

22. 25.11.2024
Court No.13.
(Pritam)

**FMA 649 of 2023
With
CAN 1 of 2023**

**Eastern Coalfield Ltd.
-Vs.-
Lachman Bhuiya & Ors.**

Mr. Susanta Pal,
Mr. Pradipta Basu

.....for the appellant.

Mr. Balaram Patra,
Mr. Suvadip Bhattacharjee

.....for the respondent no.1.

1. The instant appeal is directed against a judgment and order dated 13th May, 2022 passed by a single Bench of this Court, which has upheld the Award of reinstatement of 50% back wages and withholding of two increments dated 17th April, 2013 passed by the CGIT-cum-Labour Court, Asansol in reference to case No.18 of 2004. The charge against the workman was of unauthorized absence. The matter has a checkered history. The learned single Bench has upheld the Award of the Tribunal.
2. During the pendency of the instant appeal, the workman and the employees' Union have entered into a settlement with the Management on 20th July, 2023

under Section 58 of the Industrial Disputes (Central) Rules, 1957.

3. The settlement is annexed to the Affidavit-in-Reply. In terms of the settlement, the workman was to be reinstated with any back wages, subject to his medical fitness.
4. Upon reinstatement, the workman was to be posted in the underground mines of the Eastern Coal Field in the Pandua Area. The period of absence will be considered only for the purpose of gratuity.
5. It is submitted that the workman has joined work and was superannuated from the services. In view of the above, the impugned judgment and order dated 13th May, 2022 and the Award of the CGIT dated 17th April, 2013 shall stand set aside. The aforesaid Memo of Settlement dated 20th July, 2023 shall govern the relationship between the parties.
6. The instant appeal and the application being CAN 1 of 2023 are, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)