

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-2, MUMBAI**

REFERENCE CGIT-2/37 of 2017

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

**Mazagaon Dock Ship Builders Ltd.
AND**

**THEIR WORKMEN.
(Shri Prafull P. Donde & 400 Ors.)**

ORDER BELOW EX- 14

(Delivered on 12-07-2024)

Read application filed by the First Party, perused the say given on behalf of the Second Party. Heard both the parties at length.

It reveals that, the Central Government has referred the Industrial Dispute by Reference order dated 29-08-2017 and thereby referred Industrial Dispute for adjudication of the demands including Pension Scheme of workmen on par with Executive Officers of MDSL with 7% employer contribution on the Basic Pay and D.A. with retrospective effect from 01-01-2007 and in the said Reference the First Party has filed the present application for dismissal of Reference.

According to the First Party, the workers involved in the Reference are/were working in the category of Clerk/Technical-Staff, after raising the demand workers gave authority to 5 employees representative to pursue the said Reference. On 16-11-2018 the management and all unions have signed another 2(p) wage revision Long Term settlement "for short settlement" and settled the

SPW

demands. Out of 5 employees representative 4 have signed the settlement along with 260 employees, 131 employees have retired, 3 employees expired and legal heirs of expired employees availed the benefits of settlement as such the Reference is disposed off.

As against this, it is submitted on behalf of the Party No. 2 the present Reference is in respect of Pension benefits on par with Executive Officers with 7% employer's contribution on Basic Pay plus D.A. with retrospective effect from 01-01-2007 and the employees who retired during pendency of the Reference is concerned with the prayer in respect of Pension Scheme. As a matter of fact retired employees are pursuing the Reference vigorously because the Pension is the only source of income for their survival. It is further contended that, when the demands of the workers have been referred to this Tribunal for adjudication, then there is no provision for dismissal of the Reference without adjudication, as such the present application is contradictory to the terms & orders of Reference and ultimately prayed for rejection of the application.

I have given anxious consideration to the oral submissions advanced on behalf of the parties. Undisputedly the present Reference has been referred to this Tribunal for adjudication of demand referred in the Reference order therefore it is obligatory on the part of the Tribunal to adjudicate the demand referred in the Reference order by giving opportunity to lead evidence to both the parties and then only required to be answered the Reference by an Award.

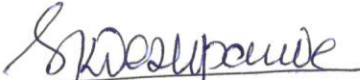


Though it is contended on behalf of the First Party about the settlement, however the copy of that settlement has not been placed on record. Not only this but, there is absolutely nothing on record to show at this stage that, the demand raised by the workers in respect of Pension Scheme on par with Executive Officers of MDSL has been resolved in the said settlement and in absence of that merely because out of 5 employees representative 4 have signed the settlement and some of the employees accepted benefits of that settlement it will be unsafe to say that, the demand referred for adjudication has been settled between the parties.

Even though the most of the workers who are in the employment have accepted the benefits of that settlement but the pensioners are not benefitted by that settlement particularly on the issue of Pension Scheme mentioned in the Reference order and as such it will be unsafe to say at the stage that, the Reference is liable to be disposed off. The application filed on behalf of the First Party is not bonafide, therefore rejected.

In the result, The application is rejected. No order as to costs.

Date: 12-07-2024


(Shrikant K. Deshpande)
Presiding Officer
CGIT -2, Mumbai