

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GUWAHATI, ASSAM.

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.

REFERENCE CASE NO. 17 of 2022.

PARTIES : Sri Matinur Rahman and 5 others.Workmen.

-vrs-

The Management of Army Public School, Narengi, Guwahati.
....OP/Management.

REPRESENTATIVES:

For the Workmen/Union : Sri Basanta Kumar Kalita,
Secretary of Indian National Trade Union Congress (INTUC),
Assam Branch.

For the Management. : Sri H. Gupta, learned Advocate,
Sri Yeasir Barbhuiya, learned Advocate,



INDUSTRY : Army Public School
STATE : Assam.
Date of Award : 12/05/2023.

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(Signature)
Presiding Officer/Link Officer,
CGIT-Cum-Labour Court, Guwahati

AWARD

1. This Application u/s 2A(2) of the Industrial Dispute Act, 1947 has been filed by six workmen through Mr. Basanta Kumar Kalita, Union representative contending inter-alia that the aforesaid workmen were employed as badlies, casual/temporary workers and have rendered satisfactory services to the establishment of the School. Since the fixed terms of engagement was not extended the petitioners challenged the legality of their termination from employment, seeking re-instatement in service and regularization. The conciliation proceeding before the Regional Labour Commissioner (Central), Guwahati failed. A certificate has been issued by the Regional Labour Commissioner (Central), Guwahati dated 04-07-2022 addressed to the Secretary, Government of India, Ministry of Labour and Employment, New Delhi informing that eight workmen including petitioners raised an Industrial Dispute against the Management, Army Public School, Guwahati over termination of their service. The conciliation was held in presence of both the parties but the same failed as the Management did not accept the workmen after expiry of their fixed term of employment. It has been certified under section 12 (4) of the Industrial Dispute Act that no settlement could be reached in respect of the dispute referred to it.

2. Based on such failure of conciliation proceeding the workmen preferred this reference case under section 2A (2) of the Industrial Dispute Act.

In the mean time, on the self same matter the Government of India, Ministry of Labour and Employment, New Delhi has made a reference to this Tribunal under clause (d) of sub-section 1 and sub-section 2A of section 10 of the Industrial Dispute Act for adjudication.



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Presiding Officer/Link Officer,
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3. Mr. Basanta Kumar Kalita, the Secretary, Indian National Trade Union Congress, Assam Branch has appeared today and filed a petition on behalf of the workman namely Sri Matinur Rahman and 5 others praying for withdrawing this reference Case filed on behalf of the workmen u/s 2A (2) of Industrial Dispute Act. It is urged that on the self same matter another case has been initiated by the workmen u/s 10 (2A) of the Industrial Dispute Act which has been referred by the Government of India, Ministry of Labour for adjudication and has been registered as Reference Case No.01 of 2023. Copy of the application has been served upon Mr. Yeasir Barbhuiya, learned Advocate accompanying Mr. H. Gupta, who has filed Vokatnama in this case. Heard Mr. Kalita and Mr. Yeasir Barbhuiya. No objection is raised. Considered.

In view of the facts and circumstances mentioned in the petition the prayer for withdrawing this Reference Case is allowed. The reference case is accordingly dismissed as withdrawn.

Hence,

ORDERED

The reference Case u/s 2A (2) of the I.D. Act stands dismissed as withdrawn. Let copies of the Award be communicated to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.



A.K. Mukherjee
 (Ananda Kumar Mukherjee)
 Presiding Officer/Link Officer,
 CGIT-cum-Labour Court, Guwahati.
 12.05.2023