

**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. 35 OF 2004

PARTIES: Shyamal Bouri
Vs.
Management of 1 and 2 Incline, Jhanjra Area of ECL.

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 17.04.2024.

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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-22012/267/2003-IR(CM-II)** dated 23.06.2004 has been pleased to refer the following dispute between the employer, that is the Management of 1 and 2 Incline, Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of 1 and 2 Incline, Jhanjra Area of M/s Eastern Coalfields Limited in dismissing Sh. Shyamal Bouri, R. H. Crew from the service on 8.10.96 is legal and justified? If not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/267/2003-IR(CM-II)** dated 23.06.2004 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 35 of 2004** was registered on 05.07.2004 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. Rakesh Kumar, union representative appeared for Shyamal Bouri, the petitioner. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. This case relates to dismissal of Shyamal Bouri, R. H. Crew from service w.e.f. 08.10.1996. The subject matter of this Industrial Dispute before this Tribunal is to consider whether such dismissal is legal and justified. This case is pending since the year 2004. Mr. Kumar submitted that Shyamal Bouri has expired on 30.04.2018. Copy of the Death certificate is filed and the same is kept with the record. Till date none appeared for substituting

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legal heirs of Late Shyamal Bouri. Mr. Kumar further submitted that legal heirs of the deceased workman are not inclined to proceed further with this case and the same may be disposed of.

3. In view of facts and circumstances I hold that no purpose would be served by proceeding further in absence of proper representation of the dependent of the deceased. Accordingly, the Reference case is dismissed for default. Let a No Dispute Award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in 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.

S/d

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