

**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. 57 OF 2004

PARTIES: P. N. Adhikari

Vs

Management of Dalurband Colliery, Pandaveswar Area, ECL

REPRESENTATIVES:

For the Union/Workman: P. N. Adhikari (in person)

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

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 22/09/2025

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-22012/409/2003-IR(CM-II)** dated 04/10/2004 has been pleased to refer the following dispute between the employer, that is the Management of Dalurband Colliery, Pandaveswar Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“Whether the action of the management of Dalurband Colliery under Pandaveswar Area of M/s. ECL in denying stepping-up of basic pay with retrospective effect and consequential benefits to Sri P.N. Adhikary, Accountant is legal and justified? If not, to what relief the workman is entitled?”

1. On receiving Order **No. L-22012/409/2003-IR(CM-II)** dated **04/10/2004** from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 57 of 2004** was registered on 14/10/2004 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.
2. Colliery Mazdoor Sabha of India filed written statement on behalf of the aggrieved workman on 14/02/2005. Mr. P. K. Das, learned advocate for Management of ECL filed written statement on 04/06/2009. In gist, fact leading to the initiation of this Industrial

Dispute is that Mr. P. N. Adhikari was posted as Clerk, Grade I in the Accounts Department of Dalurband Colliery, ECL. He was promoted to the special grade, the next higher grade on and from 11/04/1991 along with thirteen other employees. Mr. P. N. Adhikari was thereafter promoted to Technical Grade 'A' w.e.f. 05/02/1996 and his Basic pay was fixed at Rs. 3,680 per month. It is contended that Sh. Jaladhi Chatterjee who was also promoted along with P. N. Adhikari on 11/04/1991 remained in special grade till he was promoted to the next higher grade on and from 15/04/1998. Further contention of the union is that when P. N. Adhikari and Jaladhi Chatterjee were in the special grade and until their promotion, Basic pay of both the workmen was Rs. 3,528. On implementation of NCWA-VI w.e.f. 01/07/1996 which was signed on 23/12/2000, pay structure of workmen were revised under Implementation Instruction No. 18 to clear doubt and ambiguity. It is the specific case of the workman that prior to implementation of NCWA-VI, Basic pay of P. N. Adhikari was Rs. 3,680 whereas Basic pay of Jaladhi Chatterjee was Rs. 3,658, but after fixation of pay as per NCWA-VI, Basic pay of Mr. P. N. Adhikari was fixed at Rs. Rs. 6,020 and after granting three increments his Basic pay was fixed at Rs. 6,542, whereas Basic pay of Jaladhi Chatterjee and others was fixed at Rs. 6,067 and after adding three increments their Basic pay was fixed at Rs. 6,577 which is higher than the pay of P. N. Adhikari. Rest of the workmen including Jaladhi Chatterjee who are junior to Mr. Adhikari are receiving Rs. 400 more per month. It is contended that a junior workman cannot get higher pay than the senior workman. It is submitted that Mr. P. N. Adhikari was promoted to Technical Grade 'A' in the year 1996 and Jaladhi Chatterjee was promoted to Technical Grade 'A' in the year 1998, as such Mr. Adhikari cannot get lower Basic pay than Mr. Chatterjee when the Basic pay of Mr. Chatterjee in June, 1996 was less than Mr. Adhikari. It is urged that fixation of pay of aggrieved workman is absolutely illegal and Basic pay of P. N. Adhikari is required to be fixed w.e.f. 01/07/1996 and arrear along with consequential benefits may be allowed in favour of the workman by passing an appropriate Award.

3. Management in the written statement denied the allegation made in written statement of the union. According to the management as per job nomenclature and cadre scheme of the company Accounts Cadre and Cash Cadre are altogether different. Mr. P. N. Adhikari belongs to Accounts Cadre and his designation was Accountant in Tech. & Supv. Grade 'A' in the year 1991. His Basic pay was correctly fixed as per his entitlement in the cadre scheme. It is further stated that Jaladhi Chatterjee compared by the union belonged to a different cadre and according to the pay structure and guidelines of the cadre scheme, Basic pay was correctly fixed by the management and there has been no violation of NCWA-VI while fixation of their respective Basic pay. Management asserted that the concerned workman is not entitled to any relief as prayed and the Industrial Dispute is liable to be set aside.

4. Mr. P. N. Adhikari filed his affidavit-in-chief reiterating the case disclosed in the written statement filed by the union. It is derived from the affidavit-in-chief that initially P. N. Adhikari was posted as Clerk, Grade I from 13/04/1991 and he was promoted to the next higher grade, in Technical Grade 'A' on and from 05/02/1996. While serving as special grade clerk in the Accounts department his Basic pay was Rs. 3,680 as per NCWA-V and Basic pay of Jaladhi Chatterjee who was promoted to Technical Grade 'A' in the year 1998 was Rs. 3,658. After implementation of NCWA-VI Basic pay of P. N. Adhikari was fixed at Rs. 6,542 and that of Mr. Jaladhi Chatterjee was fixed at Rs. 6,577. In cross-examination witness denied the suggestion that his claim was incorrect and unjustified. Workman produced a copy of office order dated 11/04/1991 (marked as Exhibit W-1) whereby fourteen employees including P. N. Adhikari and Jaladhi Chatterjee were promoted from their clerical grade I to special grade as per the approval of the General Manager,

Pandaveswar Area. The order reveals that on 11/04/1991 both the workmen were in the same grade i.e. special grade. Workman has also produced pay fixation statement in two pages which is collectively marked as Exhibit W-2.

5. Mr. Anuj Lakra (Management Witness) has been examined by ECL as Management Witness-I. He filed his affidavit-in-chief. In course of evidence, management witness produced the following documents:-

- (i) copy of Comparative Chart in two pages is collectively produced as Exhibit M-1 after objection.
- (ii) copy of pay structure as per NCWA-VI in two pages is collectively produced as Exhibit M-2.
- (iii) copy of cadre scheme for Ministerial Staff (Cash Personnel Cadre) of ECL in three pages is collectively marked as Exhibit M-3.
- (iv) copy of revised wage structure as per NCWA-VI is collectively marked as Exhibit M-4.
- (v) copy of comparison chart of Basic pay under NCWA-V and NCWA-VI is produced as Exhibit M-5.
- (vi) copy of fixation chart of Jaladhi Chatterjee, P. N. Adhikari and others as per NCWA-VI is produced as Exhibit M-6.
- (vii) copy of comparison chart relating to fixation of pay of P. N. Adhikari viz-a-viz Jaladhi Chatterjee is produced as Exhibit M-7.
- (viii) copy of Implementation Instruction No. 18 of NCWA-VI for removal of anomaly in the matter of fixation of pay where junior gets higher pay than senior in the same pay

scale and are covered by the same seniority list in a cadre is produced as Exhibit M-8.

It appears from evidence of M.W.-I that till February, 1996 NCWA-V was in force. Mr. P. N. Adhikari and Jaladhi Chatterjee were both in the same grade at Dalurband Colliery from the year 1991 to 04/02/1996. On 05/02/1996 P. N. Adhikari was promoted to the post of Accountant in T & S Grade 'A' from the post of Assistant. He remained in the same post and in the same cadre till his retirement in the year 2010. Mr. Jaladhi Chatterjee, Co-worker received annual increment in April, 1996 in the same grade and he was promoted to T & S Grade 'A' in August, 1999. The provisions of NCWA-VI became applicable from July, 1996 and Basic pay of Mr. Adhikari was initially fixed at Rs. 3,680 in the month of February, 1996. On implementation of NCWA-VI in July, 1996 his pay was fixed as Rs. 6,468.26. According to the wage structure, Basic pay of Mr. P. N. Adhikari was raised to Rs. 6,542. Thereafter he received annual increment every year in February till his retirement. Witness deposed that Jaladhi Chatterjee was promoted in August, 1999 as Cashier, T & S Grade 'A' and his pay was fixed as per the provision of NCWA-V as NCWA-VI was not finalized then. On his promotion his pay was initially fixed at Rs. 4,100 w.e.f. 15/04/1998 and the pay was revised as per NCWA-VI and was fixed at Rs. 6,432.28. On fitment of pay, his Basic pay was fixed at Rs. 6,577 as per the chart provided in NCWA-VI. Witness produced a comparative chart of Basic pay of NCWA-V and NCWA-VI (Exhibit M-5). Management Witness deposed that according to Implementation Instruction No. 18 of NCWA-VI it was decided that anomaly arising as a result of revision of pay scale may be checked up carefully and after satisfying that anomaly has arisen in the case of senior employee in the same seniority list and same cadre, the pay of senior employee will be stepped up to the level of the pay of junior employee concerned from the date the anomaly has arisen i.e. from the date the junior employee started getting higher Basic pay than the senior employee. Reference is made to Point. No. 2 of Exhibit M-8 which lays down that senior employee in the same pay scale and covered by the same seniority list

in a cadre and who has secured fixation at the same stage as his junior, but due to different dates of increment the junior starts getting higher pay than his senior, the removal of such anomalies will be subject to the following conditions:

(a) both the junior and senior employee should belong to the same cadre and the post in which they have been promoted and should be covered by the same seniority list and same cadre.

Mr. P. N. Adhikari who appeared in person declined to cross-examine the management witness.

6. Mr. P. K. Das, learned advocate argued that though initially P. N. Adhikari and Jaladhi Chatterjee were posted in the same cadre from the year 1991 to February, 1996 as special grade clerk in Accounts department, Mr. Adhikari was promoted in the month of February, 1996 and he received his annual increment in the month of February. According to NCWA-VI which came into force from 01/07/1996, Basic pay of P. N. Adhikari in the post of Accountant T & S Grade 'A' was fixed at Rs. 6,542 after fitment as per the chart provided. It is argued that Jaladhi Chatterjee was in the post of Sr. Cashier in T & S Grade 'B'. Under NCWA-V his Basic pay was Rs. 3,658 on 30/06/1996 and Basic pay was fixed at Rs. 6,432.28 with implementation of NCWA-VI w.e.f. 01/07/1996. On fitment according to the chart provided his Basic pay rose to Rs. 6,577. Thereafter he moved to the next higher grade of Cashier on promotion on 15/04/1998. It is argued that Basic pay of P. N. Adhikari has been properly and correctly fixed and there is no anomaly in the matter of fixation. It is argued that as per Implementation Instruction No. 18 (Exhibit M-8) difference of Basic pay of Mr. Adhikari and Mr. Chatterjee cannot be removed as employees do not belong to the same cadre and same post and after promotion, they are not covered by the same seniority list. Only point raised by Mr. Adhikari in support of his case is that he being a senior employee

and having been promoted two years earlier to Mr. Chatterjee cannot have less Basic pay. It is urged that anomaly arising out of such fixation of pay may be removed by increasing his Basic pay. Mr. Adhikari prayed for payment of difference of pay on account of such wrong fixation for the period from 01/07/1996 till his superannuation in the year 2010.

7. Central point for consideration before the Tribunal is whether pay of Mr. P. N. Adhikari has been correctly fixed as per the provision of NCWA-VI and is he entitled to any benefit arising out of any incorrect fixation of pay?

8. I have considered the argument advanced by both parties and materials on record. Admitted position in this case is that Mr. Adhikari and Mr. Jaladhi Chatterjee were both posted as Clerk Grade -I in the Accounts Department of Dalurband Colliery from 11/04/1991. Mr. Adhikari was promoted to the next higher grade of Accountant in T & S Grade 'A' on 05/02/1996 where his Basic pay was fixed at Rs. 3,680 per month. As per NCWA-VI Basic pay of Mr. Adhikari was revised and fixed at Rs. 6,542. Mr. Jaladhi Chatterjee, a co-worker was promoted to the post of Sr. Cashier in T & S Grade 'B' w.e.f. 15/04/1998. Basic pay of Jaladhi Chatterjee as on 30/06/1996 was Rs. 3,658 and under NCWA-VI his pay was fixed at Rs. 6,432.28. On fitment of such pay, according to the pay structure as per NCWA-VI, Basic pay of Mr. Jaladhi Chatterjee would have been Rs. 6,407 but as his total pay exceeded the amount, his Basic was fixed at Rs. 6,577. Total pay of Mr. Adhikary was Rs. 6,468.26 and as per pay structure of NCWA-VI his pay was correctly fixed as Rs. 6,542. Although Basic pay of Mr. Jaladhi Chatterjee, a junior member getting promotion at a later point of time is more than that of Mr. Adhikari, fitment of their respective pay appears to have been done in a correct manner as per the chart provided. Mr. Adhikari after availing opportunity was unable to point out any incorrect approach or discrepancy in the matter of fixation of his pay. At this juncture it would be pertinent to

take recourse to the provision of Implementation Instruction No. 18 dated 17/04/2001 which was issued under NCWA-VI for the purpose of removal of anomaly in pay of senior employees in the same pay scales covered by the same seniority list and same designation in a cadre getting lower pay than their juniors due to implementation of NCWA-VI from 01/07/1996. It is provided in Paragraph two (2) of Exhibit M-8 that senior employee in the same pay scale and covered by the same seniority list in a cadre and who has secured fixation at the same stage as his junior, but due to different dates of increment the junior starts getting higher pay than his senior. The removal of such anomalies will be subject to the following conditions:

(a) both the junior and senior employee should belong to the same cadre and the post in which they have been promoted and should be covered by the same seniority list and same cadre.

In the instant case I find that junior and senior employees do not belong to the same cadre and they were promoted on different dates. While Mr. Adhikari was in Accounts Cadre and belongs to T & S Grade 'A', Mr. Jaladhi Chatterjee was promoted to T & S Grade 'B' in the cash personnel cadre. Under such circumstance applying the conditions of Implementation Instruction No. 18 I find that there is no error or illegality in fixing the pay of P. N. Adhikari and the claim raised by him through the union is not sustainable. Therefore, he is not entitled to any relief in this case.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest against the workman. Let an Award be

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drawn up in the light of my above discussion. Let copies of Award be communicated to the Ministry for information and Notification.

Sd/-
(Ananda Kumar Mukherjee)
Presiding Officer
CGIT-cum-LC, Asansol

