

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

**NO. CGIT/LC/ R/72/2021**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

Regional President,  
Sanyukta Koyala Mazdoor Sangh (AITUC),  
Naurozabad, PO, Naurozabad,  
District Umaria -484555

Workman

V/s

The General Manager,  
Johila Area, SECL,  
Post Naurozabad,  
District Umaria (M.P.)-484555

Management

**(JUDGMENT)**

**(Passed on this 13<sup>th</sup> day of February, 2026)**

सत्यमेव जयते

As per letter dated **09/11/2021** 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-22012/51/2021(IR(CM-II))** dt. **09/11/2021**. The dispute under reference relates to:-

***“(i) Whether the demand of Sanyukta Koyala Mazdoor Sangh against the management of Sub Area Manager, Pali Sub Area of SECL, Distt- Umaria (MP) for providing appointment on compassionate ground under the provisions of NCWA to the legal heir of Shri Gend Lal, Explosive Carrier, who has already been superannuated w.e.f. 01-07-2021 is legal, proper and justified?***

***(ii) Whether the action of the management of Sub Area Manager, Pali Sub Area of SECL, Distt-Umaria (MP) to let Shri Gend Lal, who was disabled by mine blast accidents in the course of employment, continue attending duty without sending him before***

***Medical Board of the company and without payment of compensation under the provisions of NCWA is legal, proper and justified?***

***(iii) If not, to what relief Shri Gend Lal, Explosive Carrier, who has already been superannuated w.e.f. 01-07-2021, is entitled to?"***

**The case of the workmen union** is that, he was first appointed with the management on 18.06.1981 and has been working with all sincerity to the satisfaction of the management till 01.07.2021 i.e. the date of his superannuation, while he was working under his mines there was a blast due to which his hearing capacity was damaged up to 70%, this fact was within the knowledge of the management. He was transferred to department of loading and unloading as his hearing capacity was reduced to 70%. He suffered another accident on 14.12.2016 resulting into 60% permanent disability. Under the relevant circulars he filed a representation for his discharge on medical grounds in light of circular of S.E.C.L. dated 16.05.2015 and sought an appointment of his dependant son on compassionate basis in his place, but the management did not accept his this demand rather continued him on services and superannuated him. This action of management is unjust, illegal and arbitrary. The workman has prayed that the management be directed to offer appointment to his dependant son on the basis of his medical incapacity.

**In their written statement of defense**, the management has taken a case that after the workman received injury, he was examined by a medical board and on the basis of report of the medical board he was appointed an alternate work for surface job for one year from 14.04.2014 to 15.04.2015. On 16.04.2015, the management issued a notification regarding a screened list of employee suffering from various ailments which did not include his name on the ground that **firstly**, he did not receive such injury reducing his hearing capacity to 70% as claimed by him and **secondly**, the investigation by the medical board held on 14.10.2017 and 18.10.2017, the workman was found fit for original job. According to the workman, compassionate appointment to dependant of employees who are declared medically unfit is given, the present workman was not declared medically fit by any medical board and was superannuated after completing his tenure

under management. The management has requested that the reference be answered against the workman.

Both the sides have filed affidavit and documents, to be referred to as and when require basis.

**I have heard argument** of Learned Counsel for workman Mr. Rajesh Soni and Mr. Neeraj Kewat Learned Counsel for management. Workman side has filed written submission also. I have gone through the written submission and records as well.

**Facts in this case are not disputed**, the only fact disputed is whether the workman became medically unfit to continue in service and whether he was entitled to the benefit of circular dated 16.05.2015 issued by management regarding screening list of employees suffering from serious ailment and unable to perform their duties from last three years.

**Case of the management** is that the workman was examined by medical board and he was not found medically unfit to continue in service. Though, it has been submitted on behalf of workman that there is certificate from the doctor who treated the workman that, workman had lost his hearing capacity but there is no illegality on the part of management that report of medical board constituted by them is more relevant in this respect. There is on record report of medical board and letter of management dated 14.10.2017 and 28.10.2017 which shows that the workman was found fit for original job by the medical board.

**When it is not established** that medically workman was unfit for the job, it was not incumbent on the part of management to discharge him on medical grounds. Hence, action of management in continuing the workman in service till the date of his superannuation cannot be held to be unjustified. It is the discretion of the management to continue his worker even if, he is unfit for the job and pay him salary without taking work, management cannot be forced to discharge such worker, if they decided not to discharge such worker.

***“Hence in the light of above discussion and findings, the action of management in not discharging the workman on the ground of permanent medical disability and not granting the benefit of compassionate appointment to his dependant son on this ground, is held justified in law and fact, the reference deserve to be answered against the workman and stands answered accordingly.”***

**No order as to cost.**

**DATE:- 13-02-2026**

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

