

**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. 37 OF 2019

PARTIES: Pawan Kumar Mishra
Vs.
Management of Shyamsundarpur Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Goswami, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 10.02.2025.

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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-22012/85/2019-IR(CM-II)** dated 29.11.2019 has been pleased to refer the following dispute between the employer, that is the Management of Shyamsundarpur Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the reversal of Shri Pawan Kumar Mishra, represented through Koyala Mazdoor Congress, back to the designation of SDL Operator on 11.07.2014, which he was holding prior to his accident, by the management of Shyamsundarpur Colliery is legal, proper and justified? If not, whether the demand of his regularization as 'Pump Khalasi', to which he was deployed on the basis of Medical Board's recommendation, is justified? And if so, what relief is the workman entitled to? ”

1. On receiving Order **No. L-22012/85/2019-IR(CM-II)** dated 29.11.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 09.12.2019 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 has appeared accompanied by Mr. Jayanta Gorai, Manager (Personnel), Bankola Area, Eastern Coalfields Limited. Mr. Rakesh Kumar, union representative appeared with Pawan Kumar Mishra, aggrieved workman. The case is fixed up today for hearing of argument.

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3. In this case parties have filed their written statements and adduced evidence. On the date fixed for hearing of argument, Mr. Rakesh Kumar filed an application praying for withdrawing the Industrial Dispute on the ground that Management has changed UG code of the workman to Non-UG code and assured that he will be regularized soon as a non-underground workman. Application is accompanied by a pay slip of workman which shows that he has been offered a Non-UG code. Mr. Jayanta Gorai, Management Representative submitted that they have no objection if Industrial Dispute is withdrawn and the Director (Personnel), Eastern Coalfields Limited Headquarters will appropriately re-designate the workman in due course of time. It appears to me that Pawan Kumar Mishra is not inclined to proceed further, as purpose for initiating the Industrial Dispute has been fulfilled. Prayer for withdrawing the case is allowed. 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.

Sd/-

(ANANDA KUMAR MUKHERJEE)

Presiding Officer,
C.G.I.T.-cum-L.C., Asansol.