

**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. 26 OF 1993**

**PARTIES:** Nabin Majhi  
**Vs.**  
Management of Kalipahari (R) Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: None.  
For the Management of ECL: Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 22.12.2023.

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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-22012/46/93-IR(C.II)** dated 07.06.1993 has been pleased to refer the following dispute between the employer, that is the Management of Kalipahari (R) Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**THE SCHEDULE**

*“ Whether the action of the management of Kalipahari (R) Colliery of M/s. E.C.Ltd., in dismissing Shri Nabin Majhi, General Mazdoor w.e.f. 28.10.88 from the services vide charge sheet No. AGT/KPH/67/1164 dated 17.7.87 is legal and justified? If not, to what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22012/46/93-IR(C.II)** dated 07.06.1993 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 26 of 1993** was registered on 14.06.1993 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 for Eastern Coalfields Limited is present. The case is fixed up today for appearance of aggrieved workman, Nabin Majhi and hearing of argument. On repeated calls at 1.10 pm, none appeared for Nabin Majhi.

3. On the basis of order received from the Ministry of Labour, this case was registered on 14.06.1993. Both parties were represented by their learned advocates. Union filed

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written statement on 16.11.1993 on behalf of workman through Mr. S. K. Pandey, Union representative. Management filed written statement on 17.12.1993. On 02.07.1997 management filed rejoinder to the written statement filed by the workman. Case was fixed up for evidence of parties. On 03.11.2009 Mr. P. K. Das as well as Mr. S. K. Pandey submitted that they would not adduce evidence and would like to produce written argument. Since no step has been taken by the workman on consecutive dates and Mr. Das on 06.06.2018 submitted that workman has expired, I do not find necessity in proceeding further with this case. Legal representative of the workman did not come forward seeking substitution. Under such circumstances, Industrial Dispute is dismissed for default.

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.