

**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. 58 OF 2006**

**PARTIES:** Shankar Bhuia

**Vs.**

Management of New Kenda Colliery of M/s. ECL

**REPRESENTATIVES:**

For the Union/Workman: Shri S. K. Pandey, General Secretary, Colliery Mazdoor Congress.

For the Management: Mr. P. K. Das, learned advocate.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 10.02.2023

**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), Govt. of India through the Ministry of Labour, vide its Order **No. L-22012/267/2005-IR(CM-II)** dated 22.08.2006 has been pleased to refer the following dispute between the employer, that is the Management of New Kenda Colliery under Kenda Area of M/s. Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**THE SCHEDULE**

*“ Whether the action of the Management of New Kenda Colliery under Kenda Area of M/s. Eastern Coalfields Limited in dismissing Mr. Shankar Bhuia, U.G. Loader, U.M. No. 508535 w.e.f. 5.3.2003 is legal and justified? If not, what relief is the workman entitled? ”*

**1.** On receiving Order **No. L-22012/267/2005-IR(CM-II)** dated 22.08.2006 from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 58 of 2006** was registered on 18.09.2006 and an order was passed 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. Both parties appeared before the Tribunal through their authorized representatives.

**2.** The case is fixed up today for evidence of Management Witness. Mr. P. K. Das, learned advocate for the Management of M/s. Eastern Coalfields Limited submitted that Mr. Guru Charan, Senior Officer (Personnel), New Kenda Colliery under Kenda Area of M/s. Eastern Coalfields Limited has filed Affidavit-in-chief but the witness could not turn up today.

3. The record reveals that no step has been taken on behalf of the workman for the third consecutive date. Shri S. K. Pandey, General Secretary, Colliery Mazdoor Congress was notified, directing him to appear and take proper step for evidence of Workman Witness. Notice was issued on 29.09.2022 under registered post but the workman remained unrepresented.

4. On a perusal the record it appears that the Industrial Dispute between the parties referred for adjudication is whether the action of the Management of New Kenda Colliery under Kenda Area of M/s. Eastern Coalfields Limited in dismissing Mr. Shankar Bhuia, U.G. Loader, U.M. No. 508535 w.e.f. 5.3.2003 is legal and justified? If not, what relief is the workman entitled?

5. The workman does not appear to be interested in pursuing this case any further and the workman representative is also not diligent in his representation. Accordingly, the Reference is disposed of in the form of **No Dispute Award**.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in respect of the above Reference. 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.