

(TO BE PUBLISHED IN PART II SECTION 3 SUB SECTION (ii) OF
THE GAZETTE OF INDIA NOT LATER THAN THE 6TH
SEPTEMBER 1958)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

30 AUG 1958

Dated New Delhi, the

NOTIFICATION

S.O. _____ :- In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the New Marine Colliery of the New Marine Coal Co. (Bengal) Private Ltd., P.O. Kusunda, Dhanbad and their workmen.

(Award)

Sd/- A.L. Wanda

(A.L. Wanda)
/ UNDER SECRETARY
LA II 42(45) 4587

The Manager,
Government of India Press,
New Delhi.

Copy with a copy of the award, forwarded to :-

1. The Manager, The New Marine Colliery, P.O. Kusunda, Dhanbad
2. The General Secretary, Bihar Koyla Mazdoor Sabha,
C/o. Indian Mine Workers Federation, Dhanbad.

List of the workmen victimised by the management of New Marine Colliery before the commencement of strike.

All miners (coal-cutters)

N O T E S.

1. Surju Bhuia *
2. Tulo Singh *
3. Mathuri Bhuia
4. Deeki Singh
5. Neman Bhuia
6. Tokan Singh
7. Pandhan Singh *
8. Chiru Mian *
9. Purn Singh.
10. Latan Bhuia *
11. Ujan Bhuia *
12. Darbari Bhuia
13. Phatu Bhuia *
14. Kalila Bhuia
15. Gopi Bhuia
16. Bishun Bhuia
17. Thakuri Singh.
18. Phattu Turi.

Sl. No. 1 to 18 were ~~xx~~ not allowed to work from 12.1.59.

Only those whose names are marked with * were taken back after the end of the strike. They were allowed to work from 8.5.59. They were not paid anything for the long period of idleness, wrongfully imposed upon them by the management.

Others were not allowed at all.

-
19. Srinath Pashi.
 20. Rankishun Chamar
 21. Mahajan Mia
 22. Alijan Mian
 23. Karim Mia
 24. Pokhan Singh.
 25. Deeki Bhuia
 26. Mohar Mahato.
 27. Churan Bhuia
 28. Nankoo Gope
 29. Daulat Gope
 30. Sahadeo Gope

The management retrenched them by notices dated 31.12.58 and gave an undertaking before the Conciliation Officer, Dhanbad on 11.1.59 ~~xxx~~ to pay to the workers (nos. 19 to 30) their dues including the retrenchment compensation. Later on they refused to make payments and wanted to absorb them in the place of Sl.1 to 18 who were wrongfully kept idle.

After strike was called off Sl.Nos.27 to 30 were given work and accepted.

-
31. Pandhu Singh
 32. Pockhan Singh
 33. Somar Singh
 34. Jagannath Singh
 35. Bedo Singh
 36. Guda Singh
 37. Raman Mahato
 38. Jagdish Singh
 39. Dasho Mahato.

These workers (Sl.nos.31 to 39) were proceeded under various charges, suspended and victimised finally. All except No.31 was implicated in cases under sec.107 Cr.P.C. at the instance of the management and were put in jail by their machinations. They have been subsequently dismissed either by written order or without official orders.

-
40. Thakuri Mahato.

The management effected a break in his service after he joined work having recovered from 4 days' sickness. The company having retraced the step and given statement that his continuity of service was maintained it was not pressed.

.....
N.B. Disputes relating to the above workmen, except those specifically mentioned in the notices, exist and workmen had no remedy so far.

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Re: New Marine Colliery Strike from 23.3.59.

from Bihari Colliery
Maydon Sakha

List of the MINERS who reported for work on 7.5.1959 but were not allowed to resume work. (Vide annexure to ~~r~~ letter) to the Conciliation Officer (C), Dhanbad - 1 dated 9th May, 1959.)

Miner of No.4 Pit.

Miners of No.1 Pit.

1. Akal Bhuia
2. Sanichar Bhuia
3. Dasho Mahato.
4. Cheto Mahato.
5. Janki Mahato.
6. Gandhari Mahato.
7. Thakuri Mahato
8. Jhaman Mahato
9. Jagan Mahato.
10. Rajan Mian.
11. Kishun Dusadh
12. Pishun Bhuia
13. Bholi Mahato.
14. Jagannath Singh
15. Jethu Singh
16. Charku Singh
17. Ramjit Bhuia
18. Jiwan Bhuia
19. Jagannath Singh (Ch.)
20. Kanchan Singh
21. Khago Mahato.
22. Hulash Mahato.
23. Chetu Mahato.
24. Ramlal Bhuia (Ch.)
25. Chaman Bhuia
26. Bigan Bhuia
27. Bhikhari Mahato.
28. Bulak Bhuia
29. Jhari Singh
30. Nago Bhuia
31. Gudan Bhuia.
32. Janki Mahato.

1. Thakuri Mahato (B)
2. Sobhi Bhuia
3. Etwari Mondal
4. Dewal Dusadh
5. Pokhan Singh
6. Pokhan Bhuia
7. Charan Bhuia
8. Culi Bhuia
9. Madan Majhi
10. Janki Bhuia
11. Sanichar Bhuia
12. Barhan Bhuia
13. Jugal Bhuia
14. Akal Mahato
15. Jagan Mahato.
16. Rahaman Mian
17. Janki Singh
18. Kewal Bhuia
19. Guni Bhuia
20. Chhedi Dusadh
21. Laldhari Dusadh
22. Lachman Dusadh.
23. Siru Majhi
24. Sukra Majhi
25. Fagu Majhi
26. Pabulal Majhi
27. Rashik Majhi
28. Jagan Majhi (B)
29. Nanku Majhi
30. Jagan Majhi (Ch.)
31. Manshu Majhi
32. Rashik Majhi (Ch.)
33. Koshar Majhi
34. Kishun Majhi
35. Matan Majhi
36. Sagar Majhi
37. Pishu Majhi
38. Ghunshi Majhi
39. Katia Majhi
40. Sanu Majhi
41. Surju Majhi
42. Jugal Majhi
43. Kisto Majhi.

Miners who presented during the period from 11th to 16th May '59 but not allowed (vide our letter to C.O. (c), DHN-I, dated 16.5.59.

1. Jitan Majhi
2. Pideshi Bhuia
3. Dodhi Mahato
4. Demda Majhi
5. Lakhiram Majhi
6. Letra Majhi
7. Sonaram Majhi
8. Lobin Majhi
9. Pipna Menjhi
10. Baburam Majhi
11. Munshi Majhi
12. Matu Majhi
13. Shamlal Majhi
14. Saheba Majhi.

1. Lachho Gossain
2. Bideshi Gossain
3. Budhi Gossain
4. Ch. Jhamman Mahato.
5. Arjun Bhuia
6. Rohan Bhuia
7. Amrit Mahato.
8. Ch. Janki Mahato.
9. Gobardhan Bhuia
10. Mangar Dusadh.

Total - 99.

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New Marine Colliery Disputes.

List of workers of other categories who were not allowed to resume work on 7.5.59 (vide annexure to our letter dated, 9.5.59 to the Conciliation Officer (C), Dhanbad I)

.....

<u>Name</u>	<u>Dept./Cat.</u>
1. Antu Mistry	Blacksmith
2. Mahabir Mistry.....	-do-
3. Dhano Mistry	-do-
4. Ganauri Mistry	-do-
5. Lagan Rajwar	Hammerman
6. Sohrai Dusadh.....	-do-
7. Jagdish Dusadh.....	-do-
8. Kanilal Chamar.....	-do-
9. Murli Barhi	-do-

#

1. Sitaram Bhuia	X	
2. Ch. Rameswar Bhuia	X	
3. Rajia Kamin	X	Surface
4. Bilkhu Bhuia	X	Trammers.
5. Ganauri Bhuia	X	
6. Bholu Bhuia	X	

#

1. Medar Pux	X	
2. Aghnoo Bhuia	X	
3. Rajbeni Singh	X	Underground
4. Mohabi Kachi	X	Trammers.
5. Sreenath Pashi.	X	
6. Chamari Mian	X	
7. Sattan Pashi.	X	
8. Motilal Pashi.	X	

#

1. Ganesh Singh	Pump Khalasi.
2. Indo Dusadh	-do-

#

1. Nandkishore Singh...	Haulage Khalasi
-------------------------	-----------------

#

1. Neman Mistry	Prop Mistry.
2. Nandowa Dhobi	-do-

TOTAL .. 28

List of the wagon loaders who were allowed on 8.5.59 but were again rendered idle from 9.5.59 (vide Union's letter to the C.O.(C)-Dhanbad I dated 9/11.5.1959)..

1. Banwari Bhuia	8. Parho Bhuia
2. Arjun Bhuia	9. Jalim Bhuia
3. Mahabir Bhuia	10. Sukri Bhuini
4. Sukdeo Bhuia	11. Gulbi Bhuini
5. Ritu Bhuia	12. Jiroa Bhuini
6. Sugowa Bhuia	13. Dhanowa Bhuini
7. Sadasiv Bhuia Dusadh.	14. Fulkumari Dusadhin

ABSTRACT.

Miners	99
Other Categories.....	28
Wagon Loaders	14
	<u>141</u>

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28 MAY 1959

BIHAR KOYLA MAZDOOR SABHA

REGD. NO. 837

PHONE 2855

P. O. & DIST. DHANBAD.

Ref No.

Dated 25th April 1959

Com . K.G. Sriwastava,
Secretary, A.I.T.U.C.,
4, Ashok Road, New Delhi.

Re: - Industrial Disputes in
New Marine Colliery.

Dear Comrade,

I have already sent you a copy of the agreement dated 25.4.58 between the management of the New Marine Colliery and the INTUC union (Colliery Mazdoor Sangh). You will find from the said agreement that Shri Radha Kishen Singh (Shri R.K. Singh) etc. represented the workmen .

This Shri R.K. Singh posing as the representative of the workmen in the above-mentioned agreement is an Incharge and a man of the employers. He even represented the employers before the Tribunal in one reference (Reference No. 25 of 1958 before the Chairman, Industrial Tribunal at Dhanbad). I give the particulars of the Govt. Notification publishing the award in Ref.No.25/1958, by enclosing a copy of the same. A reference to award (published in the Gazette of India Part II section 3) will show in the very beginning "Appearances: Shri R.K. Singh, Incharge of the Colliery for the employers "

I feel that this fact will be helpful in representing before the Ministry the nature of the agreement and the status and character of the so-called representative of the workman signing the agreement.

Yours comradely,

(Lalit Surman)
(Lalit Surman):

"C" series.

C-1

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True Copy.

Bihar Koyla Mazdoor Sabha

REGD. NO. 837

C/O. Indian Mine Workers' Federation.

P.O. DHANBAD.

Dated 30th April, 1959

EXPRESS.

To

The General Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

Re: Strike in New Marine Colliery.

Dear Friend,

The strike in the above colliery by the miners which started on 23.3.59 is still continuing.

The management has been partially started work with new miner. The matter was taken up with the authorities concerned. The R.L.C., Dhanbad and the S.F.O., Dhanbad directed the management to stop recruiting new miners. But the management is continuing the same.

On 28.4.59 they presented a memorandum of settlement with the INTUC union though the workers are not members of that union.

We enclose herewith a copy of letter of even date addressed to the Conciliation Officer (C), Dhanbad with copies to the C.L.C. and Secretary to the Govt. of India, Ministry of Labour together with some papers which are self explanatory.

We request you to please take up the matter there at your end with the Ministry and press for reference to a Tribunal.

Yours fraternally,

Enc: 3-(1) Letter of 20.4.59 to C.G.

(2) R.L.C.'s letter of 16.4.59

(3) S.F.O.'s order of 21.4.59.

CC/- Mr. J. B. B. B.

General Secretary

TRUE COPY.

C-21 12)

Bihar Koyla Mazdoor Sabha
C/o. Indian Mine Workers' Federation
P.O. DHANBAD.

Dated 30th April, 1959.

To
The Conciliation Officer (C),
Dhanbad - 1

Subject:- Strike in New Marine Colliery from 23.3.59
Grievances of the workers.

Reference : Your No. D-2/1(78)/59 dated 23rd April '59.

Dear Sir,

The conciliation proceedings in the above matter was fixed by you on 28-4-59 at your office.

The management referred to a mutual settlement between themselves and the representatives of the Colliery Mazdoor Sangh (which is dated 25.4.59) and avoided the conciliation proceedings. We made our position clear on that date.

Please note that though the alleged settlement provides that the workmen will resume work from 27.4.59, the workmen did not resume work and the strike is still going on..

As we already stated the representatives of the Colliery Mazdoor Sangh has no locus standi to enter into any agreement in respect of the workmen concerned as the workers are not members of the said union. The said union may be called upon to show its authority in this regard.

We enclose herewith a mass petition from the miners of the New Marine Colliery and (2) a mass petition (copy) from the other workers - which clearly proves that the workmen concerned are not members of the Colliery Mazdoor Sangh and that they are not bound by the agreement signed by them.

Please note the total number of permanent miners employed in the colliery since the retrenchment dated 31.10.58 has been 120 and 111 out of them given their L.T.I. on the mass petition. The other miners are also members of the Union (including the temporary miners numbering about 50) but as they left for their villages they could not give their thumb impressions.

The mass petition from other workers (Annexure 2) was given after the management stopped the entire work on 31.3.59. The management took some of them since they introduced new miners but the rest are idle.

We would like to mention that 25.4.59 an order dated 22.4.59 from the court of the S.D.O., Dhanbad (arising out of a case u/s.107 Cr.P.C.) directing the management to stop recruiting new miners was served on the management. The agreement is also dated 25.4.59. It is obvious that the management has done this with the connivance of the Colliery Mazdoor Sangh to get out of the binding effect of the S.D.O.'s order. They are, however, still continuing the employment of the new miners.

This constitutes a malpractice and violation of the code of discipline by both the management and the Colliery Mazdoor Sangh (INTUC). Your necessary action is solicited.

Enc: Annexure 1 & 27

Yours faithfully,

P.T.O.

Sd/-Lalit Bhatnagar
GENERAL SECRETARY. *LB*

Copy to : -

1. The Regional Labour Commissioner (C), Dhanbad. (By Hand)
2. The Chief Labour Commissioner (C), New Delhi. (Regd. A/D.)
3. The Secretary to the Government of India, (Regd. A/D.)
Ministry of Labour, New Delhi.

13.11.1954

To

The Regional Labour Commissioner (C),
Dhanbad

The Conciliation Officer (C), Dhanbad-I.
.....

Sir,

We, the miners and other workers of the New Marine Colliery beg to submit that we are not the members of the Colliery Mazdoor Sangh in the year 1958-59.

As such the alleged Branch Secretary Sri R.K. Singh has no locus standii to enter into any agreement with the management on behalf of the workers. Nor any other official of the Colliery Mazdoor Sangh has any locus standii.

Please note that we are not bound by any agreement that might have been or might be reached between the management and the Colliery Mazdoor Sangh will not be binding on us, and such agreement cannot affect or prejudice our interest.

Dated 29.4.59.

Yours faithfully,
L.T.I.s of -
111 miners.

LA

(True Copy)

Annexure - 2

To

The Agent,
New Marine Colliery,
P.O. Kusunda.

Sir,

We are aggrieved that you have stopped all work and locked the office following the strike by the miners from 23.3.59.

The demands of the miners are fully just and legitimate. We are shocked that the miners are victimised and they were compelled to go on a protest strike. We fully sympathise with the ~~mine~~ miners and request you to please stop the victimisation and concede the demands raised by them.

We note with grave concern your interference in the trade union affairs of the workers of the colliery. We are sorry that though we are free to choose any union you have been insisting on maintaining a union of your choice. We urge upon you to honour the decision of the workers in the matter of choice of the Trade Union and to recognise the union of our choice - the Bihar Koyla Mazdoor Sabha, which is a registered trade union.

We shall be pleased if you settle the matter and enable us to work and run the colliery.

Dated 2nd April, 1959.

Yours faithfully,

Signatures and L.T.I.s of
of 87 workers other
than miners.

LAB

True Copy of the Certified Copy of the Order Sheet.

Order Sheet.

M.P. Case no. 114 of 1959

Lalit Burman

Vs.

B.S.Rangarajan & others.

Under section 107 Cr.P.C.

Sl.no. 1.	Date or order of proceeding. 2.	Order with signature of the court. 3.	Office action take with date. 4.
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22.4.59

A petition is filed on behalf of the 1st party that the opposite party is recruiting new labourers inspite of the order of the R.L.C. to the contrary. A prayer is made to direct the opp. party not to recruit new labourers. The Opp.party is directed ~~xx~~ not to recruit any new labourer as it is likely to lead to a breach of the peace, and to show cause, if any against this order, on the next date.

Sd/- R.S. Sinha
S.D.O.

Typed by

Sd/ Illegible
25.4.59

Compared by

Sd/- Illegible
25.4.59

Government of India
Ministry of Labour & Employment
Office of the Regional Labour Commissioner
(Central), Dhanbad.

True Copy.

No. D-2/1(78)/59

Dated the 16th April, 1959

To

The Manager,,
New Marine Colliery,
P.O. Kusunda (Dhanbad).

Subject : - Strike in New Marine Colliery
from 23-3-59.

Dear Sir,

It has been reported to me by the General Secretary, Bihar Koyla Mazdoor Sabha, C/o. Indian Mine Workers' Federation, Dhanbad that you have employed a number of new miners to continue the work in your mine when the strike is already going on. As the Conciliation Officer (C), Dhanbad-1 has already taken up the dispute in conciliation, you are requested to maintain status quo and no to employ new workers till the case is finalised.

Yours faithfully,

Sd/- Ranjit Singh
16.4.69

Regional Labour Commissioner.

Copy forwarded to the General Secretary, Bihar Koyla Mazdoor Sabha, C/o. Indian Mine Workers' Federation, Dhanbad for information.

Regional Labour Commissioner.

LRB

Memorandum of Settlement of Industrial Dispute between
the Management of New Marine Colliery and their Workmen re-
-presented by the Colliery Mazdoor Sangh, New Marine Branch.

....

Names of the Parties present:-

1. Representing management 1) Shri P.V.Chowra,
Agent, New Marine Colliery.
2. Representing Workmen - ii) Shri Radha Kishen Singh
(Shri R.K.Singh), Vice-President
Colliery Mazdur Sangh, Dhanbad
and Branch Secretary, Colliery
Mazdur Sangh, New Marine
Colliery Branch.

Short R-ecital of the case.

There has been a partial and spontaneous strike from 23rd March, 1959. Although demands for the strike were not placed before the management in writing prior to 23rd March, 1959 but in the course of subsequent discussions some outstanding grievances were placed before the management. As the management wanted the workmen to resume work unconditionally and without any settlement in writing, the partial strike continued resulting in loss to both the management and the workmen.

After discussion for several days, the parties have agreed to settle the disputes on the following terms and conditions :-

TERMS OF SETTLEMENT.

1. That all the outstanding grievances of the workmen in respect of New Marine Colliery will be discussed and settled mutually between the parties. In case of difference it will be referred to the Regional Labour Commissioner (Central) Dhanbad for his suggestions and settlement.
2. That all workmen who have participated in the partial strike will resume ~~work~~ their duties from the morning shift of 27th April, 1959.
3. That anybody not reporting for duties within 10 days from 27th April, 1959 will lose lien on his appointment and the management will be free to take new hands in their places.
4. That there will be no victimisation for taking part in the strike.
5. That the management will take special care for providing tubs and working faces for miners.
6. All legal dues of the workmen whose services have been terminated or will be terminated will be paid by the management within two weeks from date of termination.

Sd/- P.V.Chowra
Agent 25.4.59
New Marine Colliery,
P.O. Kusunda(Dhanbad)

Sd/- R.K. Singh
25.4.59
Secretary
Colliery Mazdur Sangh
Branch: New Marine Colliery
And
Vice-President
Colliery Mazdoor Sangh
Dhanbad.

Witnesses: - Sd/- S.Dasgupta

Sd/- P. Ramhansh Singh

13 MAY 1959

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Indian Mine Workers'
Federation,
P.O. Bhubaneswar,
Dated 11th May, 1959.

Dear Comrade Dange,

You must have heard about the strikes in New Marine and Kikkend Colliery from 23.3.59. The strike in New Marine Colliery has been called-off on and from 7th May, '59 and the strike in Kikkend Colliery is still continuing. The Conciliation proceedings held on the strike issues failed and reports have been submitted to the Ministry of Labour and the Chief Labour Commissioner by the Conciliation Officer.

I am particularly concerned about the New Marine Strike. In this Colliery-dispute, there was an open collaboration between the IWTUC and the management which complicated the situation. The situation and demands that led the workers to go on strike have been communicated to you earlier by my letter to you dated 23.3.59 enclosing therewith our Complaint about the breach of Code of discipline by the Colliery management. Please also refer to my letter dated 8/4/59. Subsequent developments have been as follows: -

- i) The management recruited new miners and started partial work from 7.4.59.
- ii) The Q. L. C (C), Dhambad was pressed for intervention, and advised the management not to employ the new miners during the strike and maintain status quo; but without any effect.
- iii) On 22.4.59 we secured an order from the S.D.O. Dhambad calling upon the management to show cause why the new miners should not be stopped but still the management continued employment of new miners.
- iv) On 25.4.59 the INTUC entered into an agreement with the management calling-off the strike from 27.4.59 and inserted a clause that workers who would fail to report within 10 days from 27th will lose the lien on their service. This agreement complicated the situation.
- v) On 28.4.59 the Conciliation Unit failed as the management held that there was a valid agreement dated 25.4.59. We challenged the validity of that agreement.
- vi) As we are informed the Conciliation Officer (C), Dhambad referred the matter to the Ministry for advice on the failure of Conciliation ^{on 28/4/59} and the said agreement between the management and the INTUC.
- vii) In these circumstances we called-off the strike and as demanded earlier, again requested the C. L. C. and the Secretary, Ministry of Labour for reference of the disputed matter for adjudication on 6.5.59 but so far nothing has been done.

viii) In the meantime about half of the workers who reported for work on 7.5.59 after the strike was called-off have not been taken back.

ix) I feel that the INTUC must have manipulated at the top (Shri Abid Ki may be involved) with a view to exert thought on demand for adjudication and with this end they hurriedly entered into the agreement dated 25.4.59. The Ministry's stand may be that since there is an agreement with INTUC, & the disputes have been settled, there is no ground for reference of the disputes for adjudication.

x) I have done everything possible here at this end and we have very strong grounds - both legal and factual. It is now necessary that the Ministry be moved in the matter -

- (a) for a reference of the disputes on which the strike started to a Tribunal.
- (b) for enquiry and action regarding the breach of Code of discipline by the Company and the INTUC.
- (c) for necessary action so that all the strikes are allowed to resume work.

Unless immediate action is taken at your level the ministry may take an adverse decision, as I feel. Our efforts should be to secure a reference as early as possible.

(4)

I may mention that Com. Kalyan Ray met Mr. Menon Secretary, Labour Ministry, once in course of the strike but nothing important transpired.

I have tried to relate the developments in fact. I request you to please take necessary action in the matter and move the ministry and, if necessary, Sri Nanda. If for proper briefing and presentation of facts, my presence is required I am ready to go over to Delhi on getting your intimation to that effect. I think it would be proper if you arrange for placing the matter before the Ministry on the basis of the facts stated in this letter IMMEDIATELY, and then, if required, summon me there.

I hope you will move immediately in this matter.
Hope this will find you in good health.

With best wishes

Yours sincerely,

Caio Berman.

11/5/59.

TRUE COPY.

BIHAR KOYLA MAZDOOR SABHA
Regd. No. 837.
C/o. Indian Mine Workers' Federation,
P.O. Dhanbad.

Dated 6th May, 1959.

To
The Secretary to the Govt. of India. (Regd. A/D).
Ministry of Labour, New Delhi.

The Chief Labour Commissioner (C), ... (Under Cert. of Posting).
Govt. of India, New Delhi.

Sub:- Strike at the New Marine Colliery.

Sir,

We are glad to inform you that after careful consideration of all facts and circumstances, and the advice of the General Secretary, Indian Mine Workers' Federation who represented the case of the workmen before the Ministry, we have decided to call off the strike.

The Workmen have been advised to resume work.

We understand that after the failure of the conciliation proceedings held on 23rd April, '59 by the Conciliation Officer (C), Dhanbad-1, necessary reports have been submitted to the authorities concerned, and the same is under consideration of the Government.

We submit that the cases of victimisation and the other demands which are the subject matter of the disputes that led to the strike remain unsettled, and therefore, request the Ministry to please refer the disputes (as we have forwarded earlier) to a Tribunal for adjudication at an early date. We further request that the question of legality and justifiability of the said strike may also be referred to the Tribunal along with other matters. And we may be permitted to state that all these matters are covered by the Second Schedule of the Industrial Disputes Act, 1947, and are fit to be referred to the Industrial Tribunal under Section 10 (d) of the Act.

We hope that necessary action will be taken in the matter as expeditiously as possible.

Yours faithfully,

Sd./-Lalit Burman
General Secretary.

Re: New Marine Colliery Strike from 23.3.59.

List of the MINERS who reported for work on 7.5.1959 but were not allowed to resume work. (Vide annexure to letter from Bihar Colliery Mazdoor Sabha to the Conciliation Officer (C), Dhanbad - 1 dated 9th May, 1959.)

Miner of No.4 Pit.

1. Akal Bhuia
2. Sanichar Bhuia
3. Dasho Mahato
4. Cheto Mahato.
5. Janki Mahato.
6. Gandhari Mahtao
7. Thakuri Mahato.
8. Jhaman Mahato.
9. Jagan Mahato.
10. Rajan Mian
11. Kishun Dusadh
12. Bishun Bhuia
13. Bholi Mahato.
14. Jethu Singh
16. Charku Singh
17. Ramjit Bhuia
18. Jiwan Bhuia
19. Jagannath Singh (Ch.)
20. Kanchan Singh
21. ~~Mahesh Mahata~~ Khago Mahato.
22. Hulash Mahato
23. Chetu Mahato.
24. Ramlal Bhuia (Ch.)
25. Ghaman Bhuia.
26. Bigan Bhuia.
27. Bhikhari Mahato.
28. Bulak Bhuia.
29. Jhari Singh.
30. Nago Bhuia.
31. Gudan Bhuia.
32. Janki Mahato.

Miners who presented during the period from 11th to 16th May '59 but not allowed (vide our letter to C.O.(c), DHM-I, dated 16.5.59).

1. Jitan Majhi
2. Bideshi Bhuia
3. Dodhi Mahato
4. Demda Majhi
5. Lakhiram Majhi
6. Letra Majhi
7. Sonaram Majhi
8. Lobin Majhi
9. Bipna Manjhi
10. Baburam Majhi
11. Munshi Majhi
12. Matu Majhi
13. Shamlal Majhi.
14. ~~Saheba Majhi~~ Saheba Majhi.

Miners of No.1 Pit.

1. Thakuri Mahato (B)
2. Sobha Bhuia
3. Etwari Mondal
4. Dewal Dusadh
5. Pokhan Singh
6. Pokhan Bhuia
7. Charan Bhuia
8. Guli Bhuia
9. Madan Majhi
10. Janki Bhuia
11. Sanichar Bhuia
12. Barhan Bhuia
13. Jugal Bhuia
14. Akal Mahato
15. Jagan Mahato.
16. Rahaman Mian
17. Janki Singh
18. Kewal Bhuia
19. Guni Bhuia.
20. Chhedi Dusadh.
21. Laldhari Dusadh
22. Lachman Dusadh.
23. Siru Majhi
24. Sukra Majhi
25. Fagu Majhi
26. Babulal Majhi
27. Rashik Majhi
28. Lagan Majhi (B)
29. Nanku Majhi
30. Lagan Majhi (Ch.)
31. Manshu Majhi
32. Rashik Majhi (Ch.)
33. Keshar Majhi
34. Kishun Majhi
35. Matan Majhi
36. Sagar Majhi
37. Bishu Majhi
38. Ghunshi Majhi
39. Katia Majhi
40. Sanu Majhi
41. Surju Majhi
42. Jugal Majhi
43. Kisto Majhi

1. Lachho Gossain
2. Bideshi Gossain
3. Budhi Gossain
4. Ch. Jhamman Mahato
5. Arjun Bhuia
6. Rohan Bhuia
7. Amrit Mahato.
8. Ch. Janki Mahato
9. Gobardhan Bhuia
10. Mangar Dusadh.

Total - 99.

New Marine Colliery Disputes.

List of workers of other categories who were not allowed to resume work on 7.5.59 (vide annexure to letter from Bihar Colliery Mazdoor Sabha to the Conciliation Officer (C), Dhanbad-1 dated 9.5.59)

<u>Name.</u>	<u>Dept./Cat.</u>
1. Antu Mistry, ...	Blacksmith
2. Mahabir Mistry ...	-do-
3. Dhano Mistry ...	-do-
4. Ganauri Mistry ...	-do-
5. Lagan Rajwar ...	Hammerman
6. Sohrai Dusadh ...	-do-
7. Jagdish Dusadh ...	-do-
8. Kanilal Chamar ...	-do-
9. Murli Barhi ...	-do-
# # #	
1. Sitaram Bhuia	
2. Ch. Rameswar Bhuia	Surface
3. Rajia Kamin	Trammers.
4. Bilkhu Bhuia	
5. Ganauri Bhuia	
6. Bhola Bhuia	
# # #	
1. Madar Bux	
2. Aghnoo Bhuia	Underground
3. Rajbeni Singh.	Trammers.
4. Mohabi Kachi	
5. Sreenath Pashi	
6. Chamari Mian	
7. Sattan Pashi	
8. Motilal Pashi	
# # #	
1. Ganesh Singh. ...	Pump Khalasi.
2. Indo Dusadh.	-do-
# # #	
1. Nandkishore Singh...	Haulage Khalasi.
# # #	
1. Neman Mistry ...	Prop Mistry
2. Nandowa Dhobi ...	-do-
<u>Total .. 28.</u>	

List of the wagon loaders who were allowed on 8.5.59 but were again rendered idle from 9.5.59 (vide Union's letter to the C.O.(C)-Dhanbad I dated 9/11.5.1959).

- | | |
|-------------------|------------------------|
| 1. Banwari Bhuia | 8. Barho Bhuia |
| 2. Arjun Bhuia | 9. Jalim Nhuia |
| 3. Mahabir Bhuia | 10. Sukri Bhuini |
| 4. Sukdeo Bhuia | 11. Gulbi Bhuini |
| 5. Ritu Bhuia | 12. Jiroa Bhuini |
| 6. Sugowa Bhuia | 13. Dhanowa Bhuini |
| 7. Sadasiv Dusadh | 14. Fulkumari Dusadhin |

ABSTRACT.

Miners. ...	99)
Other categories.	28) <u>141.</u>
Wagon Loaders. ..	14)

TRUE COPY.

BIHAR KOYLA MAZDOOR SABHA
Regd. No. 837.
C/o. Indian Mine Workers' Federation,
P.O. Dhanbad.

Dated 6th May, 1959.

To
The Secretary to the Govt. of India. (Regd. A/D).
Ministry of Labour, New Delhi.

The Chief Labour Commissioner (C), ... (Under Cert. of Posting).
Govt. of India, New Delhi.

Sub:- Strike at the New Marine Colliery.

Sir,

We are glad to inform you that after careful consideration of all facts and circumstances, and the advice of the General Secretary, Indian Mine Workers' Federation who represented the case of the workmen before the Ministry, we have decided to call off the strike.

The Workmen have been advised to resume work.

We understand that after the failure of the conciliation proceedings held on 28th April, '59 by the Conciliation Officer (C), Dhanbad-1, necessary reports have been submitted to the authorities concerned, and the same is under consideration of the Government.

We submit that the cases of victimisation and the other demands which are the subject matter of the disputes that led to the strike remain unsettled, and therefore, request the Ministry to please refer the disputes (as we have forwarded earlier) to a Tribunal for adjudication at an early date. We further request that the question of legality and justifiability of the said strike may also be referred to the Tribunal along with other matters. And we may be permitted to state that all these matters are covered by the Second Schedule of the Industrial Disputes Act, 1947, and are fit to be referred to the Industrial Tribunal under Section 10 (d) of the Act.

We hope that necessary action will be taken in the matter as expeditiously as possible.

Yours faithfully,

Sd./-Lalit Burman
General Secretary.

Copy of letter No. 4/56/61-LRII dated the 14th September, 1961 from the Ministry of Labour & Employment, New Delhi addressed to the Secretary, A.I.T.U.C., 4, ASHOK Road, New Delhi.1.

Sub:- Industrial dispute in New Marine Colliery.

I am directed to refer to your letter No.172/ADJ/B/61, dated the 18th August, 1961, and to request you kindly to let this Ministry have the names of all the 141 workmen referred to in para 3 of your letter.

2. It is learnt that the Bihar Koyala Mazdoor Sabha by means of a letter dated the 6th May, 1959, requested all its members to report for duty on the 7th May, 1959. It is also learnt that the Union at a mass meeting of the workers held on 6th May, 1959, decided to call off the strike and ask the member-workers to resume work on 7th May, 1959. A copy of the Union's letter, together with a copy of the resolution, if any, passed at the said mass meeting, may kindly ~~be~~ forwarded to this Ministry as early as possible.

Sd./-A.L. Handa.
Under Secretary.

The 18th May, 1959

To

The Conciliation Officer (C),
Dhanbad - 1.

Subject: - New Marine Colliery - refusal by the management
to allow the workers to resume work.

Reference: - Our letters dated 9th and 16th May, 1959.

Dear Sir,

The strike which commenced on 23-3-59 was called off by the union by letter dated 6th May, 1959 and the workers presented themselves for work. The majority of the striked and some other workers have not been allowed to resume work so far. The names and particulars of such workers have already been furnished by us to your office by our letters dated the 9th, 9th/11th and 16th May, 1959.

Thus 127 workers have so far been refused the permission to resume work since the strike was called off. Categorywise the numbers are as follows :-

Miners	99	
U.G. Trammers	8	(Only the miners were on strike; the rest were laid off from 31.5.59 by the management.)
Surface Trammers	6	
Blacksmith	4	
Hammermen	5	
Pump Khalasis	2	
Prop Mistries	2	
Haulage Khalasis	1	

The contention of the management that these workers did not present themselves from work on 7.5.59 is entirely false and tendentious. Further the contention that the workers who failed to report by 7.5.59 lost the lien on their services is wrong and malafide in all respect and has no legal validity. We submit that -

- 1) Under the Standing Orders for the Coal Mining Industry the workmen lose the lien on service ONLY in case of overstaying leave as provided in Para 11 of Stdg. Orders;
- 2) In no other circumstances workmen lose the lien on service ;
- 3) There is no case of overstaying leave in case of the aboveworkmen;
- 4) There is no automatic termination of service.

As this dispute is connected with and relevant to the disputes pending in conciliation proceedings before you, we request you to please take up this matter alongwith the pending disputes.

Yours faithfully,
Sd/- Lalit Burman
General Secretary.

Copy to :-

The Chief Labour Commissioner, Government of India, New Delhi

The Secretary to the Government of India, Ministry of Labour, New Delhi, reference No. LRII/1(22)059 dated the 14th May, 1959.

23 MAY 1959

127

BIHAR KOYLA MAZDOOR SABHA

REGD. NO. 837

PHONE 2855

P. O. & DIST. DHANBAD.

Ref. No.

Dated 21st May, 1959 195

Com. K.G. Sriwastava,
Secretary,
All India Trade Union Congress,
New Delhi.

Dear Comrade,

This is with reference to your letter dated 16th May, 1959. Thank you for your efforts at that level.

I am enclosing herewith a copy of the agreement dated 25.4.59 between the Management of New Maring Colliery and the INTUC Union - Colliery Mazdoor Sangh. None of the demands on which the strike took place have been covered. For list of the demands please refer to report on breach of Code of discipline by New Marine Colliery sent along with my letter dated 23rd March '59 - Annexure 'A' to the report. Item No.1 of the agreement reads "outstanding grievances will be discussed and settled mutually between the parties." That is the outstanding grievances remain unsettled.

Regarding Item No.3 of the agreement, please refer to my letter dated 18th May, '59 addressed to the C.O.(C), Dhanbad - a copy of which is enclosed herewith, from which you will also find the latest position after the conclusion of the strike.

With greetings.

Yours fraternally,

Lalit Burman
(Lalit Burman)
21.5.59
General Secretary.

*See 21st Com
Can be made out.
21.5.59 + Ref memo
Enc - 2270*

10 JUN 1959

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Bihar Koyla Mazdoor Sabha

REGD. NO. 837

C/o. Indian Mine Workers' Federation

P. O. DHANBAD,

June 8, 1959

To

The Secretary to the Government
of India, Ministry of Labour,
New Delhi.

~~*****~~
The Chief Labour Commissioner
Government of India,
New Delhi.

Subj- Industrial Disputes between the Employers
of the New Marine Colliery and their workmen.

.....

Sir,

Reference our letter dated the 6th May, 1959 and the
Ministry's No. LEIII/1(22)/59 dated the 14th May, 1959 on the
above subject, we have to state as follows :-

We are informed that the Conciliation Officer (C),
Dhanbad - 1 submitted a comprehensive report to the appro-
-priate authorities, and it is expected that the same has
now been received by the Ministry.

Apart from the workmen who were victimised earlier
by the management, a large number of workmen (about 140 in all)
have been disallowed to resume work after the strike was
called off in the most unfair manner. The alleged ground that
the workmen having failed to report for duties (which is
factually incorrect in case of majority of the workers) within
ten days from 27th April '59 lost the lien on their services,
is absolutely against the provisions of the Standing orders
for the Coal Mining Industry. Under the standing orders, the
workmen cannot lose the lien on service on any ground save
and except on the ground of overstaying leave as provided in
para 11 of the Standing orders.

While the workmen have not been allowed to resume
work on the above unreasonable ground, the management have
recruited new hands in their places. In this connection our
letter dated 18th May, '59 addressed to the Conciliation
Officer (C), Dhanbad - 1 and copies to you may be referred
to.

The workmen and the Union adopted very reasonable
attitude right from the beginning and tried to settle the
matters through forums.

We, therefore, request the Ministry to decide the
matter expeditiously and make necessary orders for reference
of the matter for adjudication. The matter brooks no delay
as the management is indulging in eviction of the workers thus
rendered idle and victimised.

We hope immediate action will be taken.

Yours faithfully,

Lalit Surabhi
GENERAL SECRETARY.

Copy forwarded to Sri K.G. Sriwastava, Secretary, A.I.T.U.C
New Delhi, reference correspondences on the above subject.

172

11th June, 1959

The Secretary,
Government of India,
Ministry of Labour & Employment,
New Delhi

Sub: Industrial Disputes between the Employees of the
Now Marine Colliery and their workmen.

Dear Sir,

Please refer to the letter dated June 8, 1959 addressed to you by the Bihar Royals Mazdoor Sabha, our affiliate, on the above subject, a copy of which has been received by us. We would request you to personally look into the matter and do the needful.

As the union has pointed out in the letter about 140 workers were disallowed to resume work after the strike was called off on the ground that the workers failed to report for duties within 10 days. It is the contention of the union that in case of majority of the workers the charge is not correct and it involves a violation of the provision of the Standing orders for the Coal Mining Industry.

Further, we would like to draw your attention to the fact that the management, has recruited new hands in the place of those victimised workers.

It is therefore, necessary to inquire into the matter and the management should be asked to reinstate the workers. Otherwise, the issue should be referred to the adjudication immediately as the management is making efforts to evict the workers from the area.

We shall be glad if you will let us know the action taken by you on this important issue.

Thanking you,

Yours faithfully,

Umo
11/6
(K.G.Srivastava)

Copy to the Union for information Secretaryd.

15 JUL 1959

BIHAR KOYLA MAZDOOR SABHA

REGD. NO. 837

PHONE 2855

P. O. & DIST. DHANBAD.

15/7
Ref No.

Dated 13th July, 1959 195

To

Com. K.G. Sriwastava,
All India Trade Union Congress,
New Delhi.

Dear Comrade,

Your letter No. 185/BK/59 dated 4th July, 1959 regarding the Code of Discipline - Selected Jharia Colliery is to hand. We wait for further developments and information.

Re: -New Marine Colliery

Since your letter dated 11th June '59 addressed to the Secretary to the Government of India, Ministry of Labour on the industrial disputes in New Marine colliery, we have not heard anything further. We have also received any information from the Ministry. We on our behalf send a reminder to the Ministry on 29th June '59.

Please let us know if any further development has taken place in the meantime.

With best wishes, & greetings.

Yours comradely,

Lalit Burman
(Lalit Burman)

1. + xerox

15/7/59

127

BIHAR KOYLA MAZDOOR SABHA

REGD. NO. 837

PHONE 2855

P. O. & DIST. DHANBAD.

Ref. No.

Dated 18th July, 1959 195

To

Shri A.P. Veera Raghavan,
Under Secretary to the Govt. of India,
Ministry of Labour & Employment,
N e w D e l h i.

Sub: - Industrial disputes in New Marine Colly.

Ref: - Your No. LRII-1(22) 59 dated 14th July' 59

Sir,

We note from your above that the matter is still under consideration. In our letter dated 29th June, 1959, we requested the Ministry to come to a decision as early as possible particularly in view of the policy of forcible eviction of the workers concerned in the disputes. The plea of the management is that they waited for about three months since the strike was called off on 6th May' 59 (which however is wrong) and that they cannot wait indefinitely in allowing the workers who are not in employment to stay in the colliery quarters. They have been using the gangster methods in evicting the workers and the local police being in collusion with the colliery management, the workers find it very difficult to resist the eviction. Further any resistance in any other form would surely lead to trouble with all its evil consequences. In view of this an early and expeditious action by the Ministry is desirable for the purpose of maintenance of peace in the colliery and settlement of disputes.

Yours faithfully,

Copy to the Secretary,
A.I.T.O.C. for informa-
-tion and necessary
action.

Kali Bura
GENERAL SECRETARY.

17 AUG 1959

BIHAR KOYLA MAZDOOR SABHA

REGD. NO. 837

UNDER CERTIFICATE OF POSTING

PHONE 2855

P. O. & DIST. DHANBAD.

Ref. No. _____

Dated 12th August, 1959 195

To
The Secretary to the
Govt. of India, Ministry
of Labour & Employment,
New Delhi.

Sub: - Industrial Disputes in New
Marine Colliery.

Ref: - Ministry's No. LRII-1(22)/59
dated 15th June '59 & 14th July '59

Sir,

We have draw your attention to our letter dated 8th June and 18th July, 1959, as also the letter dated 14th June 1959 from the All India Trade Union Congress to your address.

We regret that no decision has been made in the above matter as yet. We wish to impress upon the Govt. the seriousness of the gangster methods adopted by the management of the colliery in evicting the workmen involved in the above dispute, and have to request the Ministry to come an early decision in the matter by making reference of the disputes for adjudication.

Yours faithfully,

Lal Bahadur Shastri
/ GENERAL SECRETARY

Copy to the Secretary, All India
Trade Union Congress, New Delhi.

True Copy.

GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

No. LR 11/1(22)/59

Dated New Delhi the
18th November, 1959

To

1. The Manager,
New Marine Colliery,
P.O. Kusunda,
Distt. Dhanbad.
2. The General Secretary,
Bihar Koyla Mazdoor Sabha,
P.O. Dhanbad.

SUBJECT: Industrial dispute in New Marine Colliery.

Sir,

In continuation of the Ministry's letter No. LRII-1
(22)/59 dated the 15th June, 1959, I am directed to inform
you that the Government of India do not consider the dispute
fit for reference to an Industrial Tribunal for adjudication
because inspite of the requests made by the Conciliation
Officer (Central) ,Dhanbad, the Union's representative
did not care to meet him for further negotiations.

Your faithfully,

Sd/-

(P. R. Nayar)
Under Secretary.

23rd November, 1959

To
The Secretary to the
Government of India,
Ministry of Labour
& Employment,
New Delhi.

Recd. with A.D

Subject :- Industrial Disputes in New Marine Colliery.

Reference - Ministry's letter No. LRII/41 (22) 459
dated the 18th November, 1959.

Sir,

We noted the contents of your above mentioned letter. We are surprised to note that the Govt. do not consider the dispute fit for reference to an Industrial Tribunal because in spite of the requests made by the Conciliation Officer (Central) -Dhanbad, the Union's representative did not care to meet him for further negotiations. This contention is absolutely wrong.

We submit that on no occasion, since the failure of the conciliation (report of which was received by the Ministry on 9th June, 1959) we were requested by the Conciliation Officer (C), Dhanbad to meet him for further negotiations. This statement of the Ministry is basically incorrect. We believe that the Conciliation Officer (C), Dhanbad, himself will not corroborate this fact (e.g. the statement of the Ministry). We feel that there has been some misunderstanding (we do not know what transpired between the Ministry and the Conciliation Officer during the intervening period) which led the Ministry to hold that Union's representatives did not care to take part in further negotiations.

We may mention here that we have been meeting the Conciliation Officer (C), Dhanbad very regularly and during this period we met him in connection with several conciliation proceedings in disputes relating to the New Marine Colliery.

The reason as mentioned for refusing a reference to Tribunal being incorrect and wrong, we request the Ministry to reconsider over the matter and to please refer the disputes to Industrial Tribunal for adjudication.

Please treat the matter as urgent and oblige.

Yours faithfully,

Fait Berman
GENERAL SECRETARY

Bihar Koyla Mazdoor Sabh.

REGD. NO. 837

C/o. Indian Mine Workers' Federation

P. O. DHANBAD.

REGD. WITH A/D.

(3)

15th December, 1959

To

The Secretary to the
Government of India,
Ministry of Labour
& Employment,
New Delhi.

Subject :- Industrial Disputes in New Marine Colliery.

Reference: Ministry's letter No. ^{.....} LRII/1(22)/59 dated 18th Nov. '59
^{.....}

Sir,

Please refer to our letter dated 23rd November, 1959. We also wrote the Conciliation Officer regarding this matter on 23.11.59 (copy enclosed). We enclose herewith a copy of the Conciliation Officer's letter to us dated 5th Dec. '59.

We submit that we did not receive any letter dated 18.9.59 alleged to have been sent to us fixing an appointment on 29.9.59 for "discussion", nor we had any intimation about the same. It is also not a fact that he contacted us or gave any intimation thereafter. In this connection it is necessary to inform the Ministry that we intimated our inability to attend conciliation on some other matter fixed on 29-9-59 as I was engaged in a case in the Court of 1st Class Magistrate, Dhanbad from 10-30 A.M. It is incomprehensible as to how the Conciliation officer could make such a statement.

We further submit that on most of the dates in the latter part of September, '59 and in October '59 (except the closed holidays) we had different matter fixed up in the office of the Conciliation Officer and we attended on all occasions. It is not understood why the Conciliation Officer never informed me about the matter of further discussion or negotiation.

We are aggrieved that the Conciliation Officer gave wrong information to the Government and the Government acted on it much to the prejudice of the workers.

From all records and correspondences, we submit, the Government should be satisfied that there was no lapse in the matter of conciliation, negotiation or any attempt for settling the disputes.

Secondly, we submit that in deciding about reference of a dispute, the decision should be based on the report of failure of conciliation given by the Conciliation Officer, and not on any fact or event occurring on any date subsequent to the date of failure report. The failure report dated 2nd June '59 was received in the Ministry on 9th June '59. Since then we consistently carried on correspondences with the authorities, apprised of the facts, submitted detailed accounts and facts, and have been informed that the matter was under consideration of the authorities. But never the Ministry informed us about any proposal of further negotiation. So, rejection of reference on this ground (which also is basically wrong in fact) is most unfortunate. In view of this we again request the Government to please refer the disputes for adjudication by basing the decision on the failure report, and do justice to the workmen.

Yours, faithfully,

Jai Bhusan
General Secretary.

Enc: 2.

True Copy

(4)

16th Dec. 1959

To

The Secretary to the
Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: - Industrial disputes in the
New Marine Colliery.

Ref: - Ministry's No. LR II-1(22)/59
dated the 18th Nov. 1959.

....

Sir,

Further to our letter dated 15th instant we have to inform you that we made an enquiry from the despatch section of the office of the Regional Labour Commissioner (C), Dhanbad, and it has been established that the letter No. D2/1(78)/59 - Part II dated 18th September, 1959 as mentioned by the Conciliation Officer (C), Dhanbad in his letter of even Number dated 5th December, 1959 was not despatched at all, and no entry in the despatch register was found. This establishes our contention as made in our letter of 15.12.59.

Yours faithfully,

Sd/- Lalit Burman

// General Secretary

True Copy.

Government of India
Ministry of Labour & Employment

....

No. 1/22/59-LRII

Dated New Delhi the
1st April, 1960

From :-

Shri S.N. Tulsiani, M.A.L.L.B.,
Under Secretary to the Govt. of India.

To .

The General Secretary,
Bihar Koyla Mazdoor Sabha,
P.O . Dhanbad.

SUBJECT:- Industrial dispute in New Marine Colliery.

Sir,

I am directed to refer to your letters dated the 15th December, 1959 and 16th December, 1960 and to observe as follows :-

The Union Secretary was informed by the Conciliation Officer, Dhanbad-1 (vide his letter dated 19th September, 1959) to attend the discussions to be held on 29th September, 1959 but there was no reply to this communication. On 29th September 1959, the Conciliation Officer telephoned Shri Lalit Burman but he was not available, a message was given for communication to him. A few days later the Conciliation Officer again tried to contact Shri Lalit Burman but again he was not available, and so a message was left behind. It has also been verified from the despatch register kept in the office of the Conciliation Officer (Central) Dhanbad that a letter to the Union was despatched on 19th September, 1959.

2. In the circumstances explained above, Government of India are satisfied that several attempts were made by the Conciliation Officer (Central) Dhanbad to discuss the dispute with the Union and as such they do not propose to revise the decision already taken not to refer the dispute for adjudication.

Yours faithfully,

sd/-

(S. N. Tulsiani)
Under Secretary.

Bihar Koyla Mazdoor Sabh

REGD. No. 837

C/o. Indian Mine Workers' Federation

P. O. DHANBAD.

127

Dated 20th May, 1960

To

Sri K.G. Sriwastava,
Secretary, A.I.T.U.C.,
New Delhi.

270

Subject :- Industrial disputes in New Marine Colliery.

...

Dear Comrade,

You are aware of the facts about the dispute in New Marine Colliery. By your letter dated 11th June, 1959 you requested the Secretary, Govt. of India, Ministry of Labour and Employment, to intervene for reinstatement of the workers or to refer the issues to the adjudication.

The matter was kept pending for long. And now ultimately the Ministry refused to refer the disputes for adjudication, on spurious and false ground. The copy of the Ministry's letter dated 18.11.59 and our replies thereto are enclosed herewith. The allegation of the Ministry that we did not care to attend further negotiations is totally false as the Conciliation Officer concerned did never ask us for further negotiation. When we challenged the statement of the Ministry, the Conciliation Officer, it appears, to save his skin, made a false report to the Ministry.

And on the basis of the wrong and malicious statement of the Conciliation Officer, the Ministry refused to make any consideration over our representations. The copy of the Ministry's letter dated 1st April '60 is annexed herewith.

We have already lodged a strong protest against such manipulations by the Govt. officials and the action of the Ministry in thus refusing a reference. But the Ministry has not even acknowledged the letter.

You know that we have been corresponding with the Ministry since the failure of conciliation. The Ministry never intimated us that any proposal for further negotiation was made. The Conciliation Officer, to whom any such direction might have been given, did not give us any intimation and made a false report to the Ministry. It should be noted that the Conciliation Officer could manipulate one letter. Even it is not for any negotiation but discussion. When I pressed for inspection of the Despatch Register no entry was found. I have reasons to believe that entry might have been made subsequently as the Ministry was bent upon prejudicing the cause of the workers. Even if one is persuaded to accept that such a letter was actually issued and the Union secretary did not appear on the date fixed, one should expect that a further letter should have been issued fixing up another date, if the proposed negotiation was desired earnestly. This was not done, and instead the Conciliation Officer tried to contact over the phone again and again but Sri Burman was not available!

This is the nefarious means adopted ^{by} the Govt. to support the wrongful and illegal actions of the employers and the INTUC. Please note, do the needful and advise us.

Yours fraternally

Lalit Burman
Lalit Burman.

Enc. - Five.

Dated the 31st May, 1961

To

Shri Gulzarilal Nanda,
Hon'ble Minister for Labour & Employment,
Government of India, New Delhi.

MEMORANDUM.

Sub: Industrial Disputes in New Marine Colliery
& the decisions of the Ministry .

Sir,

Being aggrieved at the manner in which the above dispute has been handled by the officials of the Ministry of Labour & Employment, and the ultimate decisions in the matter, we beg to submit the memorandum for your personal information, consideration and necessary action. The facts are as given below :

1. In the wake of the series of victimisation of the miners-members of our Union - a strike took place in the New Marine Colliery from 23rd March, 1959 in which only the miners took part. The Union referred the dispute to the Conciliation Officer (Central), Dhanbad I who took up the matter for conciliation on and from 4th April, 1959 vide his office File No.D-2/1(78)/59.
2. In course of the strike and the conciliation proceedings the management of the colliery started recruiting new miners and started work partially despite the Conciliation Officer's request for maintaining status quo and not to recruit new miners.
3. The strike was, however, called off on 6.5.1959 and the workers reported for work. About 140 workers, over and above those who were victimised earlier, were not allowed to resume work after the strike was called off. The case of 140 workers, who were thus refused work after the strike was called off, was also taken up by the Conciliation Officer concerned.
4. Ultimately due to adamant attitude of the management, the conciliation efforts ended in failure, and the Conciliation Officer submitted the Failure Report dated 2nd June, 1959 to the appropriate authorities, which was received in the Ministry on 9.6.59 (vide Ministry's No.LR.II-1/22/59 dated 15.6.1959.)
5. The Union as well as the Indian Mine Workers' Federation and the All India Trade Union Congress made various representations to the Ministry for referring the entire dispute concerning the workers victimised before and after the strike for adjudication.

6. After five months the Ministry by its letter No. LR.II-1/22/59 dated 14.11.1959 informed the Union - "that the Government of India do not consider the dispute as fit for reference to the Industrial Tribunal for adjudication because inspite of the requests by the Conciliation Officer (Central), Dhanbad, the union representative did not care to meet him for further negotiation."

7. The reason was absolutely wrong and baseless, as the said Conciliation Officer did ^{not} ask the union to meet him for further negotiation at any time during the period from 2nd June, 1959 (the date of failure report) and 14th November, 1959. The Union informed the Ministry accordingly and requested for reconsideration.

8. It transpired that Shri R. Venkatesan, the Conciliation Officer concerned made a deliberately false report to the Ministry and when challenged by the union representative, he indulged in forging a letter allegedly No.D-2/1(78)/59-Part II dated 19th Sept. '59 and tampering with the Despatch Register of the relevant period. This was enquired into by the Chief Labour Commissioner personally, and the case of forgery against Sri Venkatesan was taken up by the Government, and to a large extent the case has already been established.

9. In the context of the above happenings the Union made a further representation to the Ministry for referring the matter for adjudication, as the reason given in the earlier order of the Ministry dated 14.11.59 was conclusively proved to be wrong and the decision of the Ministry was based on false information given by the Conciliation Officer.

10. Unfortunately the Ministry again rejected the request for referring the matter for adjudication on the basis of the said forged letter of Sri R. Venkatesan, Conciliation Officer, and the union was informed accordingly by Ministry's letter No.LRII-1/22/59 dated 1st April, 1960.

11. It should be mentioned here that by this time the strike was declared as legal by the Industrial Tribunal, Dhanbad, by an order dated 7th January, 1960. The mass termination of the services of the strikers who take part in a LEGAL strike was against all canons of law and justice, and the Union made further representation to the Ministry for re-consideration.

12. After some six months in October, 1960 the matter was taken up by the Regional Labour Commissioner, Dhanbad for discussion - presumably under the direction of the Ministry. The representative of the Union attended the discussions as requested by the Regional Labour Commissioner, but nothing fruitful came out. Strangely enough the Regional Labour Commissioner(C), Dhanbad submitted a Report of Failure of Conciliation by his letter No.B-1/D-2/1(78)/59 - Part II dated the 17th November, 1960, though there was no conciliation proceedings under section 12 of the Industrial Disputes Act, 1947 at all.

13. Acting on the said report of the Regional Labour Commissioner Dhanbad, the Ministry again refused to refer the dispute for adjudication by its letter No.1/22/59-LR II dated 4.2.1961, stating that the management gave employment to workers who report -ed for work within the prescribed time-limit - meaning thereby that the workmen concerned in the dispute did not report for work within the prescribed time-limit.

14. This contention of the Ministry is also entirely wrong materially and factually, and "the prescribed time-limit" has no meaning legally. Further the strike being legal continuity in service could not be deemed to have been interrupted. Be it noted that the workers concerned reported on 7.5.59 duly and on being refused the matter was referred to the Conciliation Officer immediately, together with the list of the workers.

15. The Union, therefore, made a further representation on 14th March '61, and was informed by Sri A.L. Handa, Under Secretary by letter No. 4/56/61-LR II dated 25th April, 1961 that the earlier decision of the Ministry would not be revised.

16. Thus though the strike was legal, though there was no allegation of coercion or intimidation on the part of the workers, though it was proved that the decision of the the Ministry was based on false information given by the Conciliation Officer who indulged in forgery, though the subsequent report of the Regional Labour Commissioner (C), Dhanbad was not a failure report of conciliation within the meaning of section 12 of the Industrial Disputes Act, though the Ministry's subsequent contention regarding 'prescribed time-limit' etc. is factually incorrect and has no legal validity, the workers are deprived of the modest right of having a reference of the dispute for adjudication .

17. We feel that this is a fit case for your personal intervention and therefore, place the facts before you, and we hope that this representation will receive your attention. We are prepared to place all papers and correspondences relating to the dispute at any time we may be called upon to do so. We hope you will pursue the matter and do justice to the workers who have been suffering due to corrupt practices of the Conciliation Officer concerned.

Yours faithfully,

Lalit Barua
31/5/61
General Secretary.
Bihar Koyla Mazdoor Sabha
REGD. NO. 837
C/o. Indian Mine Workers' Federation
P. O. DHANBAD.

Regd. Act

Bihar Koyla Mazdoor Sabha 127

REGD. NO. 837

C/o, Indian Mine Workers' Federation

P. O. DHANBAD

Dated 1st June, 1961

To

The General Secretary,
All India Trade Union Congress,
4, Ashok Road, New Delhi.

172-AJ

Dear Comrade,

Sending herewith a copy of the Memorandum on the industrial disputes in the New Marine Colliery and the decisions of the Ministry for your information and necessary action.

During the strike period and thereafter on various occasion we kept you acquainted with the developments, and our reports etc. are already in your possession.

Your attention is drawn to para 6 and the following paragraphs. The facts mentioned by us in these paragraphs have very serious implications. The matter should be pursued. The action of the Conciliation Officer who indulged in forgery should be taken up and this matter may be raised in the Parliament. If you can arrange for an interview with Sri Nanda to impress upon the wrongs done at various levels-particularly in this case- some of us may go over to Delhi with all the papers. Please move and advise us .

With Greetings.

Yours Internally,

Lalit Bhusan
General Secretary.

Enc: Memorandum

Let us fill in 2 parts.
see Shri. Sanyal
on this. Pl. make our own
note on this 12/6/61

REGISTERED

With Ack: Due.

Bihar Koyla Mazdoor Sabha

REGD. No. 837

C/o. Indian Mine Workers' Federation

P. O. DHANBAD.

I.R.N. 2800

14 AUG 1961

Dated the 11th August, 1961

Dear Com. Sriwastava,

I write with reference to your No. 172/ADJ/SM/B/61 dated August 2, '61 received here on 5th instant.

I have noted the change in the dates of the General Council meeting, and as I feel that the case should not be delayed I am enclosing herewith the necessary papers relating to the case and in support of our contention.

- A. List of the workmen involved who were not allowed to resume not allowed to resume work after the strike was called off is given. Total number 141.
- B. List of the workers who were victimised before the commencement of the strike (see notes given below the list).
- C. Documents which will go to show that we never accepted the Mutual settlement arrived at between the management and the I.N.T.U.C. Union - Colliery Mazdoor Sangh. This bunch includes copies of -
 - * My letter dated 30.4.59 to A.I.T.U.C.
 - * Letter dated 30.4.59 to Conciliation Officer (CO) (with annexures)
 - * Order of the S.D.O. Dhanbad dated 22.4.59
 - * Letter of the R.L.C. No. D-2/1(78)/59 dt. 16.4.59.
- D. Documents relating to the circumstances in which the strike was called off by the union. This bunch includes - copies of -
 - * Letter dated 6th May '59 from the General Secretary I.M.W.F. to the Secretary to the Govt. of India Ministry of Labour & Employment, Mr. Menon.
 - ** My letter dated 6.5.59 to the Secretary to the Govt. of India, Ministry of Labour, New Delhi & the Chief Labour Commissioner (CO), New Delhi.
 - *** Our letter dated 6th May, '59 to the Manager, New Marine Colliery.
 - **** Our letter dated 7th May, '59 to the S.D.O., Dhanbad.

I hope that the above documents addressed to the various authorities of the Government will clarify the position of the Union and disprove the contention of the Ministry..

Awaiting further communication and advice.

Enc: As above.

Yours fraternally,

Lalit Burman
(Lalit Burman).

To
Com. K.G. Sriwastava,
Secretary, A.I.T.U.C.,
New Delhi.

A. I. T. U. C.

I.R. No. 3181

Date..... 18/8/61

No. 4/56/61-IRII

Government of India

File No.....

Replied on.....

Ministry

of Labour & Employment

Dated New Delhi, the

174 SEP 1961

From

Shri A.L. Handa,
Under Secretary to the Government of India.

To

The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi-1.

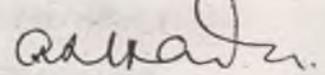
Subject:- Industrial dispute in New Marine Colliery.

Sir,

I am directed to refer to your letter No.172/ADJ/B/61, dated the 18th August, 1961, and to request you kindly to let this Ministry have the names of all the 141 workmen referred to in para 3 of your letter.

2. It is learnt that the Bihar Koyala Mazdoor Sabha by means of a letter dated the 6th May, 1959, requested all its members to report for duty on the 7th May, 1959. It is also learnt that the Union at a mass meeting of the workers held on 6th May, 1959, decided to call off the strike and ask the member-workers to resume work on 7th May, 1959. A copy of the Union's letter, together with a copy of the resolution, if any, passed at the said mass meeting, may kindly be forwarded to this Ministry as early as possible.

Yours faithfully,



(A.L. Handa)
Under Secretary

No.172/ADJ/B/61
September 28, 1961

Shri A.L.Handa,
Under Secretary to the Government of India,
Ministry of Labour & Employment,
New Delhi.

Sub: Industrial Dispute in New Marine Colliery

Dear Sir,

Please refer to your letter No. 4/56/61-LRII dated September 14, 1961.

Enclosed please find the list of names of those workers who were victimised by the management of the New Marine Colliery.

A copy of the letter dated 6th May 1959 from our affiliate, about which you have enquired vide para 2 of your letter under reference, is enclosed.

We have no information about the resolution to referred/in your letter.

We want to be definitely understood that on no occasion our affiliate had expressed any intention of accepting the bipartite agreement between the INTUC Union and the management. Moreover, a batch of 111 miners by the letter dated 29.4.59 to the Regional Labour Commissioner (C), Dhanbad, had definitely stated that: " .. we are not bound by any agreement that might have been or might be reached between the management and the Colliery Mazdoor Sangh..."

Expecting your early decision in the matter.

Yours faithfully,

No.172/ADJ/B/61
December 25, 1961

Dear Comrade Lalit,

Thanks for your letter dated December 15.

It is regretted that due to pressure of work concerning delegations etc., we were unable to write to you. Hope you don't mind the delay.

As regards the New Marine Colliery case, we have to inform you that we are still persuing the matter with the Government of India.

We have received a letter from the Ministry a few days ago in which they inform us that the matter is receiving attention. Of course this is a too formal reply but there it is. We are trying our best. We propose to see the LM very soon in regard to all our pending cases.

As regards the writ petition, we have to inform you that the expenses on account of Court will be approximately 100/- and to that you have to add up the fees for lawyers for drafting and appearing. My personal feeling is that the total expense should not exceed more than Rs.500. This case will have to be filed in the Chandigarh High Court. But we cannot file a writ at this stage as the matter is still under consideration of the Government and no final decision has been taken. We could have filed a writ on their earlier refusal but now since the matter has been reopened, it will not be correct to file a writ. Unless, of course, we tell them that if they do not decide the case within a short time, say one month, we would take it to be a refusal. But that will not make our case good.

We shall let you know further developments.

With greetings,

Yours fraternally,

- 40
(Sadhan Mukherjee)

127

हिन्दुस्तान खान मजदूर फेडरेशन
Indian Mine Workers Federation
DHANBAD (Phone 2855)

Ref. No.

A. I. T. Dated <u>15th December, 1961</u> I. R. No. <u>444</u> Date..... <u>12/12</u> File No..... Replied on.....
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Dear Com. Sriwastava,

Please refer to your office file No.172/ADJ/SM/
E-61 regarding the industrial disputes in New Marine Colliery.

Since the last three months we have not been given any information from your end as to what further steps have been taken .

In the meantime I wrote to Com. Sadhan Mukherjee about the possibility and propriety of filing a writ petition in case the Government refuse to do anything, on the merit of the case. My last letter in this connection to Comrade Sadhan was dated 13th November, 1961. I was expecting a reply but so far I received none.

Will you look into the papers and inform us the present position. The papers containing certain facts as required by the Government ~~were~~ sent by us in August '61, to you for necessary action. What has been done since then?

We have told the workers that the matter is being pursued by the AITUC HQ. at New Delhi. The workers come and ask us about it. But we are not in a position to tell them anything since we are not given any information by you from time to time.

We shall be grateful to have a reply from you regarding the representation to the Govt. and also the matter of filing a writ petition - the cost , arrangement and such other advice.

With Greetings.

Yours comradely.

Satish Durrani
(Satish Durrani)

No.4/56/61-IRII
Government of India
Ministry of Labour & Employment

Dated, New Delhi, the

From

5 JAN 1962

Shri A.L. Handa,
Under Secretary to the Government of India.

To

✓
The Secretary,
All-India Trade Union Congress,
4, Ashok Road,
New Delhi-1.

Subject:- Industrial dispute in New Marine Colliery.

Sir,

I am directed to refer to the correspondence resting with your letter No.172/ADJ/B/61, dated the 17th November, 1961, on the above subject, and to say that according to the available information, only 48 workers did not report for duty on or before the 7th May, 1959. The matter has been considered carefully but it is regretted that the Government of India do not find any justification to revise their earlier decision that this was not a fit case for adjudication.

Yours faithfully,

A.L. Handa

(A.L. Handa)
Under Secretary
yk

A. I. T. U. C.
92 Jan - 8 1962

No.172/ADJ/B/61
January 8, 1962

Dear Com. Lalit,

Please refer to your letter dated December 15, and my reply thereto dated December 25.

The Ministry of Labour & Employment have finally informed us that they do not find any justification to revise their earlier decision about reference of the New Marine Colliery case to adjudication.

Following is the text of the ~~XXXX~~ letter we have received:

"I am directed to refer to the correspondence resting with your letter No.172/ADJ/B/61 dated November 17, 1961 on the above subject and to say that according to the available information only 48 workers did not report for duty on or before the 7th May, 1959. The matter has been considered carefully but it is regretted that the Government of India do not find any justification to revise their earlier decision that this was not a fat case for adjudication."

In view of this letter, we feel that you can go ahead with your plan of filing a writ application. Please let us know your decision and when do you propose to file it. It will be necessary for you to come once here for preparation of the application.

With greetings,

Yours fraternally,


(Sadhan Mukherjee)

हिन्दुस्तान खान मजदूर फेडरेशन
Indian Mine Workers Federation
DHANBAD (Phone 2855)

Ref. No.

Dated 11th January, 1962.
I.P.N. 171
19/1/62

Dear Com. Sadhan,

I am in receipt of your letter No.172/ADJ/
B/61 dated 8th Jan.1962.

The contention of the Ministry is entirely baseless. In view of this final decision, I intend to file a writ application as advised by you.

It will take some time to arrange for the money . Apart from this it will be difficult to leave the place this month as some matters in the Industrial Tribunal at Dhanbad are fixed on various dates from 23rd to 31st January,1962. Further compades here advise to go after the election is over as we are setting up a candidate in our constituency. Therefore, I propose to go to Delhi in the last week of February or beginning of March,1962. If this be in order please let me know by return of post.

With Greetings.

Yours fraternally,

Lalit Burman
(Lalit Burman)

To:
Com. Sadhan Mukherjee,
A.I.T.U.C. Office,
4, Ashok Road,
New Delhi.

127
No.172/ADJ/B/61
January 16, 1962

Dear Com. Lalit,

Your letter dated January 11. Regret the delay which you would realise was due to obvious reasons.

I fully agree that the contention of the Ministry is baseless and they should be properly exposed in the Court.

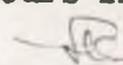
I am afraid, if you file the writ after the elections, it will be late. According to the established procedure, you have to file writ application at the earliest opportunity since there is no time fixed for it.

I would suggest that the writ should be filed latest by the first week of February.

Please let me know what you decide.

With greetings,

Yours fraternally,


(Sadhan Mukherjee)

No.172/ADJ/B/61
February 2, 1962

Dear Com. Lalit,

Thanks for your letter of January 24.

I hope you have received my telegram in which I advised you not to come on February 4. I had a discussion with the lawyer and he is of the opinion that you can file the writ application in the beginning of March.

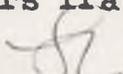
But he is of the opinion that you should write a letter once more to the Government so as to put before the court that you had been doing what you could do to obtain justice. I find that the final rejection letter from the Ministry is addressed to us.

So what you can do is to write a letter to the Ministry, A.L.Handa, Under Secretary and ask him what has happened to the dispute of New Marine Colliery which was represented by the AITUC. Send this letter by registered post. He will certainly give you a reply.

Rest when we meet.

With greetings,

Yours fraternally,


(Sadhan Mukherjee)

UNDER CERTIFICATE OF POSTING

Bihar Koyla Mazdoor Sabha
REGD. No. 837
C/o, Indian Mine Workers' Federation
P. O. DHANBAD.

Dated 6th February, 1962.

Dear Com. Sachan,

Thank you for your letter dated 2nd instapt.

I would like to file the Writ petition immediately after the polling is over in our area i.e. in the last week of February, 1962, if so advised by you.

I am sending a copy of our letter of even date addressed to Sri A.L.Handa, Under Secy., Ministry of Labour & Employment, to communicate the Ministry's decision on the mump-randum on New Marine Colliery Disputes.

One again thanking you for the help and advice.

With greetings.

Yours fraternally,

Lalit Burman
(Lalit Burman)

Enc:1

To
Com. Sachan Mukherjee,
A.I.T.U.C. Office,
New Delhi.

A. I. T. U. C.	
I.R. No. 308	Date 8 FEB 1962
File No.	Replied on

हिन्दुस्तान खान मजदूर फेडरेशन
Indian Mine Workers Federation

DHANBAD (Phone 2855)

Ref. No.

Dated 6th March, 1962.

Dear Com. Sadhan,

This has reference to your letter No. 172/ADJ/B/61 dated 1st Feb. 1962 and my letter dated 6th Feb., 1962.

I have been waiting for your letter intimating me the date when it would be convenient for you to help us in the matter of filing the Writ petition in connection with the New Marine Colliery Disputes.

As I have not received any intimation from your end, I request you to please let me know about it.

I may inform you that no reply to our letter dated 6.2.62 has been received from the Ministry so far.

With Greetings.

Yours fraternally,

Com. Sadhan Mukherjee,
A.I.T.U.C. Office,
New Delhi.

Lalit Burman
(Lalit Burman):