

doing only rough work in Ramonna colliery. The slips Ext. W-8 series issued by the workman show that the workman was doing ordinary type of work.

12. Moreover there is definite evidence of the management which is not rebutted to the effect that there is no post of Category V carpenter in Ramonna colliery workshop. There is one more carpenter who is also in category IV. It is well settled that the Tribunal cannot direct the management to create a post and to give promotion to the workman. If there is no post of Category V carpenter in Ramonna colliery there was no question of giving Category V to the concerned workman from the date of his transfer to Ramonna colliery. He was after all a category I carpenter mazdoor and was already promoted to category IV.

13. Considering the evidence on record it is held that the concerned workman was rightly placed in category IV and there was no question of putting him in Category V from the date of his promotion. Further it will also appear that though the promotion was made in 1974 but the workman made no grievance and for the first time this grievance was made in 1980 by raising a dispute which clearly shows that it is a stale claim for which there is no sufficient evidence to justify the said category.

14. The management also taken the plea that the sponsoring union has got no locus-standi to raise the present dispute and MW-1 has stated that this union has got no membership in the area. This issue, however, is not material in view of the fact that on merits the concerned workman has got no case. Further the workman has examined WW-2 to say that he is a member of the sponsoring union who has got several members in this colliery vide membership register Ext. W-18. Exts. W-9, W-10, W-11 and other letter exhibited in the case would show that the management is making regular correspondence with this union regarding holding of meetings, functioning of the colliery etc. which clearly prove that this union is functioning there and if it would not have been functioning then the management would have never entered into correspondence with this union. This fact clearly indicates that the union is functioning in the area and it has got locus-standi to raise the present dispute.

15. Considering the evidence on record and facts and circumstances of the case, I hold that the management was justified in not placing the concerned workman in Category V with effect from 23-8-1974. In the circumstances the concerned workman is not entitled to any relief.

16. The award is given accordingly.

J. N. SINGH, Presiding Officer

[No. L-19012/8/81-D.IV.B]

A. K. SAHAMANDAL, Desk Officer.

नई दिल्ली, 24 अक्टूबर, 1983

का० आ० 4095:—केन्द्रीय सरकार, समान पारिश्रमिक अधिनियम, 1976 (1976 का 25) की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समान पारिश्रमिक नियम, 1976 का निम्नलिखित संशोधन करती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम समान पारिश्रमिक (संशोधन) नियम, 1983 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. समान पारिश्रमिक नियम, 1976 के नियम 6 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—

"6. नियोजक द्वारा रजिस्ट्रों का रखा जाना—
प्रत्येक नियोजक अपने पास नियोजित कर्मकारों का एक अद्यतन रजिस्टर, प्ररूप 'घ' में ऐसे स्थान पर रखेगा जहाँ कर्मकार नियोजित है।"

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग 2 खंड 3, उपखंड (i), तारीख 11 मार्च, 1976 में अधिसूचना सं० सा०का०नि० 119(अ), तारीख 11 मार्च, 1976 द्वारा प्रकाशित किए गए थे।

[का० सं० ए० 42025(1)/82-महिला सेवा]

अशोक गुप्त, निदेशक

New Delhi, the 24th October, 1983

S.O. 4095.—In exercise of the powers conferred by section 13 of the Equal Remuneration Act 1976 (25 of 1976), the Central Government hereby makes the following amendment in the Equal Remuneration Rules, 1976, namely:—

1. (1) These Rules may be called the Equal Remuneration (Amendment) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. For Rule 6 of the Equal Remuneration Rules, 1976, the following rule shall be substituted, namely:—

"6. Registers to be maintained by the Employer—
Every employer shall maintain up-to-date a register in relation to the workers employed by him, in Form 'D', at the place where the workers are employed".

NOTE.—Principal Rules were published, vide Notification No. G.S.R. 119(E) dated the 11th March, 1976 in the Gazette of India Extra Ordinary Part II Section 3-Sub-Section (i), dated the 11th March, 1976.

[F. No. S-42025(1)/82-Women's Cell]

ASHOK GUPTA, Director

New Delhi, the 21st October, 1983

S.O. 4096.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Sukri Colliery of Western Coalfields Limited, Post Office Junnardeo, District Chhindwara (M.P.), and their workmen, which was received by the Central Government on the 11th October, 1983.

BEFORE JUSTICE SHRI K. K. DUBE, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(32)/1981

PARTIES:

Employers in relation to the management of Sukri Colliery of Western Coalfields Limited, P.O. Junnardeo, District Chhindwara (M.P.),

AND

Their workmen represented through the Koyla Khadan Mazdoor Panchayat (HMS) P.O. Junnardeo, District Chhindwara (M.P.).

APPEARANCES:

For Workmen—Shri G. N. Shah.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal DISTRICT : Chhindwara (M.P.)

AWARD

Dated, October 7th, 1983

The Central Government in exercise of their powers under Section 10 of the Industrial Disputes Act, 1947, vide their Notification No. L. 22011(4)/81-D.IV(B) dated 12th August, 1981 referred a dispute between the workmen and the management of Sukri Colliery of Western Coalfields Limited,