

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GUWAHATI, ASSAM.

PRESENT: Shri Ananda Kumar Mukherjee.
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.

REFERENCE CASE NO. 15 of 2021.

PARTIES: Ms. Sibani Das, Amsing, Jorabat, PO & PS-Satgaon, Sub-Division-Guwahati,
Kamrup Metro, Assam, Guwahati-781027. Workman/Applicant.

-Vrs-

The Management of GOC, HQ 51, Sub-Area, C/o - 99 APO, Satgaon, Guwahati-
781027 and The Proprietor, M/s Loknath Builders, Railway Bazar, P.O.-
Alipurduar Junction, Dist- Alipurduar, West Bengal-736123.

....OP/Management.

REPRESENTATIVES:

For the Workman : None

For the Contractor : None

For the Management. : None.

INDUSTRY : General Officer Commanding (GOC), HQ.
STATE : Assam.
Date of Award : 16/06/2025.

Contd. Page-2

An. Mukherjee
Presiding Officer/Link Officer,
CGIT-Cum-Labour Court, Guwahati

AWARD

Case is specially fixed up today for hearing and disposal as last chance. Notices were issued to both the parties under registered post, informing them that the case is fixed up today i.e. 16-06-2025. None appeared for the parties on repeated call at 2.15 p.m. A petition has been filed on behalf of M/s Loknath Builders (O.P. No.3), the Contractor firm praying for supply of Written Statement and evidence-in-chief filed by the workman. None move the petition. Concerned advocate is not found available as he has already left. Petition is considered and rejected.

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India, Ministry of Labour and Employment has referred the scheduled dispute through the Deputy Chief Labour Commissioner (Central), Guwahati, by Order No. G/R. 8(08)/2021-Dy.CLC(C)-Samadhan dated 23-07-2021 to this Tribunal for adjudication.

THE SCHEDULE

Whether the oral termination of services of Smt. Sibani Das, Ex- Sweeper-cum-Cleaner/Contract Labour employed by the management of the GOC, HQ, 51 Sub-Area, through the Contractor, M/S Loknath Builders w.e.f. 31-07-2019 and denial of bonus for the years 2018 and 2019 are legal and justified? If not, to what relief the workman is entitled?

Case was registered on 02-08-2021. Notice under registered post were issued to the parties for appearance and filing Written Statements. Sibani Das filed Written Statement on 13-09-2021 stating that she has been terminated from

Contd. Page-3


Presiding Officer/Link Officer,
CGIT-Cum-Labour Court, Guwahati

service since 31-07-2019 from the post of Sweeper and cleaning staff and denial of bonus for the years 2018 and 2019. General Officer Commanding (GOC), HQ, 51, Sub-Area, C/o - 99 APO, Satgaon, Guwahati filed his Written Statement on 04-10-2021. It is stated in the written statement that Sibani Das was employed on contractual basis through M/S Loknath Builders, Alipurduar, West Bengal as a conservancy person and the period of engagement was from 10th May,2019 to 9th May,2020, 10th May,2020 to 9th July,2020 and 25th August,2020 to 24th August,2021. It was specially agreed that labourers employed by Contractor would not be entitled to claim the status of Government servant and they would not be considered for permanency. It is further stated in the Written Statement that conservancy staff employed by M/S Loknath Builders, the Contractor firm have no right to claim any relief against the employer establishment. No Written Statement filed by O.P. No.3 M/S Loknath Builders the Contractor firm.

The case was fixed up for evidence of workman witness on several dates, but the workman did not appear nor did she file her affidavit-in-chief. It appears to me that the workman is not inclined to proceed with the case for which she has not adduce any evidence. In the instant case the workman is not entitled to any relief against the General Officer Commanding (GOC), HQ 51 Sub Area, C/o 99 APO, Guwahati.

It appears from the record that the workman is not inclined to pursue the case. Under such circumstance the Industrial Dispute is dismissed for default.

Hence,

ORDERED

The Industrial Dispute is dismissed for non-prosecution. Let a no dispute award be drawn up. Copies of the Award in duplicate be sent to the Ministry for information and Notification.



Ananda Kumar Mukherjee
(Ananda Kumar Mukherjee),
Presiding Officer/Link Officer,
CGIT-cum-Labour Court, Guwahati.