up.</p> <p>Learned Counsel Shri Pankaj Dubey present for applicant management. Learned Counsel Shri Naveen Kumar Salunke present for O.P. Union & workman, files reply to the petition with affidavit and eight annexures. Also files reply to application of the applicant for condonation of delay.</p> <p>With the consent of the parties, the petition as well application for condonation of delay were heard at admission stage itself. Gone through the record.</p> <p>Admitted facts are that, an Award was passed by this Tribunal in favour of the union/workman on 05.08.2015. The petitioners (management) preferred a Writ Petition No. 20058/2015 which was dismissed by Hon’ble High Court of M.P. vide its order dated 02.08.2022. A Special Leave Petition No. SLP(C) 002535/2023 filed by the petitioner against order of Hon’ble High Court has also been dismissed. Hence, at present the Judgment has become final between the parties.</p> <p>By way of the petition filed, the petitioner seeks review of the Award in form of clarification with respect to allegedly false information given by the workman. The workman (O.P.) has vehemently denied this assertion. As submitted by learned Counsel for petitioner, the workman has disclosed his different dates of birth at</p>	
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	<p>different stages resulting into confusion and impediment in enforcing the Order/Award. The O.P. has denied having given different dates of birth.</p> <p>Whatever be the case, this fact is established that, this matter has been considered and adjudicated by Hon’ble the Apex Court. Hence, judgments of this Tribunal and Hon’ble High Court have merged in the judgment of Hon’ble Supreme Court. The petitioner is at liberty to seek clarification which he wants before Hon’ble Supreme Court. This Tribunal is at present <i>functious officio</i> at this stage. Needless to say if there is any dispute regarding age or date of birth of employee, the employer is within its rights to settle it on its own.</p> <p>Hence, based on above discussion and findings, holding the petition <i>sans merit</i>, it is dismissed with cost Rs. 10,000/- at admission stage itself.</p> <p>Upload this order.</p> <p>Presiding Officer</p>	