

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL

Present; Shri Ananda Kumar Mukherjee
Presiding Officer
C.G.I.T-cum-L.C, Asansol.

REFERENCE NO 27 OF 2006

Parties: The Agent, Nimcha Colliery, E.C.L

Vs.
Lakhiram Manjhi

REPRESENTATIVE:

For the Management; Mr. Piyush Kanti Das, Learned Advocate.

For the Union(Workman) Shri S.K. Pandey, General Secretary, Koyla Mazdoor Congress.

INDUSTRY: COAL

STATE: WEST BENGAL

Dated: 29-11-2022

A W A R D

In exercise of powers conferred under clause(d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act,1947, the Central Government through the Ministry of Labour vide order number L-22012/163/2005-IR(CM-II) dated 18-07-2006 has been pleased to refer the following dispute between the Employers i.e. the Management of Nimcha Colliery of M/s E.C.L and their workman for adjudication by this Tribunal.

THE SCHEDULE

“Whether the action of the Management of Nimcha Colliery of M/s Eastern Coalfields Limited in dismissing the service of Sh. Lakhiram Manjhi, U.G. Loader w.e.f. 29-10-2003 is legal and justified? If not, to what relief the workman is entitled to?”

1. On receipt of Order No. L-22012/163/2005-IR(CM-II) dated 18-07-2006 from the Government of India, Ministry of Labour & Employment, New Delhi, a reference case No.27/2006 was registered on 14-08-2006 and an order was passed for issuing notice to the parties for submission their written statements, documents and list of witnesses. The parties appeared and filed written statements. Shri Lakhiram Manjhi filed affidavit in chief. He was examined as W.W.I and cross-examined. No witness is examined on behalf of the Management.
2. Today the case is fixed up for hearing of argument. At this stage, Mr. P.K. Das Learned advocate for ECL filed a copy of Memorandum of Settlement in Form 'H' duly signed by Shri Sumit Chowdhury, Deputy Manager(Personnel) of the Management Company. None appeared for the workman. It is submitted by the learned advocate that the dispute involved in this case has been settled between the parties and a Memorandum of Settlement has been executed on 23-11-2018, whereby the workman Lakhiram Manjhi, ex U.G.Loader(U.M.No.354250) of Nimcha (R)Colliery was reinstated in service as category -I, General Mazdoor with initial basic pay. The period from the dismissal to till the date of reinstatement was agreed to be treated as dies-non and that the workman will not be entitled to any back wages. It was further provided that both parties will separately file petition before the C.G.I.T, Asansol to the effect that the matter is settled and reference would be withdrawn or no dispute award was to be passed and the exercise was to be completed within 30(thirty) days. It is apparent from the face of the record that no such intimation was given to this Tribunal, neither by the workman nor by the Management for which the case is running in the list for hearing of argument.

3. Having considered the facts and circumstances which evolved out of Memorandum of Settlement, I am of the view that the Industrial dispute regarding dismissal of Lakhiram Manjhi from his service has been settled amicably and no dispute exists. Accordingly a no dispute award is drawn up. The reference case is disposed of.

Hence,

ORDERED

Let a 'No Dispute' Award be passed in this case, treating the Memorandum of Settlement in Form 'H' dated 23-11-2018 as part of the Award. Let copies of the Award be sent to the Ministry of Labour and Employment, Government of India for information and the needful.

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