

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

NO. CGIT/LC/R/01/2021

Present: P.K.Srivastava

H.J.S..(Retd)

The State President

Samyukta Shramik Sangathit Asangathit Sangh

Main Road Kukari Choli

Po- Bhaisma Distt. Korba (C.G.) 495674

Workman

Versues

The General Manager,

SECL, Korba Area,

Po – Korba,

Distt. Korba (C.G.) - 495677

Management

(JUDGMENT)

(Passed on this 12th day of December - 2025)

As per letter dated 11/12/2020 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. L-22012/45/2020-(IR(CM-II)) dt. 11/12/2020. The dispute under reference relates to:

"Whether the demand of the Samyukta Shramik Sangathit Asangathit Sangh, Korba for correction of the date of birth from 25.09.1960 to 10.05.1965 of the Workman Shri Santosh Kumar S/o Late Bhikham Ram, Sr. Data Entry Operator of Korba Area, SECL is legal and justified? If yes, to what relief the Samyukta Shramik Sangathit Asangathit Sangh, Korba is entitled?"

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

Case of the Workman is mainly that, he was first appointed on 10.10.1983 with SECL Colliery in Sub-Area Chirmiri and was posted as Casual Mazdoor. He worked there till 05.09.1990, thereafter he joined as Data Entry Operator in the Korba Area. He was issued a last pay certificate from SECL Colliery showing his date of birth 25.09.1960 whereas his date of birth is 10.05.1965, which he had disclosed at the time of his joining on 10.10.1983 and had produced documents in this respect which are his Middle School Certificate cleared by him in 1976. He moved an application in the year 1991 and thereafter filed other applications dated 15.07.1993 and 28.05.1999 requesting the Management at Korba to correct his date of birth, but no action was taken. Thereafter, he made a request to conduct an enquiry with respect to his date of birth and correct it by way of filing applications dated 18.08.2002 and 25.07.2000. The Office of the General management vide his letter dated 12.11.2002 and 11.03.2003 sought same clarifications with respect to his contents which he submitted vide his letter dated 20.03.2003. No action was taken by Management and no enquiry was conducted. It is further his case that at the time of his first appointment on 10.10.1983 he submitted his domicile certificate, Class 8th School Certificate, Caste Certificate, preliminary description and employment card, issued from employment exchange, showing his date of birth 10.05.1965. In his service record also at SECL Colliery, his date of birth 10.05.1965 was recorded, but the Management unilaterally and arbitrarily changed his date of birth from 10.05.1965 to 25.09.1960 without intimating and without conducting an enquiry under his knowledge. The workman has also stated that, he was never informed about the Age Determining Committee in 1988 as claimed by Management. He was unjustly superannuated by Management on the basis of his wrong date of birth dated 10.09.1960 after attaining 60 years of age which is unjust, arbitrary and illegal. He has thus requested that setting-aside the order of his superannuation by Management on the basis of his date of birth 10.09.1960, he be deemed to be reinstated with back-wages and as well consequential pre and post retiral benefits deeming him to be in continuous employment till date of his superannuation based on his correct date of birth i.e. 10.05.1965.

Case of the Management is mainly that, the qualification for the Causal Mazdoor is illiterate. The workman did not produce any document with respect to his date of birth at the time of his first appointment, his date of

birth 10.09.1960 was recorded on the basis of information furnished by him in this respect. He accepted it and made his signatures in his service record. Thereafter, he was posted as Data Entry Operator in Korba. His last pay certificate was issued from the place of his earlier posting mentioning his date of birth as 10.06.1960 on the basis of his service record.

It is further the case of the Management that in 1988, an Age Determination Committee was constituted to address disputes with respect to dates of birth of the Workmen, including the Applicant Workman, and the Committee submitted its report. The date of the birth of the Applicant Workman was found correct which was mentioned in his service records as 10.09.1960. The workman has wrongly been perusing and agitating against this decision of the Management to which he is not entitled to. It is further the case of the Management that, superannuation of the Workman after attaining 60 years on the basis of his date of birth recorded as 10.09.1960 is correct and just in law.

Both the sides filed their affidavits as their examination-in-chief and which they have been cross-examined by their opposite party. Documentary evidence has also been filed and proved in form of RTI documents and other photocopy documents to be referred to as and when require.

I have heard argument of Mr. Tapan Kumar Chakravarti representative of the Union for the Workman and Mr. Neeraj Kewat for the Management. I have gone through the record as well.

It comes out that case of Management is that, the Age Determining Committee was constituted in 1988 with respect to settling the dispute regarding the date of birth of certain workers including the Applicant Workman which files its report and found his date of birth as 10.09.1960 recorded in his service records as correct.

Case of the Workman is that this Committee never informed the Workman to produce his side of evidences. He was never heard by this Committee, he was never informed of the findings of this Committee. He kept agitating against the entry with respect to his date of birth consistently even after 1988. In these circumstances, this Tribunal directed the Management to file the proceedings of the Age Determining Committee

constituted in 1988 and its report. An affidavit was filed by Management that proceedings and report of the Age Determining Committee were not available, only an order dated 05.10.1988 passed by the Additional Chief Mining Engineer of SECL Colliery was filed in photocopy.

Under National Coal Wage Agreement, Implementation Instructions 76 procedure for settlement of date of disputes with respect to date of birth of employees has been mentioned. The relevant portion is being reproduced as under

Determination of the age at the time of appointment

i) Matriculates.

In the case of appointees who have passed Matriculation or equivalent examinations, the date of birth recorded in the said certificate shall be treated as correct date of birth and the same will not be altered under any circumstances.

ii) Non-matriculates but educated.

In the case of appointees who have pursued studies in a recognised educational institution, the date of birth recorded in the School Leaving Certificate, shall be treated as correct date of birth and, the same will not be altered under any circumstances

Undisputedly, in this case, the Workman had cleared its Class 8th examination (in 1976) i.e; much before his appointment with the Management in 1983. His date of birth i.e. 10.05.1965 is mentioned in the certificate. The Age Determining Committee is bound to rely on this Certificate till it is proved to be a non-genuine. Since, the report of Age Determining Committee has not been produced by Management, hence, basis of the finding of the Age Determining Committee cannot be ascertained. It is not clear whether Age Determining Committee considered his educational certificate of the Workman as mentioned or not. This is also not established that, the Workman was informed about proceedings of the Age Determining Committee and was allowed to participate in the proceedings. Case of the Workman is that, neither he was informed nor did he participate in the proceedings, is supported by an Affidavit and cannot be disbelieved in the light of the circumstances as mentioned above. There is no affidavit of any Member of

the Age Determining Committee to indicate that the Committee has noticed the Workman and allowed the Workman to participate in the proceedings.

Since, the settled principle as mentioned in the Implementation Instructions 76, is that if the Workman is literate, his high school certificate and his middle school certificate in case he has not cleared his high school examination, will be relied upon for the date of his birth. Hence, on this basis, non acceptance of the date of birth of the Workman Santosh Kumar as 10.05.1965 as mentioned in his Middle School Certificate by the Management is held unjust, illegal and contrary to law. Consequently, the action of Management in superannuating the Workman after attaining 60 years on the basis of his date of birth 10.09.1960 is also held vitiated in law.

In the light of above recorded findings the reference is answered as follows.

AWARD

Holding the demand of the Samyukta Shramik Sangathit Asangathit Sangh, Korba for correction of the date of birth from 25.09.1960 to 10.05.1965 of the Workman Shri Santosh Kumar S/o Late Bhikham Ram, Sr. Data Entry Operator of Korba Area, SECL as legal and justified, he is directed to be reinstated with all back-wages with all consequential pre as well post retrial benefits till the date of his superannuation based on his date of birth i.e. 10.05.1965 deeming him to be in continuous service of SECL.

No order as to cost.

DATE:- 12/12/2025

(P.K.SRIVASTAVA)
PRESIDING OFFICER