

**THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR**

CGIT/LC/R/36/2021

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Rameshwar Prasad Nayak,
S/o. Late Shri Thakurdas Nayak,
House Number 291, Ekta Nagar,
Chhola Road, Phoota Maqbara,
Bhopal (Madhya Pradesh)**

Workman

Versues

**The General Manager,
National Textile Corporation,
Madhya Pradesh Unit,
New Bhopal Textiles Mill, Chandbad,
Bhopal (Madhya Pradesh) - 462 010.**

Management

AWARD

(Passed on this 30th day of April, 2026)

सत्यमेव जयते

As per letter dated 24.08.2021 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. **J-1(1-8)/2021-IR** dt 24.08.2021. The dispute under reference relates to:

“क्या कर्मकार श्री रामेश्वर प्रसाद नायक, दैनिक वेतन भोगी को महाप्रबन्धक, न्यू भोपाल टेक्सटाइल्स मिल, चॉदबड, भोपाल (मध्य प्रदेश) द्वारा काम से निकाला जाना न्यायोचित है ? यदि नहीं, तो उक्त कर्मकार को कब से और किन लाभों के साथ नौकरी पर पुनः बहाल किया जाना चाहिए?”

Case of the workman is mainly that, he was first appointed w.e.f. 18.10.2003 as a Machine Operator and was posted in New

Bhopal Textile Mills, Chanbad, Bhopal and allotted Ticket/Token Daily paid employee No. 5214. He worked since then till 27.04.2018 continuously with the Management on the said post. He was granted coverage under P.F. (Provident Fund) and Employees State Insurance, granted to the regular employees and was given status of a permanent employee. He was issued an Identity card of his name, used to sign his attendance in the Attendance Register, maintained by the Management. Firstly, he was paid his wages in cash, but from October, 2001, he was paid his monthly wages through his Bank Account. In the year 2001, the Management disengaged him on the pretext of submitting his KYC and under assurance that he will be re-engaged after his new KYC is done, which was never fulfilled. This action of Management is unjust, illegal and arbitrary, as no notice or compensation was given to him. He raised a dispute in this respect before Regional Labour Commissioner (Central) Bhopal, after failure of the conciliation, the reference was sent by the Central Government to this Tribunal.

According to the Workman, he has worked continuously for more than 240 days in every year from 18.10.2003 to 27.04.2018 which is of permanent and perennial nature. He was disengaged without raising any notice or compensation, which is in violation of Section 25F and 25G of the Act, he has requested that setting aside his disengagement, he be reinstated with back wages and benefits.

The Management did not appear and did not contest the reference in spite of fact that notices were served on them. Hence, the case proceeded ex-parte against them.

The workman filed his affidavit as his examination in chief and proved documents **Ex. W-1 to W-4**, to be referred to as and when required.

I have heard argument of Learned Counsel for Workman Mr. Arun Patel and have gone through the record.

It is to be mention here that, in this case, earlier an Award was passed by this Tribunal on 27.12.2023 and a reference was answered against the Workman. In this Award, the workman and the Management both never appeared. It is thereafter the Workman filed a petition for setting-aside the Award, which was registered as case No. Misc./05/2025. Notice was sent to the Management also. One Advocate Angali Mishra filed her appearance memo for Management, but never appeared thereafter. The Award was set-aside after hearing and the case R/36/2021 has been restored.

Further, speed post notice was again sent on Management, which was served on them and service was declared sufficient vide order dated 23.04.2025. The Workman filed his statement of claim and contested the case, but none appeared for Management in spite of service of notice.

In his affidavit as his examination in chief, which is not controverted, the workman has corroborated his allegations that he has been regularly working since 18.10.2003 to 27.04.2018 and has been granted benefits under Provident Fund Scheme as well ESI benefits.

He has filed and proved letter of Management dated 21.08.2019, terminating his services, his application, his identity card copy, ESI card copy and PF details in copy, which are Ex. W-1 to W-4, which support his case.

Hence, holding that the workman has successfully proved his continuous engagement for 240 days and more in every year, including the year preceding the date of termination of his services and also holding that he was disengaged without any

notice or compensation, his disengagement is held in violation of Section 25F and 25G of the Act.

As regards relief, keeping in view the period of his engagement and the tenant circumstances as mentioned above, the reinstatement of Workman without back wages will meet the end of justice in this case.

In the light of above discussion and findings, the reference is answered as follows -

AWARD

Holding the action of Management of New Bhopal Textile Mills, Chanbad Bhopal in terminating the services of the Workman Rameshwar Prasad Nayak is held against law, the workman is held entitled to be reinstated but without back wages, he shall be deemed to be in continuous service of Management for other benefits except back wages.

No order as to cost.

DATE:-30/04/2026

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

