

Employers in Relation Manageme Vs. their Workmen

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Court : Jharkhand

Decided On : Aug-23-2013

Appellant : Employers in Relation Manageme

Respondent : their Workmen

Judgement :

IN THE HIGH COURT OF JHARKHAND RANCHI W.P.(L) No. 2266 of 2007
Employers in relation to the management of Rajhara Colliery of M/s C.C.L.
Palamau Petitioner Versus Their workman being represented by the
President, Hind Mazdoor Kisan Panchayat at Tikbera, Palamau
Respondent CORAM: THE HONBLE MR. JUSTICE PRASHANT KUMAR
For the Petitioner : Mr. Anoop Kumar Mehta For the Respondent : M/s Ayush
Aditya, Shashank Shekhar I.A. No. 2181 o

8. 23.08.2013 This I.A. has been filed for directing the petitioner to pay wages to the concerned workmen on the basis of last pay drawn by them according to Section 17 (B) of the Industrial Dispute Act. In my view, as per Section 17 (B) of the Industrial Dispute Act, concerned workmen are entitled to get wages on the basis of last pay drawn by them. However, Sri A.K. Mehta submits that in this case, identity of workmen have not been established. Thus, management is not able to pay aforesaid amount. Terms of reference quoted in the award at page 36 is hereby reproduced :- Whether the action of management of Rajhara Colliery of M/s. Central Coalfields Ltd. In denying regularisation to Shri Banbari Ram and 102 others shown in the Annexure employed through a contractor on shale picking and

wagon picking jobs is justified If not, to what relief are the workman concerned entitled to By Ministry's corrigendum dated 30.05.90 the names shown in the appendix to this reference be added below as S1. No. 103 of the annexure. Aforesaid reference was made by the Central Government Ministry of Labour vide order No. L-24012/151/85- D.IV(B)/IR(Coal-I) dated 15.09.1989 in exercise of power conferred under the Industrial Dispute Act. From perusal of aforesaid terms of reference, it is clear that said reference relates to Sri Banbari Ram and 102 others. The names of those workmen annexed with the terms of reference. Under the said circumstance, Central Government Industrial Tribunal No. 1 Dhanbad is directed to send the original terms of reference along with Annexures in connection with Reference Case No. 114 of 1989, within four weeks from the date of receipt of this order. Learned counsel for the workmen submits that he may be given liberty to serve this order upon the concerned Tribunal. In view of the aforesaid submission, workmen concerned are directed to serve the certified copy of this order upon the Presiding Officer, Central Government Industrial Tribunal No. 1 Dhanbad. Let a copy of this order be also send to the Presiding Officer, Central Government Industrial Tribunal No. 1 Dhanbad by FAX through District Judge, Dhanbad. (Prashant Kumar, J.) Binit

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