

**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. 07 OF 2021**

**PARTIES:** Bilam Majhi.  
**Vs.**  
Management of Nimcha Colliery, ECL.

**REPRESENTATIVES:**

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.  
For the Management of ECL: Mr. P. K. Das, Advocate.

**INDUSTRY:** Coal  
**STATE:** West Bengal.  
**Dated:** 20.12.2024

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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-22012/20/2021-IR(CM-II)** dated 15.06.2021 has been pleased to refer the following dispute between the employer, that is the Management of Nimcha Colliery under Satgram 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 Nimcha Colliery under Satgram Area in imposing a punishment of dismissal on Shri Bilam Majhi, General Mazdoor (UM No. 187907), Nimcha Colliery w.e.f. 23-11-2011 is just and legal? If not, to what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22012/20/2021-IR(CM-II)** dated 15.06.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 07 of 2021** was registered on 17.06.2021 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.

2. Mr. P. K. Das, learned advocate for the management of Eastern Coalfields Limited is present. Case is fixed up today as a special chance for evidence of Bilam Majhi, the dismissed workman. In compliance with order dated 09.08.2024, Notice under registered post was sent to Bilam Majhi at his home address which has been returned unserved with a report *“addressee cannot be located”*.

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3. After registration of this case Mr. Rakesh Kumar, President, Koyala Mazdoor Congress filed written statement on behalf of the workman on 08.11.2021 and the management of Eastern Coalfields Limited filed their written statement on 12.12.2022. The case was thereafter fixed for evidence of workman witness on 17.02.2023, 24.05.2023, 13.10.2023 and 26.03.2024. For ends of justice the case was again fixed on 09.08.2024 for appearance of the workman and his evidence. On prayer of Mr. Rakesh Kumar, an order was passed on 09.08.2024 to issue Notice to the workman at his home address, provided by the union, fixing today for his appearance and evidence, as a special chance.

4. On repeated calls at 12.50 PM, the workman as well as the union representative are found absent. It appears from the record that ample opportunities were given to the dismissed workman and union for examining their witness to prove their case. Since no one has turned up, I find that the union and the workman are not diligent enough to pursue this case. The Industrial Dispute referred by the Government of India is accordingly dismissed for default. Let a No Dispute Award be drawn up.

Hence,

**ORDERED**

that the Industrial Dispute is dismissed for default. A No Dispute Award be drawn up in 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.

Sd/-  
**(ANANDA KUMAR MUKHERJEE)**  
Presiding Officer,  
C.G.I.T.-cum-L.C., Asansol.