

GOVERNMENT OF INDIA  
MINISTRY OF COAL

LOK SABHA  
STARRED QUESTION NO. 533  
TO BE ANSWERED ON 4.4.2018

**Labour Rights**

\*533. SHRI LAXMI NARAYAN YADAV:

Will the Minister of COAL be pleased to state:

- (a) whether the Central Government Industrial Tribunal in its award has given some decisions regarding the labourers related to the South Eastern Coalfields Limited(SECL);
- (b) if so, the main points of the said award and the details of the decisions given on labour rights; and
- (c) the details of action taken by the Government for implementation of the said award?

**A N S W E R**

MINISTER OF RAILWAYS AND COAL  
(SHRI PIYUSH GOYAL)

(a) to (c): A statement is being laid on the Table of the House.

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STATEMENT IN REPLY TO STARRED QUESTION NO. 533 FOR ANSWER ON 4.4.2018 ASKED BY SHRI LAXMI NARAYAN YADAV REGARDING LABOUR RIGHTS.

(a) to (c): Yes, Madam. 11 Awards have been pronounced by Central Government Industrial Tribunal (CGIT) in the year 2017-18 related to employees of South Eastern Coalfields Limited(SECL)/Contractor labourers. Of these 11 Awards, the details of 5 Awards which are required to be implemented by SECL and its Areas and 6 Awards in favour of SECL are placed at Annexure-I and Annexure-II respectively.

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## DETAILS OF AWARDS REQUIRED TO BE IMPLEMENTED BY SECL

S.No.	Name of AREA	(a) Decisions of CGIT given			(b) Main points/ Details of Decision	(c) Details of implementation of the award	
		CGIT Case No. & Date of Award	Terms of references	Brief of the case	(Operating part)	Whether implemented (Yes/No)	Current Status
1	JOHILLA	CGIT/LC/R/209/97 Award date 03.04.2017	Whether the action of the management of Johilla Area of SECL in employing 12 labourers at the Saw Machines of Nowrozabad colliery which is a mining activity at lower rates than the rates of wages fixed under NCWA-I to V and also in not regularizing their services on the rolls of the company from their dates of appointment is legal and justified? If not to what relief is the workmen entitled and from which date?	ID instituted by I.B. Dwivedi Secretary NCWF on behalf of 12 contractor workers who were working at Saw Machine Nowrozabad colliery for regularization on SECL company roll with wages as per NCWA. Award dated 03-04-2017 passed against management.	Award is passed as under:- (1). The 1st party employees are employees of 2 <sup>nd</sup> party. Their claim for regularization and wages as per NCWA-IV is not established. (2). 2nd party is directed to pay compensation of Rs. 50000.00 to each of the claimants No. 1,3,7,9 & 10 (i.e. 5 persons out of 12 claimants) with 9% per annum interest from the date of Award.	Under process for implementation.	
2	KUSMUNDA	CGIT/LC/R/119/2012 Award date 19.06.2017	Whether the action of the Management of General Manager, Kusmunda Area of SECL, Kusmunda, Distt. – Korba (C.G.) as well as the General Manager(P&A), SECL, HQ, Bilaspur (C.G.) in not	Present dispute has been raised by the workman for correction of his date of birth as 06.06.1960 on official records. Whereas his date of	1.The action of the management in not correcting the date of birth of Shri Milan Kumar Pandey, Electric Fitter (i) as mentioned in form B	Under process for implementation.	

			<p>correcting the date of birth of Shri Milan Kumar Pandey, Electric Fitter (i) as mentioned in form B &amp; CMPF records as 19.06.1960 and (ii) on the basis of Vth as well as matriculation certificate as per I.I. no. 76 of NCWA as legal, proper and justified? to what relief the said workman is entitled to and from what date?</p>	<p>birth has been recorded in official records as 19.06.1956.</p>	<p>&amp; CMPF records as 19.06.1960 and (ii) on the basis of Vth as well as matriculation certificate as per I.I. no. 76 of NCWA is illegal.</p> <p>2. The order of superannuation of workman w.e.f. 30.06.2016 is quashed. 2nd party management is directed to reinstate workman and also pay salary for the period from 30.06.16 till his reinstatement.</p> <p>3. Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9% interest per annum from the date of award till its realization.</p>		
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3	HASDEO	CGIT/LC/R/26/2010  Award dt. 22.05.2017	Whether the action of Management of M/s. SECL in dismissing Sri Mohan is legal and justified?	Shri Mohan S/o Vishal an Ex-employee of Rajnagar RO was terminated due to long absent from his duty.	<p>1. The action of Management of SECL in dismissing Shri Mohan is not legal.</p> <p>2. Punishment of dismissal is modified to compulsory retirement.</p> <p>3. Management to directed to give retirement benefits to widow of deceased.</p>	Implemented	
4	HASDEO	CGIT/LC/R/14/95 Award Dt. 22.06.2017	Whether the Action of the Management of the Kurja U/G under SECL, Hasdeo Area denying regularization to 95 workman is Legal and justified.	The RKKMS Union who appeared on behalf of concerned workman whose name appeared in the list annexed with order of reference claimed that the workman was doing job of prohibited category and drivage on stone drift, stone cutting in U/G Mine.	<p>1. The Action of Management is not legal with respect to W.R.T. with respect to 4 workman</p> <p>2. Management directed to absorb 4 workers with continuity of service and 25% back wages.</p>	Not implemented	WP filed before Hon'ble HC and pending for decision.

5	HASDEO	CGIT/LC/R/62/93  Award Dt. 09.08.2017	Whether the action of Rajnagar Sub Area/ OC Mine of Hasdeo Area denying the payment of wages demanded by the Union and not regularizing Sri Shiv Kumar and 21 other is justified.	Case of regularization of 21 contractual worker of Rajanagar OC of SECL, Hasdeo Area.	<ol style="list-style-type: none"> <li>1. The action of Management denying payment of wages and not regularizing Sri Shiv kumar and 21 others is illegal.</li> <li>2. Second party is directed to absorb the claimant.</li> <li>3. Pay compensation of Rs. 100,000/- to LRs of the diseased.</li> </ol>	Not implemented	WP filed before Hon'ble HC and pending for decision.
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## DETAILS OF AWARD WHICH ARE IN FAVOUR OF SECL

S.No.	Name of AREA	(a) Decisions of CGIT given			(b) Main points/ Details of Decision	(c) Details of implementation of the award	
		CGIT Award No.	Terms of references	Brief of the case	(Operating part)	Whether implemented (Yes/No)	Current Status
1	JAMUNA KOTMA	CGIT/LC/R/56/08 Shri Ramlakhan Singh Vs SECL Award date 08.06.17	Whether the action of the Management of SECL in dismissing Shri Ramlakhan Singh with effect from 11.08.05 is legal & justified? if not to what relief is the workman entitled to?	Shri Ramlakhan Singh was working as a Foreman in JUGRO and he has occupied and used company's land unauthorisely. For this purpose, he was chargesheeted & after conducting DE, charges were found proved. Thereafter he was dismissed w.e.f. 11.08.05.	CGIT passed the award on dated 08.06.17 that: 1. The action of the management of SECL is proper and legal. 2. Workmen is not entitled to any relief.	CGIT passed the award in favour of the management.	
2	JAMUNA KOTMA	CGIT/LC/R/79/04 Shri Jai Singh & ors Vs SECL Award date 08.06.17	Whether the action of the General Manager, J K Area of SECL in not promoting Shri Jai Singh & Mahipal Kishore form Cat. VI to Asst. Foreman T&S Gr. C is legal and justified ? if not to what relief is the workman entitled to ?	Shri Jai Singh and Mahipal Kishore was working at Jamuna Kotma Area in the post of Electrician Cat. VI. They have claimed for the promotion to the post of Asst. Foreman T&S Gr. C. They have challenged the promotion order 25.09.98.	CGIT passed the award on dated 08.06.17 that: 1. The action of the management of SECL is proper and legal. 2. Workmen is not entitled to any relief.	CGIT passed the award in favour of the management.	

3	JAMUNA KOTMA	CGIT/LC/R/61/05 Shri Jaibir Sahu Vs SECL Award date 21.06.17	Whether the action of the Management of JK Area in not correcting the date of birth of Shri Jaibir in service record on the basis of Transfer certificate / Marksheet by simply mentioning the DOB as 25 year on 1970 instead of reflecting correct date of birth that is 01.03.1950 without any evidence is legal & justified ? if not to what relief is the workman entitled to ?	Shri Jaibir Sahu has raised dispute for correction of his date of birth. According to him, his DOB is 01.03.1950. As per record maintained by the management, the DOB is recorded as 25 years as on 15.05.1970.	CGIT past the award on dated 21.06.17 that the workmen is not entitled to any relief.	CGIT passed the award in favour of the management.	
4	JOHILLA	CGIT/LC/R/111/2008 Award date 12.07.2017	Whether the demand of the Union for re-fixation of pay of Shri Vidyanand on his conversion from SDL Operator Gr "C" to the designation of Pump Khalasi Cat. 2 on his request by way of protecting earlier wages drawn by him is legal and justified? To what relief is the workman concerned entitled?	ID instituted by employee Shri Vidyanand for pay protection after his conversion from SDL operator Grade "C" to Pump Khalasi Cat II on his request. Award dated 12-07-2017 in favour of management.	Award is passed as under:- (1) The demand of the union for re-fixation of pay of Shri Vidyanand on his conversion from SDL operator Gr "C" to the designation of Pump Khalasi Cat. 2 is not legal and proper. (2)Workman is not entitled to any relief.	CGIT passed the award in favour of the management.	



5	KORBA	114/2002 Doman Singh-Vs-SAM,Rajgamar Award date 04.08.17	Demand of the C.S.M.Union for providing employment on compassionate ground to Sri Doman Singh S/o Shri Puniram, Ex-employee, who is declared medically unfit by SECL management is not proper & legal.	Claiming dependant employment against father Sri Puniram, who was retired medically unfit from service.	04.08.2017 Rejected claim by justifying SECL decision.	CGIT passed the award in favour of the management.	No implementation required, due to rejection of claim by the Ld. CGIT & Award in favour of management.
6	SOHAGPUR	CGIT/LC/R/11/14 Award date 14.06.17	Whether the action of the General Manager, Sohagpur Area of SECL in not promoting Shri Rakesh Tiwari to Electrician Cat. IV and non- payment of wages for the period 01.08.2011 to 26.08.2011 is legal and justified? To what relief the claimant is entitled for and from which date?	Shri Rakesh Tiwari , Electrician claimed for promotion in Cat. IV and payment of back wages for the period from 01.08.2011 to 26.08.2011.	Award passed on 14.06.2017 as under: 1. The dispute under reference could not be decided on merit for failure of workman to participate in reference proceeding. 2. Workman is not entitled to any relief.	CGIT passed the award in favour of the management.	NA

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