

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 11 OF 2022

PARTIES: Tarun Kanti Ghosh
Vs.
Management of Bansra Colliery of ECL and Another

REPRESENTATIVES:

For the Union/Workman: Mr. Chandi Banerjee, General Secretary, CMU (INTUC).
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: COAL.

STATE: West Bengal.

Dated: 08.10.2024.

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A W A R D

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/36/2022-IR(CM-II)** dated 25.04.2022 has been pleased to refer the following dispute between the employer, that is the Management of Bansra Colliery under Kunustoria Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the demand raised by Colliery Mazdoor Union (INTUC) against the Management of M/s. Eastern Coalfields Ltd. In relation to its Bansra Colliery (under Kunustoria Area) for payment of arrear wages in respect of Sundays and Holidays to Shri T.K. Ghosh, Foreman Incharge, UM No. 033186, of Bansra Colliery on his reversion from Executive Cadre vide order dated 18/10/2013, is legal and justified? If yes, what relief Shri T.K. Ghosh is entitled to? ”

1. On receiving Order **No. L-22012/36/2022-IR(CM-II)** dated 25.04.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 11 of 2022** was registered on 26.04.2022 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and list of witnesses.

2. Mr. P. K. Das, learned advocate for the management of Eastern Coalfields Limited and Mr. Chandi Banerjee, union representative are found present on call. For ends of justice the case is fixed up today for further evidence of workman witness. On a perusal of record, I find that Tarun Kanti Ghosh, aggrieved workman was examined in part on 14.11.2023 and thereafter on 15.01.2024. However, the workman has not put his

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signature on evidence recorded on 15.01.2024 which is lying in record. Cross-examination is not complete. Hence, no evidentiary value can be attached to his incomplete statements.

3. Mr. Chandi Banerjee, Union representative filed a petition stating that T. K. Ghosh retired from the post of Foreman Incharge at Bansra Colliery and raised this Industrial Dispute before the Tribunal on account of non-payment of difference of wage on his reversion from E-1 Grade to A-1 Grade. It is further stated that Mr. T. K. Ghosh has expired and the case may be discontinued. Copy of application is served upon Mr. P. K. Das and the same is kept with the record.

4. This Reference case was registered on 01.07.2022 and both parties filed their written statements. Mr. T. K. Ghosh filed his affidavit-in-chief on 14.11.2023 and was examined in part. On earlier date i.e., on 07.06.2024 no step was taken on behalf of the workman. Today Mr. Chandi Banerjee informed this Tribunal that workman has expired and his family does not want to proceed further with this case. In such view of matter no purpose would be served by proceeding any further as evidence of workman witness is incomplete. The Industrial Dispute is disposed of without going into merit for non-prosecution by legal heirs of the deceased workman. Petition filed by the union representative is accordingly disposed of. Let a No Dispute Award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

Sd/-

(ANANDA KUMAR MUKHERJEE)

Presiding Officer,
C.G.I.T.-cum-L.C., Asansol.