

**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. 34 OF 2023

PARTIES: Dharmendra Harijan.
Vs.
Management of Khas Kajora Colliery of ECL.

REPRESENTATIVES:

For the Union/Workman: Jamaluddin Mia, General Secretary, RMBKS.
For the Management of ECL: Mr. Proloy Dasgupta, Management representative.

INDUSTRY: ECL

STATE: West Bengal.

Dated: 16.02.2024

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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 Ministry of Labour, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Asansol, vide its Order **No.1(20)/2023/E** dated 26.06.2023 has been pleased to refer the following dispute between the employer, that is the Management of Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of Khas Kajora Colliery, Kajora Area, M/s. E C Ltd in changing the surname of Sri Dharmendra Harijan to Dharmendra Gautam in the service record is justified or not? If not, what relief the workman is entitled to? ”

1. On receiving Order **No.1(20)/2023/E** dated 26.06.2023 from the Office of the Deputy Chief Labour Commissioner (Central), Asansol, Ministry of Labour, Government of India, for adjudication of the dispute **Reference case No. 34 of 2023** was registered on 04.07.2023 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 a list of witnesses.

2. Mr. Jamaluddin Mia, General Secretary of Rastriya Mulnivasi Bahujan Karmchari Sangh has appeared along with Dharmendra Harijan. Mr. Proloy Dasgupta, the Management representative has appeared for Eastern Coalfields Limited. The case is fixed up today for taking steps and hearing on the point of maintainability of the Industrial Dispute. An affidavit has been filed by Dharmendra Harijan. On a perusal of the same, it appears that the dispute involved in the reference is regarding claim of the

workman for change of surname. It is submitted by the union that Dharmendra Harijan wanted to change his surname from Harijan to Goutam but the same is not being recorded. The Schedule of the Dispute to the contrary has raised the question as to whether the action of the management of Khas Kajora Colliery in changing the surname of Dharmendra Harijan to Dharmendra Gautam in service record is justified or not. It appears from the language of the schedule as if surname of the person concerned has already been changed from Harijan to Gautam and this Tribunal has to decide whether such change of name is legal and justified. Mr. Proloy Dasgupta, management representative of Khas Kajora Colliery submitted that it is a demand of the workman that his surname should be changed from Harijan to Gautam and not that his surname has already been changed. I find that the grievance of the workman is against inaction of the management and it is not an Industrial Dispute. Certain procedure has to be followed for change in one's name.

3. Having considered all aspects, it appears to me that the Schedule framed is not consistent with the dispute raised by the workman and it does not reflect the actual dispute between the employer and employee. Under such circumstances the Reference case is dismissed as misconceived. Let a No Dispute Award be drawn up in light of my above observations.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of 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.

(ANANDA KUMAR MUKHERJEE)

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