

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present

Smt. Pranita Mohanty
Presiding Officer

REFERENCE NO.NTB-1 OF 2003

Parties: Food Corporation of India

And

Their workmen

Appearances:

Mr. Abhay Kumar, Adv. Mr.Saurabh Mishra, Adv and Mr.G.D.Taleja, learned counsels for the first party management present.

Mr.R.R.Kumar, Adv present for the FCI Mazdoor Union.

Mr. Chandan Kumar, Adv present on behalf of FCI Shramik Union & FCI Workers Association (CITU)

FCI Mazdoor Union is represented by one of its representative.

Mr.J.P.Sawant, Adv present for Bhartiya Khadya Nigam

The matter came up today being advanced on account of the pre-ponement requested by the second party.

The learned A.R. for both the parties are present.

The matter was originally posted to 13.9.2022 for replying to certain directions given by this Tribunal by order dated 9.11.2021.

At the outset of the argument the learned A.R. for the second party submitted that a reference received from the appropriate government is pending for adjudication to decide whether the workers working on the direct payment system, no work no pay system and the management committee system are entitled for the same pay and other benefits as are available to the departmentalised labour in various depots of F.C.I. through out the country.

On completion of pleading this Tribunal has framed three issues for adjudication. While the matter stood thus the management introduced and altogether different category workers under the name single labour system and handful of workers from different unions of FCI have opted for the same. Taking advantage of the same the first party management now wants this Tribunal to adjudicate if the introduction of single labour system would keep the scope open to the workers working under direct payment system, No Work No Pay system and the management committee system for entitlement to the same pay and other benefits available to the departmentalised labours. The learned A.R. for the second party union by citing similar judgments including the judgment of the Hon'ble High Court of Delhi in the case of Indian Tourism Development Corporation vs. Delhi Administration and others submitted that the scope of adjudication is always confined to the reference received and matters ancillary to the same. The Tribunal cannot travel beyond the scope of the reference. In that view of the matter, the Tribunal cannot adjudicate the issue relating to single labour system. He also submitted that the management was directed to furnish the details as per the order dated 9.11.2021. Almost one year has passed in the meantime for furnishing of the said information. The matter is now ready for final argument and a part of the same was heard earlier. He thereby insisted for adjourning the matter for argument.

In reply, learned A.R. for the management FCI submitted that he has furnished all the details as directed in the order dated 9.11.2021 except the name and identity of the persons who have accepted the proposal of single labour system without condition. It is a time taking procedure and some more time may be required for the same.

The learned A.R. for the second party workmen took serious objection and submitted that his statement may be taken on record to the effect that whatever information has been furnished by the management are enough for adjudication and non-furnishing of the remaining information would not cause prejudice to them.

Since all the parties present agreed for the argument of the matter notwithstanding non-production of some documents by the management and the matter is adjourned to 3.11.2022 and 4.11.2022 for argument of the matter. All the parties shall come ready for the purpose on that day.

The record reveals that an application is pending being filed by third party praying to be ^{impleaded} ~~impleaded~~ in this proceeding. None moved the application when called. The said application is rejected as not pressed.

PRESIDING OFFICER