

**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. 98 OF 2000

PARTIES: Maheshwar Routh
(dependent son of Late Uday Routh)
Vs.
Management of Madhujore Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 28.05.2024

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-22012/156/2000/IR(CM-II)** dated 21.11.2000 has been pleased to refer the following dispute between the employer, that is the Management of Madhujore Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

THE SCHEDULE

“ Whether the action of the management of Madhujore Colliery of M/s. ECL in not providing employment to Sh. Maheshwar Routh, the dependent son of late Sh. Uday Routh, as per the provision of NCWA-V is legal and justified? If not, to what relief the workman is entitled? ”

1. On receiving Order **No. L-22012/156/2000/IR(CM-II)** dated 21.11.2000 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 98 of 2000** was registered on 26.12.2000 / 05.11.2001 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. P. K. Das, learned advocate appeared for the management of Eastern Coalfields Limited. The case is fixed up today for appearance of Maheshwar Routh, dependent son of the deceased employee and hearing of argument. In compliance with order dated 20.02.2024 a Notice was sent to Maheshwar Routh

at the address provided in Form 'B' register of Late Uday Routh. On repeated calls at 2.10 p.m. the petitioner has not appeared. Mr. Rakesh Kumar, union representative is present.

3. Perused the record. Both parties have filed written statement. Petitioner in the written statement filed through the General Secretary of Koyala Mazdoor Congress contended that after death of employee one dependent is entitled to employment. Uday Routh, father of the petitioner having died in harness, dependent son is entitled to employment. No written statement has been filed by the management.

4. The case was fixed up on 19.10.2005 for ex-parte hearing. The record reveals that 23.02.2006 was fixed for filing Memorandum of Settlement between parties. In course of evidence, Maheshwar Routh stated that his father died in the year 1993 and after one month he submitted application for employment. In the year 2015 petitioner stated that his age was about 39-40 years. Several opportunities were granted to the petitioner to appear and pursue his case but he is not diligent and did not appear since 21.05.2015. Under such circumstance I am of the considered view that the petitioner is not entitled to get relief as claimed by him in the Industrial Dispute. The case is dismissed ex-parte and a No Dispute Award is 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.

(ANANDA KUMAR MUKHERJEE)
Presiding Officer,
C.G.I.T.-cum-L.C., Asansol.