

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

NO. CGIT/LC/ R/05/2021

Present: P.K.Srivastava

H.J.S..(Retd)

**Sh. Manoj Kumar Sharma & Ors.,
ND-20, NITTTTR Campus, Shyamla Hills,
Bhopal (M.P.)- 462011**

Workman

Vs

**Director,
National Institute of Technical Teachers
Training & Research, Shymla Hills,
Bhopal (M.P.)- 462011**

Management

(JUDGMENT)

(Passed on this 03rd day of February, 2026)

As per letter dated **24/12/2020** by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification **No. L-42012/30/2020(IR(DU))** dt. **24/12/2020**. The dispute under reference relates to:-

"1. क्या, निदेशक, नेशनल इंस्टीट्यूट ऑफ टेक्निकल टीचर्स ट्रेनिंग एण्ड रिसर्च, भोपाल द्वारा आवेदकगण श्री मनोज कुमार शर्मा एवं अन्य 10 कर्मकारों (संलग्न सूची परिशिष्ट "ख" के अनुसार) को मौखिक आदेश के द्वारा दिनांक 16.09.2019 से कार्य से विरत किया जाना क़ानूनी रूप से न्यायोचित है? यदि नहीं, तो क्या उक्त आवेदकगण अपने पूर्व के कार्य पर उसी स्थिति में नियोजन तथा तत्संबंधी अनुतोष पाने के अधिकारी हैं? मामले में अन्य आवश्यक निर्देश (यदि कोई हो) क्या है?"

2. क्या उक्त सभी कामगार नियोजक के यहां स्थाई सेवा (नियमतीकरण) के अधिकारी हैं? यदि हां, तो किस तिथि से, किस पद एवं किस वेतनमान पर नियोजित किये जायेंगे? मामले में अन्य आवश्यक निर्देश (यदि कोई हो) क्या है?"

After registering the case on the basis of reference, notices were issued to the parties. They appeared and filed their respective statement of claim in defense.

The workmen Mahesh Yadav, Kishan Lal Raghuwanshi, Papu Yadav, Sharda Bai, Bobby Gabriel, Gheesi Bai, Prem Narayan Mehra, Rajesh Taide and Rajkumar Shakya have filed separate statements of claims and management has also filed separate written statements of defense to the claims in this case. The case of the workmen is almost common. According to the workmen side, the workman Mahesh Yadav was first appointed as helper in the canteen on 01.01.2008 on monthly wages, Rs. 12,500/- per month, Kishan Lal Raghuwanshi was appointed as head-cook on 01.10.2001 on monthly wages, Rs. 13,800/- per month, Papu Yadav was appointed as helper on 09.05.2000 on monthly wages, Rs. 12,500/- per month, Sharda Bai was appointed as helper on 01.08.1996 on monthly wages, Rs. 12,500/- per month, Bobby Gabriel was appointed as helper on 05.05.1999 on monthly wages, Rs. 12,500/- per month, Gheesi Bai was appointed as mess-helper on 11.10.2000 on monthly wages, Rs. 12,500/- per month, Prem Narayan Mehra was appointed as mess-helper on 05.07.1993 on monthly wages, Rs. 12,500/- per month, Rajesh Taide was appointed as head-cook on 01.04.2017 on monthly wages, Rs. 12,600/- per month & Ramkumar Shakya was appointed as helper on monthly wages, Rs. 12,500/- per month, by the management of National Institute of Technical Teachers Training & Research, Bhopal against vacant posts. They were provided accommodation in the campus. They had continuously been working since the date of their appointment till 16.09.2019, when their services were unilaterally and arbitrarily terminated by the management without any notice or compensation. They had acquired status of a permanent employee and were entitled to the said status by putting in such a long tenure with the management, this action of management is unfair labour practice and is in violation of section 25-F & 25-G of the Act. Also, it is the case of these workmen that there are more than 500 employees working in the establishment and no approval for retrenchment was obtained by the management as per law, which is in violation of section 25-N of the Act. Thus, according to these workmen, this action of management

is unjust, illegal and arbitrary, they have sought a relief of their reinstatement with all back-wages and benefits.

The case of management in their written statements is mainly that there is Mess Committee in the Institute which manages the Mess and Canteen work, the Institute does not employ any person in the mess, it is the Mess Committee who employs and has employed these workmen to work in the canteen and the mess, these workmen used to work in the mess as an employee of the Mess Committee but never worked for 240 days or more in any year. Since, there is no relation of employer-employee between these workmen and the Institution, there is no question of termination of services of these workmen by the Institute. The management has requested that the reference be answered against these workmen.

In evidence, these workmen have filed their affidavits as their examination-in-chief, out of which workmen Gheesi Bai, Sharda Bai, Manoj Kumar Sharma, Boby Gabriel, Papu Yadav, Prem Narayan Mehra, Ramkumar Shakya and Kishan Lal Raghuwanshi have been cross-examined by the management. The management has filed separate affidavit of its witness Dr. A.S. Balke with respect to the affidavits of each of the workmen, contents of the affidavits are same, and he has been cross-examined by workmen side. Management has filed and proved office order dated 27.07.2012, house allotment order, order dated 27.12.2011 regarding constitution of new Mess Committee, order dated 26.10.2009 regarding constitution of Mess Committee, order dated 12.07.2004 regarding constitution of Mess Committee, order dated 03.06.2004 regarding constitution of various committees including mess and canteen committee, which are Ex-M/1 to Ex-M/7.

The workman side has filed photocopies of interview letters of these workmen which they did not care to prove. They have also filed photocopies of statements of accounts which are not certified, the certified copy of statement of workmen Kishan Lal Raghuwanshi, Mahesh Yadav, Manoj Sharma, Ramkumar Shakya and Papu Yadav is on record, has also been filed by the workmen which are admissible in evidence under *Bankers Book & Evidence Act* without being formally proved.

I have heard argument of Learned Counsel for workmen Mr. R.B. Tiwari and Smt. Kanak Geharwar, Learned Counsel for the management. The workman side has filed written arguments. I have gone through written arguments and the record as well.

On perusal of record in light of rival arguments, following Issues came up for determination:-

- 1) ***Whether the workmen have successfully proved their continuous engagement with the Institute as defined under section 25-B of the Act?***
- 2) ***Subject to finding of Issue No. 1, where the action of Institute in disengaging the workman is in violation of section 25-F & 25-G and also it is unfair labour practice adopted by the Institute by engaging these workmen for a long period as casual/temporary employees?***
- 3) ***Whether the workmen are entitled to any relief?***

Issue No.1,

Before proceeding, **Section 25-B of the Act**, which defines '**continuous service**', is being reproduced as follows:-

"25B. Definition of continuous service.—For the purposes of this Chapter,—

- (1) ***a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;***
- (2) ***where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—***
 - (a) ***for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—***
 - (i) ***one hundred and ninety days in the case of a workman employed below ground in a mine; and***
 - (ii) ***two hundred and forty days, in any other case;***

- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—**
- (i) ninety-five days, in the case of a workman employed below ground in a mine; and**
- (ii) one hundred and twenty days, in any other case.”**

Pleadings of parties on this issue have already been elaborated on these issues. The workmen corroborated their allegations on these issues in their affidavits as their examination-in-chief. They have stated that they were appointed as helpers/cook on different dates as mentioned in their affidavits by the Institute. They were also allotted residential accommodation inside the Institute for which they used to pay rent to the Institute, they continuously worked till the date of disengagement.

In their cross-examination, these workmen have stated that they have not filed their appointment letters, workmen Bobby Gabriel has stated that they had applied when the post was advertised but they were not called for the interview. Manoj Sharma stated that he appeared before the interview Board but was not issued appointment letter, other workmen have also stated that they were issued interview letters when regular vacancies were advertised but were not selected. There is nothing more in their cross-examination.

These workmen have failed to file any appointment letter to substantiate their claim that they were in fact appointed by the Institute, some of the workmen have filed certified statements of their accounts which shows that amounts have been credited in their accounts but it is not clear that these amounts were paid by the Institute. Some photocopy letters have been filed by the workmen which shows that they were appointed for a fixed term by the Institute but they have not cared to prove these documents hence, they cannot be read as evidence in their favour. Moreover, there is no document filed by the workmen to show that their PF contribution was deposited by the Institute.

On the other hand, management witness has stated that these workmen were appointed by the Mess Committee which is running in

the Institute and is responsible for effective running of mess and canteen in the training. There is no cross-examination of this witness.

Hence, in light of above description of facts, the fact that workmen were engaged by the Institute and they worked for 240 days with the Institute as its employees is held not proved.

Issue No. 1 is answered accordingly.

Issue No. 2

In the light of findings, on Issue No. 1, the termination of the workman is held not in violation of the Act.

Issue No. 2 stands answered accordingly.

Issue No. 3

In light of above discussion and findings, the workmen are held entitled to no relief.

Accordingly, the reference is answered as follows.-

AWARD

“Holding the action of the management in disengaging the workmen Manoj Kumar Sharma & 10 others, from 16.09.2019, legal and justified, they are held entitled to no relief.”

No order as to cost.

DATE:- 03-02-2026

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**