

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 01 OF 2014**

**PARTIES:** Late Mangla Majhi  
(Represented by the legal heirs, Smt. Kisku Buri and 3 others).  
**Vs.**  
Management of Ghusick Unit of Kalipahari (R) Colliery of ECL.

**REPRESENTATIVES:**

For the Union/Workman: Mr. S. K. Pandey, Union representative.  
For the Management of ECL: Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 06.11.2023

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**A W A R D**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/140/2013-IR(CM-II)** dated 09.12.2013 has been pleased to refer the following dispute between the employer, that is the Management of Ghusick Unit of Kalipahari (R) Colliery under Sripur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**THE SCHEDULE**

*“ Whether the action of the Management not to pay the back wages to workman Shri Mangal Majhi, Surface Trammer from 8.9.1997 to 26.9.2010 for forced idle period, while Management has re-instated him in service without paying back wages is fair and justified, if not so what relief Management can provide to him? ”*

- 1.** On receiving Order **No. L-22012/140/2013-IR(CM-II)** dated 09.12.2013 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 01 of 2014** was registered on 14.02.2014 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
- 2.** Mr. P. K. Das, learned advocate for the management of Kalipahari (R) Colliery of Eastern Coalfields Limited is present.
- 3.** The Industrial Dispute has been raised by Mangla Majhi, Surface Trammer for his back wages during forced idle period from 08.09.1997 to 26.09.2010. During pendency of the Industrial Dispute Mangla Majhi expired and his legal heirs were substituted in this case on the basis of a petition filed on 17.05.2017. Smt. Kisku Buri, wife of Late

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Mangla Majhi filed an affidavit-in-chief through her advocate but did not turn up to face cross-examination. Due to non-appearance of the legal heirs on several consecutive dates Notice under registered post was issued to all the legal heirs in compliance with order dated 06.06.2023, directing them to appear before the Tribunal today. The Notice under registered post have not been returned. It is presumed that the same have been served upon the addressees. On repeated calls at 12.40 pm none appeared for the legal heirs of the deceased workman. Till date no evidence has been adduced.

4. Mr. S. K. Pandey, General Secretary of Colliery Mazdoor Congress appeared on behalf of the workman. He filed written statement on behalf of the workman on 16.06.2015. On 11.07.2017 a substitution petition filed by the legal heirs of Late Mangla Majhi was allowed. On 12.09.2018 Mr. G. P. Mal, learned advocate appeared on behalf of the legal representatives. The management is represented by Mr. P. K. Das, learned advocate who filed written statement on 07.09.2015.

5. Several opportunities have been provided to the workman to contest the case and adduce evidence. It appears from the record that after Notice the legal heirs have not turned up. Under such circumstances the case pending for ten years is dismissed for default. Let a **No Dispute Award** be drawn up.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

**(ANANDA KUMAR MUKHERJEE)**

Presiding Officer,  
C.G.I.T.-cum-L.C., Asansol.