

**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. 38 OF 2012

PARTIES: Barmdeo Bhuia
Vs.
Management of 1 & 2 Incline, Jhanjra Project 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: 30.09.2024

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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-22012/143/2012-IR(CM-II)** dated 26.10.2012 has been pleased to refer the following dispute between the employer, that is the Management of 1 and 2 Incline of Jhanjra Project of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of 1&2 Incline of Jhanjra Project of M/s. Eastern Coalfields Limited in dismissing Shri Barmdeo Bhuia, Tyndal, from service w.e.f. 31.07.97 is legal and justified? What relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/143/2012-IR(CM-II)** dated 26.10.2012 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 38 of 2012** was registered on 14.11.2012 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 has appeared for Eastern Coalfields Limited. For ends of justice the case has been fixed up today for filing legal heirship certificate in respect of Late Barmdeo Bhuia for substitution as well as for evidence of workman witness, in default, the case is to be disposed of in the form of a No Dispute Award. It is 12.10 pm now. On repeated calls none appeared for the workman or his dependent. Mr. Rakesh Kumar, union representative is not found available.

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3. After registration of the case Notice were issued to the parties concerned. Written statement has been filed by the President, Koyala Mazdoor Congress as well as by the management of Eastern Coalfields Limited. The aggrieved workman died on 21.09.2017. Since then, no substitution of legal heirs of the deceased has been made. Concerned union has not proceeded diligently in this case. Tribunal has extended ample opportunity to the party for substitution but none turned up. Under such circumstances this Industrial Dispute is disposed of for non-prosecution. 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.

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