

**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. 69 OF 2004

PARTIES: Bali B. P.
Vs.
Management of Khottadih Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Sayantan Mukherjee, Advocate.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 10.03.2025

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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-22012/419/2003-IR(CM-II)** dated 03.11.2004 has been pleased to refer the following dispute between the employer, that is the Management of Khottadih Colliery under Pandaveswar Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of Kottadih Colliery under Pandaveshwar Area of M/s. Eastern Coalfields Limited in dismissing Shri Bali B.P., CHP Operator, U.M. No. 728189 from services w.e.f. 26.03.2001 is legal and justified? If not, to what relief the workman is entitled? ”

1. On receiving Order **No. L-22012/419/2003-IR(CM-II)** dated 03.11.2004 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 69 of 2004** was registered on 18.11.2004 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. Mr. P. K. Das, learned advocate appeared for the management of Khottadih Colliery. This case is fixed up today for appearance and evidence of the workman and for the purpose of disposing old cases. On repeated calls none appeared for Bali B. P., the dismissed workman. On a perusal of record, it appears that workman was dismissed from service on 26.03.2001 due to false personification. Workman has filed affidavit-in-chief on 15.12.2009 and faced cross-examination on 07.08.2013. Management did not adduce evidence in this case. On 07.02.2017 an order was passed directing the

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management to produce some documents at the instance of an application moved by Mr. Sayantan Mukherjee, learned advocate for Bali B.P. No document has been produced by the management since then. The case was fixed for further evidence of workman witness from 06.10.2015 to 20.09.2022. As no other workman witness was examined, evidence of workman witness was closed. The case was thereafter fixed up for evidence of management witness from 14.11.2022 to 19.05.2023. Management neither produced documents nor examined any witness. Workman did not appear before the Tribunal on consecutive dates and no effective step has been taken by him for adducing further evidence as prayed for by Mr. Mukherjee.

3. The workman was dismissed on the basis of a charge of impersonation for acquiring employment in the capacity of Bali B.P., the dependant son of Masatram B.P., who voluntarily retired from service on medical ground, whereas his actual name is Bali Nunia (Exhibit-4). The dismissed workman failed to prove that the findings of the Enquiry Officer is erroneous. No document is produced in support of his identity. I find that workman is not inclined to proceed with this case diligently. Accordingly, the Industrial Dispute raised by the union for Bali B.P. is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. Let an Award be drawn up on the basis of my above findings. 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.