

**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. 27 OF 1993

PARTIES: Smt. Malati Mejhain
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: 20.03.2024.

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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-22012/48/93-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 under Sripur Area 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 Smt. Malati Mejhain, Wagon Loader w.e.f. 28.10.88 from the services vide charge sheet No. KGT/KPH/87/1137 dated 15.07.84 is legal and justified? If not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/48/93-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. 27 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 ECL is present. The case is fixed up today for appearance of Smt. Malati Mejhian and hearing of case, in default, for its disposal in accordance with law. On a perusal of record, I find that in compliance with order dated 22.12.2023 Notice was issued to Malati Mejhian at her residential address under registered post. On repeated calls at 1.50 p.m. none appeared for the aggrieved employee.

3. Written statements were submitted by Malati Mejhian on 16.11.1993 and on behalf of the employer on 17.12.1993. Mr. S. K. Pandey, union representative had adduced evidence and was examined as workman witness - 1 for union on 03.04.1997, stating therein that Malati Mejhian was dismissed from service since 28.10.1988 but order of dismissal was not served on her. Furthermore, Charge Sheet was not served on her and no Notice of enquiry was issued. Witness also denied that Malti Mejhian was continuously absent from the year 1986 onwards, till the year 1987. Witness has not been cross-examined on behalf of the management. No evidence is adduced on behalf of the management. Case is pending for three decades and no step has been taken on behalf of the union.

4. Considering the materials on record it is apparent that allegation of illegal dismissal has not been controverted by the management by cross-examining WW-1 or adducing evidence. However, as Malati Mejhian and the union have not taken steps, I am not inclined to pass any order on merit of this case and hold that the Industrial Dispute stands dismissed for non-prosecution and the same is disposed in the form of a No Dispute Award.

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.