

**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. 06 OF 2019

PARTIES: Haradhan Bouri
Vs.
Management of Jhanjra Project Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. N. Ganguly, Adv.

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 25.09.2023

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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-22012/2/2019-IR(CM-II)** dated 10.01.2019 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra Project Colliery under Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of Jhanjra Project Colliery, Jhanjra Area of M/s. ECL in dismissing Shri Haradhan Bouri vide order No. GM/JNR/PER/2012/497 dated 04/16-07-2012 is legal or justified? If not, to what relief the workman Shri Haradhan Bouri, Ex-Tyndal is entitled to? ”

- 1.** On receiving Order **No. L-22012/2/2019-IR(CM-II)** dated 10.01.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 06 of 2019** was registered on 28.01.2019 and an order was passed 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 Jhanjra Project Colliery under Jhanjra Area of Eastern Coalfields Limited is present. Case is fixed

up today for evidence of workman witness. On repeated calls at 12.25 pm, none appeared for Haradhan Bouri, Ex-Tyndal working under Eastern Coalfields Limited.

3. After registration of this case on 28.01.2019, Notice was issued to both parties. On 11.10.2022 Haradhan Bouri appeared for the first time and filed written statement. Mr. P. K. Das, learned advocate filed a written statement along with Vokatnama on the next date. The case was fixed up for evidence on 03.03.2023 and 15.05.2023 but none appeared for the workman. In compliance with order dated 15.05.2023, Notice under registered post was issued to Haradhan Bouri at his residence but he failed to appear without seeking any accommodation.

4. The workman in his written statement stated that he went on leave in 2011 but due to illness he could not join his duty and informed the management about his inability to join due to illness. Without issuance of any Charge Sheet, Notice of enquiry and Second Show Cause Notice, the workman received a verbal intimation that he had been dismissed from the service and a letter dated 4/16.07.2012 was issued in his name. The workman has prayed for reinstatement in service after setting aside the order of dismissal.

5. The case has been contested by the management by filing written statement. It has been submitted therein that Charge Sheet was issued to workman for his unauthorized absence. The reply to the Charge Sheet was not found satisfactory and a proceeding was initiated. The charge framed was substantiated against workman and a second Show Cause Notice dated 02.01.2012 was sent to the workman enclosing enquiry report. The reply to the

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Second Show Cause notice was not found satisfactory as the workman had performed duty for nine days in 2009, one day in 2010 and four days in 2011. It has been asserted that punishment imposed against the workman is totally justified.

6. The workman did not appear after filing written though subsequent Notice was served upon him. Opportunity was given to the dismissed workman to contest the case but he is not eager to turn up. Under such circumstances, the Industrial Dispute is decided against the workman in form of a **No Dispute Award**.

Hence,

ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference. 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.