

**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. 22 OF 2009

PARTIES: Ram Sudhar Nunia and 160 Others
Vs.
Management of Jhanjra 1 & 2 Incline and MIC Jhanjra of ECL

REPRESENTATIVES:

For the Union/Workmen: None
For the Management of ECL: Mr. P. K. Goswami, Adv.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 06.02.2024

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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-22012/26/2009-IR(CM-II)** dated 28.07.2009 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra 1 and 2 Incline and MIC Jhanjra under Jhanjra Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the Management of Jhanjra 1 & 2 Incline & MIC Jhanjra under Jhanjra Area of M/s. ECL, in denying payment of Special Piece Rate Allowances to Sri Ram Sudhar Nunia & 160 others (list enclosed) from 01.07.1996 to 17.11.2006 is legal and justified? To what relief are the workmen concerned entitled? ”

1. On receiving Order **No. L-22012/26/2009-IR(CM-II)** dated 28.07.2009 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 22 of 2009** was registered on 20.08.2009 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 is present. Case is fixed up today for appearance of the aggrieved workman and awaiting Corrigendum of the Schedule.
3. After registration of the case Notice was issued to parties. Union filed written statement on 05.11.2009 and the management filed written statement on 12.01.2010.

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Rejoinder on behalf of the workman was filed on 25.03.2010. The case was fixed up for evidence on 28.05.2013. Shabe Alam (workman witness - 1) was examined and cross-examined on 23.07.2013 and documents were marked as Exhibit 1 and 1/1. The case was then fixed up for further evidence of workman witness on 19.09.2013. On 06.07.2015 Mr. S. K. Pandey, union representative appeared for the workmen and filed authorization but no evidence was adduced. On 28.11.2017 both parties submitted that there was some error in the Schedule of the Reference case which required correction. Record reveals that since 24.09.2018 no step has been taken on behalf of the workman. No Corrigendum of the Schedule has been received. In view of such non-representation of the workman for a prolonged period, of nearly five years I find no reasons to keep the case pending. The Industrial Dispute referred is therefore dismissed for non-prosecution.

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.