

10.09.2025
Ct. No. 30
S.L. No. 4
SM

WPA 20092 of 2025
Eastern Coalfields Limited
Versus
Meherun Nisha & Ors.

Mr. Nikhil Kumar Roy
.....for the petitioner

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging an award dated 31.12.2024 passed by the Central Government Industrial Tribunal, Asansol in Reference Case No. 65 of 2005.
3. It is submitted by the learned counsel for the petitioner that the Presiding Officer has erroneously applied Clause 9.5.0 (ii) (iv) NCWA in the present case while passing the order.
4. On hearing the learned counsel for the petitioner and on perusal of order of reference, it appears that the issue to be decided in the reference is as follows.

*“Whether the action of the management of Jambad Colliery under Kajora Area of M/s Eastern Coalfields Limited in denying employment **under NCWA IV** to the dependant of Late Nizam Mian, Fider Helper is legal and justified? If not, to what relief the family of deceased workman is entitled to?”*

5. Learned counsel for the petitioner has placed a copy of the NCWA (iv) which is applicable in the case

of the workman in the present case, who retired in the year 1987.

6. It appears that Clause 9 of NCWA (iv) prima facie does not have a Clause being 9.5.0 (ii) (iv). As such, it appears that there has been an error while considering the said reference.

7. Accordingly, there being an inherent defect in the award under challenge, the Award dated 31.12.2024 passed by the CGIT, Labour Court, Asansol in reference no. 65 of 2005 dated 31.12.2024 is hereby set aside and the matter is remanded back to the Tribunal who shall decide the case in view of the observations made in this order.

8. Learned Tribunal shall consider the relevant provision of NCWA (iv) which has been noted in reference before the Tribunal, while deciding the same afresh.

9. Writ application stands disposed of.

10. Applications, if any, connected thereto stand disposed of consequently.

11. Interim order, if any, stands vacated.

12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]