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NEW DELHI, MARCH 26—APRIL 1, 2017, SATURDAY/CHAITRA 5—CHAITRA 11, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 9 मार्च, 2017

का.आ. 825.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री दीपांकर गुप्ता के स्थान पर भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड से डॉ. अशोक गुलाटी को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में निदेशक नामित करती है।

[फा.सं.7/2/2009-बीओ-1]

ज्ञानोतोष राय, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 9th March, 2017

S.O. 825.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, in consultation with the Reserve Bank of India, hereby nominates. Dr. Ashok Gulati from the Central

5. Sri Sayantan Mukherjee, learned advocate on behalf of the workmen never appeared for the period of more than 2 years even after service of notice. Therefore the Tribunal had no option but to reserve the reference for Order. Sri P. K. Goswami, learned advocate is present on behalf of management of Chinakuri Colliery of M/s. Eastern Coalfields Limited.

6. I have heard Sri P. K. Goswami, learned advocate appearing on behalf of the management. Sri P. K. Goswami has argued that as Instruction No. 6.1, the superannuated workmen are not entitled for wage in lieu of leave due to them, because as per instruction of management they did not avail their due leave in their service period. I have perused the record.

7. It is admitted fact that 8 (Eight) workmen namely : Sri Baijnath Singh, Sri Ajit Singh, Sri Nazir Ahmad, Sri M. Bagchi, Sri Ram Nath Nunia, Sri Asrafi Dass, Sri Ram Samuj Harijan and Sri Gouri Shankar Mishra have superannuated on their due dates. As per allegation of superannuated workmen the wages in lieu of due leave is still unpaid to them by the management of Chinakuri Colliery of M/s. Eastern Coalfields Limited. The superannuated workmen have claimed their entitlement for wages in lieu of due leave on basis of Mines Act. The Agent of Chinakuri Colliery of M/s. Eastern Coalfields Limited has not filed the Instruction 6.1 of National Coal Wage Agreement.

8. The National Coal Wage Agreement – IV, Rule 6.3 authorizes workman for accumulation of earned leave / annual leave with wages up to level of 70 (Seventy) days. Rule 6.1 of the National Coal Wage Agreement - IV prescribes that annual leave with wages will be continued to be governed by the provisions of Mines Act. The Agent of Chinakuri Colliery of M/s. Eastern Coalfields Limited has also relied on the Instruction No. 6.1 of National Coal Wage Agreement. Section 10 of Mines Act provides as under :-

“Where a person employed in a mine discharged or dismissed from service or quits his employment is superannuated or dies while in service, he or his heirs or his nominee, as the case may be shall be entitled to wages in lieu of leave due to him calculated at the rate specified in sub section (1).”

9. Therefore as per Mines Act the superannuated workmen are entitled for wages in lieu of due leave due up to maximum limit of 70 (Seventy) days. As per allegation of workmen in their written statement Sri Baijnath Singh has 8 days, Sri Ajit Singh has 54 days, Sri Nazir Ahamad has 20 days, Sri N. Bagchi has 12 days, Sri Ram Nath Nonia has 7 days, Sri Asrafi Das has 13 days, Sri Ram Samuj Harijan has 14 days, Sri Gouri Shanker Mistri has 23 days due leave at the time of their superannuation. Therefore they are entitled for wages in lieu of due leave.

10. The workmen have filed copies of letter issued by the Agent / Manager of Chinakuri Colliery of M/s. Eastern Coalfields Limited instructed the workmen to avail the leave before retirement. But the workmen opted for wages in lieu of leave. It is settled law that Administrative Instruction / Order can not override the legal provisions. The superannuated workmen are entitled for wages in lieu of leave as per Section 10 of Mines Act. The administrative direction to utilize their leave before retirement can not override the Act. The Hon'ble Supreme Court in Public Service Commission, Uttranchal and Jagdish Chandra Singh Bora and others, 2014 (141) FLR 966 has held that :-

“It is settled proposition of law that executive orders can not supplant the rules framed under the proviso to Article 309 of the Constitution of India.”

Therefore in view of law laid down by the apex court. The administrative direction to avail the earned leave before retirement can not override the Mines Act. The workmen are entitled for wages in lieu of their due leave.

11. In view of above discussion the action of management of Chinakuri Colliery of M/s. Eastern Coalfields Limited in not paying the wages in lieu of leave due to Sri Baijnath Singh, Sri Ajit Singh, Sri Nazir Ahmad, Sri M. Bagchi, Sri Ram Nath Nunia, Sri Asrafi Dass, Sri Ram Samuj Harijan and Sri Gouri Shankar Mishra at the time of their superannuation is illegal and unjustified. The workmen are entitled for wages in lieu of their due leave respectively.

ORDER

Let an “Award” be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 30 मार्च, 2017

का.आ. 842.—कर्मचारी राज्य बीमा निगम 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2017 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-V और VI (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबंध जम्मू एवं कश्मीर राज्य के 14 जिलों के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:-

क्र.सं.	जिला मुख्यालय के नगर निगम/नगरपालिका के राजस्व क्षेत्र का नाम	क्र.सं.	जिला मुख्यालय के नगर निगम/नगरपालिका के राजस्व क्षेत्र का नाम
1	डोडा	8	कुपवाड़ा
2	किश्तवाड़	9	बांदीपोरा
3	पूँछ	10	गांदरबल
4	रजौरी	11	कुलगाम
5	रामबन	12	शोपियां
6	अन्नतनाग	13	लेह
7	बारामुला	14	कारगिल

[सं.एस-38013/07/2017-एस.एस.1]

अजय मलिक, अवर सचिव

New Delhi, the 30th March, 2017

S.O. 842.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st April, 2017 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the Municipal Limit of the following 14 Districts in the State of Jammu and Kashmir namely: -

Sl. No.	Name of the Municipal limit of District Headquarter	Sl. No.	Name of the Municipal limit of District Headquarter
1.	Doda	8.	Kupwara
2.	Kishtwar	9.	Bandipora
3.	Poonch	10.	Ganderbal
4.	Rajouri	11	Kulgam
5.	Ramban	12.	Shopian
6.	Anantnag	13.	Leh
7.	Baramulla	14.	Kargil

[No. S-38013/07/2017-S.S.I]

AJAY MALIK, Under Secy.

नई दिल्ली, 30 मार्च, 2017

का.आ. 843.—कर्मचारी राज्य बीमा निगम 1948(1948 का 34)की धारा-1 की उप धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अप्रैल, 2017 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय-V और VI (धारा-76 की उप धारा-(1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) के उपबंध छत्तीसगढ़ राज्य के 17 जिलों के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:-