

**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. 08 OF 2014

PARTIES: Padman Sahu
Vs.
Management of Nimcha Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. S. K. Pandey, Union representative.

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 20.12.2023

(Contd. Page – 2)

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-22012/138/2013-IR(CM-II)** dated 09.05.2014 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 Nimcha Colliery to dismiss from service to Sri Padman Sahu, is fair and proper only on ground of absenteeism. If not so what relief Management can provide to him? ”

1. On receiving Order **L-22012/138/2013-IR(CM-II)** dated 09.05.2014 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 08 of 2014** was registered on 23.05.2014/07.07.2014 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. Goswami, learned advocate for the management of Eastern Coalfields Limited has appeared along with Mr. Sumit Choudhary, Management witness. The case is fixed up today for appearance of workman and for evidence of management witness. In compliance with order dated 14.07.2023 Notice was issued to the workman under registered post. Postal envelope has not returned unserved as such it is presumed that Notice has been served upon the addressee. On repeated calls at 11.55 am, none appeared for the workman. On a perusal of the record, I find that Mr. S. K. Pandey,

--: 3 :--

General Secretary of Colliery Mazdoor Congress had represented the dismissed workman up to 30.05.2018. Padman Sahu had been cross-examined in full on 06.01.2016 but did not appear thereafter.

3. It appears to me that workman is not inclined to proceed with this case as he did not appear after service of Notice. Management witness is yet to be examined but Mr. Sumit Choudhary, management witness is discharged without examination due to long absence of the workman. Under such circumstance, the Industrial Dispute referred to this Tribunal is dismissed and a **No Dispute Award** is passed.

Hence,

ORDERED

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