

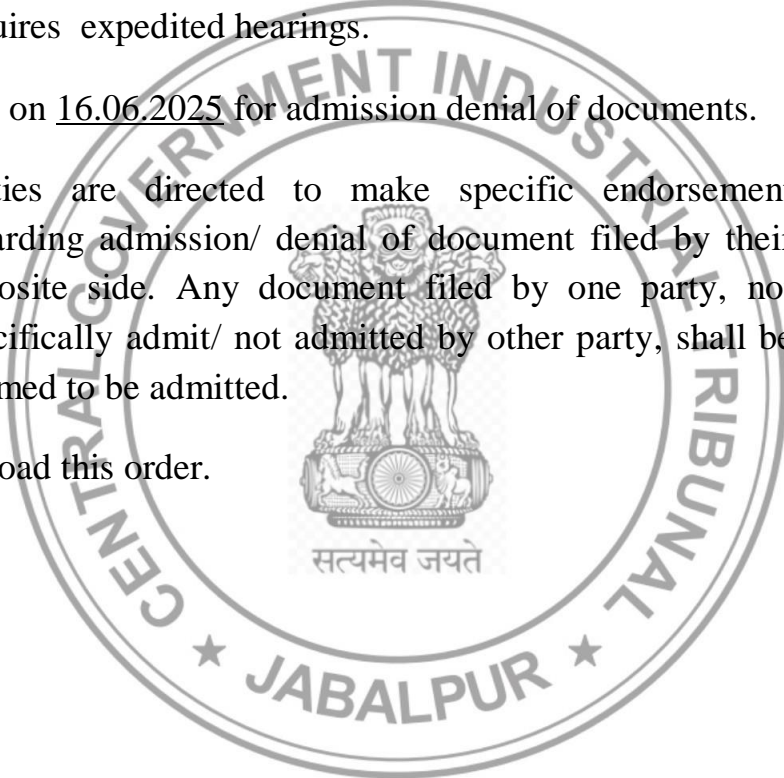
ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
Case No. CGIT/LC/R/05/2017 Union V/S. M/s Prism Cement		
21.04.2025	<p>Matter taken up.</p> <p>Learned Counsel Mr. Uttam Maheswari present for Union, Learned Counsel Mr. Kuldeep Bhargav filed Vakaltnama for Management of Prism Cement. Taken on record, pressed application filed by Management seeking recall of order dated 04.04.2022. Union has preferred a written objection with affidavit on this application. Heard both the Learned Counsel on this application and objections. Perused Record.</p> <p>Vide order dated 04.04.2022, preliminary objection of Management and application in this respect regarding the impleadment of contractors in the case in hand on the ground that though they were not made party to the reference in the reference itself their presence was necessary for the just decision of the dispute, was decided with a finding that this Tribunal is within its power to implied someone who is not a party to the reference if his presence is necessary for just and final adjudication of the dispute in the reference.</p> <p>Learned Counsel for Management has referred to a judgment of Hon’ble Supreme Court in the case of <i>Hochtif Goman Ltd V.s. Industrial Tribunal, Bhuvaneswar reported in 1964 SCC Online SC 148</i> and has submitted that the Tribunal is not justified in law to implead someone as party who is not a party to the reference. Learned Counsel for Workman union has submitted that the order dated 04.04.2022 itself shows that judgment of Hon’ble High Court of M.P. in the Case of <i>Kakoon Tobacco Company V.s. State of M.P. reported in Manu/MP/0946/2008</i> was followed by this Tribunal in passing the order and recorded the findings. This judgment itself refers to the judgment of the Hon’ble Supreme Court cited above by Learned Counsel for Management today and has upheld the power of this Tribunal to implead someone as party who is not a party</p>	

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	<p>in the reference if his presence is necessary for just and final adjudication of controversy. The judgment of Hon’ble refers to the Supreme Court judgment in its Para-5. Moreover, the judgment of Supreme Court refer to its details in Para 18 that under Section 18(3)(B) if the Act, this Tribunal has a implied power to implead and add parties as well as to some of them. Hence, in the light of this discussion the recall application is held without merits and is dismissed accordingly.</p> <p>It comes out that, this case has been lingering due to filing of various interim applications by parties and requires expedited hearings.</p> <p>List on <u>16.06.2025</u> for admission denial of documents.</p> <p>Parties are directed to make specific endorsement regarding admission/ denial of document filed by their opposite side. Any document filed by one party, not specifically admit/ not admitted by other party, shall be deemed to be admitted.</p> <p>Upload this order.</p> <div></div> <p>Presiding Officer</p>	