

**Central Government Industrial Tribunal Cum Labour
Court Jabalpur**

ORDER SHEET

DATE OF ORDER OF PROCEEDING	ORDER OR PROCEEDING WITH SIGNATURE OF PRESIDING OFFICER	REMARK
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Case No. CGIT/LC/R/39/2021

Nagendra Singh & 3 Others Vs. Bhilai J.P. Cement & Others

06.01.2025	<p>Matter taken up,</p> <p>Learned Counsel Shri R.S. Tiwari present for workmen. Learned Counsel Shri Chandrahas Dubey present for management of Ultratech Cement. Learned Counsel for J.P. Cement not available today.</p> <p>Workmen Ld. Counsel files application with affidavit to admit four original documents on record. Documents are taken on record.</p> <p>Since, these documents relate to the management of M/s. Bhilai J.P. Cement, Ld. Counsel for Ultratech Cement has rightly refused to admit or deny these documents, because they have not been issued by M/s. Ultratech Cement.</p> <p>During hearing it comes out that the case of the workmen is that they were earlier employees of J.P. Cement, working in Bela Plant, which was taken over by M/s. Ultratech Cement. According to these workmen, the transferee company is not accepting their services on same terms & conditions on which they were working when they were employee of transferor company. There is on record Annexure R/3 filed by M/s. Ultratech Cement with their written statement. This is an offer by the transferee company M/s. Ultratech Cement to the applicant workmen on 13.07.2017 which states that pursuant to implementation of scheme of arrangement approving demerger and merger of certain cement plants of JAL (Jay Prakash Associates Limited which the transferor company is one of its units) to Ultratech by NCLT, Mumbai Bench vide its order dated 15.02.2017 and Allahabad Bench vide its order dated</p>	
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	<p>02.03.2017, stating that the services of workmen are transferred to the transferee company M/s. Ultratech Cement on the terms and conditions which shall not be less favorable than they are current terms and conditions of service with JAL and will be governed has for the employment policy/service rules without interruption of service for conduct and governance. Same offers have been given to all the applicants by the transferee company. When the transferee company is ready to absorb the applicants working in the transferor company on terms and conditions of service no less favorable than that in the transferor company, which is mainly the terms of reference and relief sought by the applicant workmen, there appear elements of out of Court Settlement in this matter.</p> <p>Hence, both the sides are advised to explore possibilities of out of Court Settlement. The workmen Narendra Singh, Yogendra Pandey, Pradeep Singh & Santosh Mishra have also there inclination towards out of Court Settlement on conditions in the offer letters mentioned to above. Ld. Counsel for M/s. Ultratech Cement Shri Chandrahas Dubey is requested to approach their client with a copy of this order and explore that their client M/s. Ultratech Cement agrees for out of Court Settlement.</p> <p>List on 29.01.2025 for hearing. Ultratech Cement to ensure presence of its authorized signatory who is an position to take decisions in this respect. Applicant workmen to ensure their presence on the date fixed.</p> <p>Upload this order.</p> <p style="text-align: right;">Presiding Officer</p>	