

**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. 67 OF 2005

PARTIES: Subhas Bouri
Vs.
Management of Kunustoria Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. H. L. Soni, Union representative.

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

INDUSTRY: Coal

STATE: West Bengal.

Dated: 01.04.2024

(Contd. Page – 2)

--: 2 :--

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-22012/329/2004-IR(CM-II)** dated 20.07.2005 has been pleased to refer the following dispute between the employer, that is the Management of Kunustoria Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of Kunustoria Colliery in dismissing Sh. Subhas Bouri, Timber Mazdoor from services w.e.f. 26.11.97 is legal and justified? If not, to what relief the concerned workman is entitled to and from which date? ”

1. On receiving Order **No. L-22012/329/2004-IR(CM-II)** dated 20.07.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 67 of 2005** was registered on 17.08.2005 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 is present. The case is fixed up today for evidence of workman witness as last chance, in default, case is to be disposed of finally. On call Mr. H. L. Soni, union representative who raised this Industrial Dispute is not found available. Mr. Rakesh Kumar, union representative of the same union seeks time on the ground of Mr. Soni.

(Contd. Page – 3)

--: 3 :--

3. On a perusal of the record, I find that Subhas Bouri expired on 27.10.2015 and his legal heirs were substituted on 28.06.2017. This case has been fixed for evidence since 05.09.2017. Ample opportunity has been granted to the union to adduce evidence. Neither the legal heirs of Late Subhash Bouri nor the union representative has turned up for adducing evidence and no reason has been assigned for continuously remaining absent. In such view of matter, I hold that the Industrial Dispute need not be adjourned any further. The Industrial Dispute is therefore dismissed for default. Let a No Dispute award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of 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.