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HIGH COURT OF CHHATTISGARH, BILASPUR

WPL No. 153 of 2016

Chhattisgarh Mineral Development Corporation Limited Through Its Officer In Charge Shri Virendra Kumar Mishra, Age About 58 Years, S/o Late Shri B. P. Mishra, Posted As Geologist O S D A At Chhattisgarh Mineral Development Corporation Limited, Head Office At Sonakhan Bhavan, Ring Road No.1, Village Puraina, P O Ravigram, Raipur, District Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. Jagdish Prasad Shrivastav S/o Late Shri B. P. Shrivastav, Aged About 52 Years R/o Village Par, Post Beena, District Sagar (Madhya Pradesh)
2. Madhya Pradesh State Mining Corporation Ltd., Through Its Managing Director, E- 5/14, Arera Colony, Ravindra Nagar, Bhopal, District Bhopal (Madhya Pradesh) Presently Office At: Paryavas Bhavan, Block No.1 (A), IInd Floor, Jail Road, Arera Hills, Bhopal, District Bhopal (Madhya Pradesh)
3. Branch Secretary, Madhya Pradesh State Mining Corporation Kramchari Sangh, Nayapara, Jagdalpur, District Bastar At Jagdalpur
4. Union Of India, Through Its Secretary, Ministry Of Labour And Employment, Shram Shakti Bhavan, Rafi Marg, New Delhi 110001
5. Central Government Industrial Tribunal- Cum- Labour Court, Through Its Presiding Officer, Jabalpur (Madhya Pradesh)

---- Respondents

And

WPL No. 154 Of 2016

Chhattisgarh Mineral Development Corporation Limited Through Its Office In Charge Shri Virendra Kumar Mishra, Aged About 58 Years, S/o Late Shri B.P. Mishra, Posted As Geologist O.S.D. A At Chhattisgarh Mineral Development Corporation Limited, Head Office At Sonakhan Bhavan, Ring Road No 1 Village Puraina, P.O. Ravigram, Raipur District Raipur Chhattisgarh

---- Petitioner

Vs

1. Smt. Meera Devi W/o Shri Devendra Pratap Bahadur Singh, R/o Village Pasta Paragana Gwarich, Tahsil Kolonganj, District Gondpa Uttar Pradesh
2. Madhya Pradesh State Mining Corporation Ltd. Through Its Managing Director, E 5/14, Arera Colony, Ravindra Nagar, Bhopal, District Bhopal M.P. Presently

Office At Paryavas Bhavan, Block No 1 A IInd Floor, Jail Road, Area Hills Bhopal, District Bhopal M.P.

3. Branch Secretary, M.P. State Mining Corporation Karmachari Sangh, Nayapara, Jagdalpur, District Jagdalpur Chhattigarh
4. Union Of India, Through Its Secretary, Ministry Of Labour And Employment, Shram Shakti Bhavan, Rafi Marg, New Delhi, 110001
5. Central Government Industrial Tribunal Cum Labour Court, Through Its Presiding Officer, Jabalpur M.P.

---- Respondents

For Petitioners	:	Shri Yogesh Pandey, Advocate
For Respondent No.2	:	Shri Sourabh Shrama, Advocate
For Respondent No.4	:	Shri Rajkumar Gupta, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/10/2017

With the consent of learned counsel for the parties, the matter is heard finally.

1. Learned counsel for the petitioners submits that even though the application for impleadment of the petitioner as party was rejected, the Central Government Industrial Tribunal, Jabalpur has imposed liability towards satisfaction of the award on the petitioners.
2. On the other hand, learned counsel for the respondents would argue that the impugned order shows that notice were issued to the petitioners and petitioners did not appear, therefore, ex-parte proceedings were drawn.
3. After having considered the submissions made by learned counsel for the parties and perusing the records, I find that despite rejection of application for impleadment of the petitioner as one of the party and without there being any notice issued to the petitioners, the petitioner-Corporation was proceeded ex-parte even though the petitioner was not a party before the Tribunal, Therefore, impugned award at this stage could not be allowed to be enforced against the petitioner- Corporation.

4. Both the petitions are accordingly allowed. The impugned order is set aside. The matter is remitted to the Central Government Industrial Tribunal. The parties shall appear before the Tribunal on **30th November 2017**.
5. This order shall not come in the way of workmen in seeking enforcement of the award against the original respondent in the proceedings before the Court below.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen