

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ASANSOL**

Reference

Application No.

Complaint

Ref No. 05 of 2019

(i) GM, Kanyastoria Area of M/s. LCL, PO: Toppi
(ii) Agent, Paragad Colliery of M/s. LCL, PO: Paragad

Employer (s) / Workmen

Applicant(s) / Complainant(s)

Vs.
General Secretary, Colliery Mazdoor Congress
(HMS), Bengal Hotel, 2, Md.
Hussain Street, Asansol (WB)

Employer (s) / Workmen

Opposite Parties.

ORDER SHEET

Serial No.	Date of Order	Order with Signature of the Presiding Officer	Office action taken with date / Parties' Representatives' Signature
1	2	3	4
1.	24/01/19	Received order of Reference No. - L-22012/159/2018-1R (CM-11) dated 31/12/2018 from Government of India, Ministry of Labour, New Delhi for adjudication. Registered as Ref. No. 05/2019. Issue registered notices to the parties concerned for filing written statements, documents along with list of witnesses as on 20-03-19 at 11:00am. P.O./L.O.	
2.	20-03-19	Case called out. P.O./L.O. in al- Grawaheri. Both parties are absent. Fix on 13-05-19 for filing W.S. by the parties. P.O./L.O.	

Serial No.	Date of Order	Order with Signature of the Presiding Officer	Office action taken with date Parties' Representatives' Signature
1	2	3	4
3	13-05-19	Case called out. P.O/L.O. is at Guwahati. Both parties are absent. Fix on 03-07-2019 for filing w.s by the parties. P.O/L.O.	
4.	03-07-19	Case called out. Both parties are absent. P.O/L.O. is at Guwahati. Fix on 27-08-2019 for filing w.s by the parties. P.O/L.O.	
5.	27-08-19	Both parties are absent. P.O/L.O. is at Guwahati. Fix on 05-11-2019 for filing w.s by the parties. P.O/L.O.	
4.	05-11-19	Case called out. Both parties are absent. P.O/L.O. is at Guwahati. Put up on 06-01-2020 for filing w.s by the parties. P.O/L.O.	

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ASANSOL**

Reference
Application No.
Complaint

Ref 05 of 20 17

Parana colony under Kumbhari Area.

Employer (s) / Workmen
Applicant(s) / Complainant(s)

26

Vs.

SR C.M.C.

Employer (s) / Workmen
Opposite Parties.

ORDER SHEET

Serial No.	Date of Order	Order with Signature of the Presiding Officer	Office action taken with date / Parties' Representatives' Signature
1	2	3	4
9	06-05-20	Both parties are absent. P.O. is vacant now. Fix on 03-05-20 for filing w.s. by the parties. P.O.	
10	08-05-20	Both parties are absent. The post of P.O. is vacant. Fix on 05-05-20 for filing w.s. by the parties. P.O.	
11	01-07-21	Sr. M.H. Bhattacharyya, Hukle Presiding officer, C.G.I.T. Cumbari has taken over charge of the tribunal on 11-05-21. Fix on 01-07-21 for filing w.s. by the parties. P.O./L.O.	

Serial No.	Date of Order	Order with Signature of the Presiding Officer	Office action taken with date / Parties' Representatives' Signature
1	2	3	4
12.	01-09-21	Both parties are absent. P.O./L.O. is at Guwahati. Fix on 03.11.21 for filing W.S. by the parties. P.O./L.O.	
13	03-11-21	Both parties are absent. P.O./L.O. is at Guwahati. Fix on 03-01-22 for filing W.S. by the parties. P.O./L.O.	
14.	14-07-22	Sri D.K. Singh, Hon'ble Presiding Officer, CGIT-1, Dhanbad has taken over charge of this tribunal on 01-07-22. Fix on 20-09-22 for filing W.S. by the parties. P.O./L.O.	

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ASANSOL**

Reference
Application No.
Complaint

Ref. No. 05 of 20 19

Shri Ritesh Prasad and 54 Ors.

Employer (s) / Workmen
Applicant(s) / Complainant(s)

Vs.

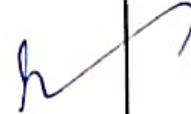
Parasea Colliery, ECL

Employer (s) / Workmen
Opposite Parties.

ORDER SHEET

Serial No.	Date of Order	Order with Signature of the Presiding Officer	Office action taken with date / Parties' Representatives' Signature
1	2	3	4
15.	20.09.2022	Present: Shri Ananda Kumar Mukherjee Presiding Officer, CGIT-cum-LC, Asansol The case is fixed up today for filing written statement by the parties. Notice were issued on 13.02.2019 but none has appeared. Issue notice upon the parties directing them to appear before this Tribunal on 06.12.2022 and file their written statement, documents and list of witnesses in support of their respective cases. No further time shall be granted. P.O. P.O. CGIT-LC ASANSOL	



Serial No.	Date of Order	Order with Signature of the Presiding Officer	Office action taken with date / Parties' Representatives' Signature
1	2	3	4
16	06.12.2022	Presiding Officer, CGIT-cum-LC, Asansol. The case is pending since 2019. Notices were issued to the parties for filing written statement and documents. None appeared for the workman despite notice. The Management of ECL is representative by Mr. P. K. Das, learned advocate, who filed Vokalatnama. No written statement is filed. The case is adjourned and fixed on 21.02.2023 for appearance of parties and filing written statement. In the event the workman takes no step, it would be presumed that there is No Dispute.  P.O. P.O. CGIT-LC ASANSOL	
17	21.02.2023	Presiding Officer, CGIT-cum-LC, Asansol. The case is fixed up today for filing of written statement by both the parties. On repeated calls none appeared for the workman. Mr. S. K. Pandey, General Secretary, Colliery Mazdoor Congress (HMS) is not found available. This case is pending since 2019 and no step has been taken by the workman. Written statement filed by Mr. P. K. Das, learned advocate on behalf of the Management along with a copy for the workman. Same is kept with the record. To 19.05.2023 for appearance of the workman, hearing and final disposal.  P.O. P.O. CGIT-LC ASANSOL	

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ASANSOL (W.B.)

Reference No. 05 of 20 19

Ritesh Prasad and 54 others

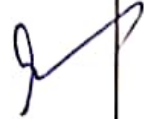
Workman
Applicant(s) / Complainant(s)

Vs.

Parasea Colliery of ECL

Employer (s)
Opposite Parties

ORDER SHEET

Serial No.	Date of Order		
1	2	3	4
18.	19.05.2023	Present: Shri Ananda Kumar Mukherjee, Presiding Officer, CGIT-cum-LC, Asansol. The case is fixed up today for appearance of the workman and for final disposal. Mr. P. K. Das, learned advocate appeared for the Management of ECL. On repeated calls at 12:50 PM none is found available on behalf of the fifty-five concerned workmen. It appears from the Order of Reference that the union involved in this case is the Colliery Mazdoor Congress (HMS). Notice under registered post was sent to the union representative but he has failed to appear. A list of names of fifty-five workmen has been furnished along with the copy of Order. Due to default of Union representative notice under registered post be issued to Ritesh Prasad, Santosh Kumar Singh, Pradip Thakur, Rajib Kumar Ghosh for appearance before this Tribunal on 25.07.2023 and for proper representation for contesting the case. To 25.07.2023 for appearance of the workmen and order.  P.O. P.O. CGIT-LC ASANSOL	



Serial No.	Date of Order	Present: Shri Ananda Kumar Mukherjee, Presiding Officer, CGIT-cum-LC, Asansol.	
1	2	3	4
19.	25.07.2023	Mr. P. K. Das, learned advocate for ECL is present. The case is fixed up today for appearance of the workmen and order. 52 out of 55 workmen have appeared but no written statement has been filed by them. No Advocate nor any union representative appeared for the workman. The management has already filed written statement along with a copy for the workman. Let the case be fixed for ex-parte hearing on 12/01/2024. P.O. P.O. CGIT-LC ASANSOL	
20.	12.01.2024	Mr. P. K. Das, learned advocate for ECL produced Mr. Shoram Sanjany Singh, Manager (Personnel), Parasea colliery as witness. On repeated call at 12.35 pm none appeared for the fifty five workmen out of which fifty two had appeared before the Tribunal on 25/07/2023. No written statement is filed by the workmen till date. The case is fixed up today for ex-parte hearing. On a perusal of the Schedule I find that fifty five workmen mentioned in Appendix I have claimed payment of underground Allowance on their completion of one year in service w.e.f. September, 2016. Mr. Singh who has turned up for evidence is unaware about facts whether such payment has been made. Under such circumstance the case is adjourned. Management of ECL and Mr. Singh are directed to check the acquittance roll of the concerned employees mentioned in Appendix I and submit a report on next date informing this Tribunal since when such allowance is being paid. To 05/06/2024 for submission of report and appearance of the workmen, in default, for ex-arte hearing. P.O. P.O. CGIT-LC ASANSOL	

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ASANSOL (W.B.)

Reference No. 05 of 20 19

Ritesh Prasad and 54 others

Workman
Applicant(s) / Complainant(s)

Vs.

Parasea Colliery of ECL

Employer (s)
Opposite Parties

ORDER SHEET

Serial No.	Date of Order	Present: Shri Ananda Kumar Mukherjee, Presiding Officer, CGIT-cum-LC, Asansol.	
1	2	3	4
21.	05.06.2024	Mr. P. K. Das, learned advocate for ECL has appeared accompanied by Mr. Shoram Sanjay Singh, Manager (Personnel), Parasea colliery. The case is fixed up today for appearance of the workmen, in default, for ex-parte hearing. Subject matter of the dispute raised by fifty five workmen of Parasea colliery, Kunustoria Area is that they have not received <u>Underground Allowance for the period from September, 2015 to September, 2016</u>. After registration of this case fifty two workmen have appeared but have not filed their written statement. On repeated call at 12.35 pm neither any step has been taken by the workmen nor by the General Secretary, Colliery Mazdoor Congress (HMS) on 12/01/2024. Management Representative was directed to check the acquittance roll of the concerned employees mentioned in Appendix I and submit a report regarding allowance paid. Mr. Shoram Sanjay Singh filed a report enclosing a concise statement regarding date of appointment and regularization of the fifty five employees and have also filed copies of pay slips of fifty four employees showing that Underground Allowance is being paid to each of them. In the concise statement management stated the date from which Underground Allowance is being paid. Let the report be kept with the record. It is explicit that Underground Allowance is being paid from 10/11/2016. Claim for the workmen is payment of Underground Allowance from September, 2015, therefore Industrial Dispute subsists. Parties are directed to establish that they are entitled to their claims. For ends of justice the case is adjourned to 04/10/2024 for appearance, in default, the case shall proceed ex-parte.	

P.O.



Serial No.	Date of Order	Present: Shri Ananda Kumar Mukherjee, Presiding Officer, CGIT-cum-LC, Asansol.	
1	2	3	4
22.	04.10.2024	This Industrial Dispute has been raised by the General Secretary, Colliery Mazdoor Union (HMS) claiming <u>Underground Allowance in respect of fifty five workmen mentioned in Appendix I</u> for the period from September, 2015 to September, 2016. For ends of justice the case is fixed up today for appearance of workmen in default, the case is to be proceeded ex-parte. At 1.00 pm on call none appeared for workmen. Mr. Shoram Sanjay Singh, representative of the management has appeared accompanied by Mr. P. K. Das, learned advocate. No evidence has been adduced by parties till date. Let the case be fixed on 31/12/2024 for ex-parte hearing against the union. P.O. P.O. CGIT-LC ASANSOL	
23.	31.12.2024	Mr. P. K. Das, learned advocate for ECL filed an affidavit-in-chief of Mr. Ayan Chatterjee, management representative along with documents as per list. This case relates to non-payment of Underground Allowance to fifty five workmen of Parasea colliery <u>from September, 2015 to September, 2016</u>. After Notice, none appeared for Colliery Mazdoor Congress (HMS), Bengal Hotel. Mr. Ayan Chatterjee is examined as MW-I. One document is marked as Exhibit M-1. It is submitted by the management representative that since workmen are appointed under Special Female Voluntary Retirement Scheme, 2014 they are not entitled to Underground Allowance. Subsequently on regularization they have been paid Underground Allowance <u>except for the period of their probation</u>. There is no iota of evidence nor any document has been filed to prove the period for which workmen were on actual probation. Examination of the witness is deferred. He is directed to come prepared with materials related to period of probation of all fifty five aggrieved employees. The case is adjourned to 11/03/2025 for further ex-parte hearing. P.O. P.O. CGIT-LC ASANSOL	

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, ASANSOL (W.B.)

Reference No. 05 of 20 19

Ritesh Prasad and 54 others

Workman
Applicant(s) / Complainant(s)

Vs.

Parasea Colliery of ECL

Employer (s)
Opposite Parties

ORDER SHEET

Serial No.	Date of Order	Present: Shri Ananda Kumar Mukherjee, Presiding Officer, CGIT-cum-LC, Asansol.	
1	2		4
24.	11.03.2025	Mr. P. K. Das, learned advocate for ECL produced Mr. Ayan Chatterjee, management witness for further examination. <u>Fifty five workmen seeking Underground Allowance from September, 2015 to September, 2016 are all found absent without steps. By order dated 31/12/2024, management witness was directed to produce materials related to probation period of the concerned fifty five workmen. No order regarding probation has been produced to show that workmen were on probation and not regularized. Witness is examined in part and one document is marked as Exhibit M-2. Examination is deferred for non-production of relevant documents. Mr. Ayan Chatterjee is directed to produce rule/order which clearly states that persons on probation are not entitled to get underground allowance. The case is adjourned to 02/05/2025 for appearance of workmen and further evidence of management witness.</u> P.O. P.O. CGIT-LC ASANSOL	