

**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. 05 OF 2020

PARTIES: Ganesh Modi
Vs.
Management of Chinakuri Mine No. 1 of ECL

REPRESENTATIVES:

For the Union/Workman: None Appeared.

For the Management of ECL: Mr. P. K. Das, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.12.2023

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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-22012/120/2019-IR(CM-II)** dated 07.02.2020 has been pleased to refer the following dispute between the employer, that is the Management of Chinakuri Mine No. 1 under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Chinakuri Mine No. 1 under Sodepur Area in imposing a punishment of dismissal on Shri Ganesh Modi, Ex- Loader of Chinakuri Mine No. 1 w.e.f. 15-12-1999, as raised by Colliery Mazdoor Congress (HMS), is just and legal? If not, to what relief the workman, Shri Ganesh Modi, is entitled to? ”

1. On receiving Order **No. L-22012/120/2019-IR(CM-II)** dated 07.02.2020 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 05 of 2020** was registered on 24.02.2020 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 appeared for the management of Eastern

Coalfields Limited. The case was fixed up on 10.11.2023 for ex-parte hearing. Mr. Sumanta Bhattacharya appeared as management witness. He filed affidavit-in-chief in support of the management's case along with documents as per list. On repeated calls at 1.00 pm none appeared for Ganesh Modi, the dismissed workman.

3. On a perusal of the record I find that Mr. Bipul Banerjee, learned advocate appeared for the workman on 18.04.2023 seeking time to file Vokalatnama on the next date to represent the workman. Since no written statement has been filed, the case was fixed for ex-parte hearing.

4. In their written statement, management of Eastern Coalfields Limited has disclosed that the workman absented from duty without Notice for the period from 01.06.1999 to 13.09.1999, causing dislocation of the company's work and inconvenience. A charge sheet dated 13.09.1999 under section 17(i)(w) of the company's standing order was issued. Workman submitted reply to the charge sheet contending that he was admitted at Sanctoria Hospital for his illness. A Domestic Enquiry was initiated against the workman. Notice of Enquiry was issued and the workman participated in the enquiry proceeding. Charge of misconduct was established against the workman and he was found guilty of charge. The Disciplinary Authority issued a letter of dismissal on 15.12.1999 in accordance with gravity of misconduct. In support of their contentions in the written statement, management produced copy of Charge Sheet, Letter of appointment of Enquiry Officer, Notice of Enquiry, Report of Enquiry Proceeding and findings of the Enquiry Officer. Management further filed a letter dated 17.11.1999 issued by the Chief Medical Officer, Sanctoria Hospital addressed to the Superintendent / Manager, Chinakuri Mines No. 1, disclosing that on

verification it was found that all papers of treatment of Ganesh Modi bear wrong OPD numbers which were not routed through OPD registration counter. Note sheet dated 26.11.1999 reveals that the treatment papers of Sanctoria Hospital submitted by the employee were found to be false and accordingly certified by the Sanctoria Hospital. Finally, workman was dismissed from service on basis of a letter issued by the Chief General Manager, Sodepur Area dated 08/09.12.1999. In view of facts and circumstances, I hold that the workman does not have a good case to proceed. Due to long absence after Notice, it is presumed that he is disinclined to pursue with this case. Accordingly, the Industrial Dispute is dismissed in the form of a **No Dispute Award**.

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.