

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal-Cum-Labour Court-II, New Delhi.

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-I, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 160/2021

Date of Passing Award- 01st March,2023

Between:

Shri. Akhilesh Kumar, S/o Jugal Kumar Sharma,
R/o House No. 41, Village-Sabalpur, Rajgir,
Nalanda, Bihar,

Through- Indian National Migrant Worker's Union,
1770/8, 3rd Floor Govind Puri Exten. Main Road,
Kalkaji, New Delhi-110019.

Workman

Versus

1. Airport Authority of India,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi-110003.
2. Shakti Anand Security Agency,
S-II, 2nd Floor, Chamber-04, Plot No. 07,
LSC Sector-12, Dwarka, New Delhi-110075
3. 4926,Sandeep Mittal Security Agency,
01,281/1,Main Palam Vihar Road, Brijwasan,
New Delhi-110061.

Managements.

Appearances:-

Sh. Rakesh Kumar. Ld. A/R for the claimant
None for the management

A W A R D

This is an application filed u/s 2- A of the ID Act by the workman against the managements praying a direction to the managements to reinstate the workman into service with full back wages and all other consequential benefits.

As per the claim statement the claimant was recruited by the management Airport Authority of India on 11.08.2017 as a Security Guard and was posted in Safdarjang Airport, New Delhi. Though the management no. 1 Airport Authority of India the principal employer, with an intent of depriving the claimant of his lawful rights his service was placed under the contractors that is management no. 2 and thereafter, under the management no. 3. He was working under the supervision and control of management no.1 and had worked continuously from 11.08.2017 to 01.10.2019 with an unblemished record of service. His last drawn monthly salary was Rs.24,152/-. Suddenly on 03.09.2019 the management no. 1 terminated his service without any prior notice and at the time of termination the provisions of the ID Act were not complied. On 01.10.2019 when he reached the premises of management no. 1 to perform duty, his entry was not allowed. All the oral and written request made by the claimant for reinstatement and grant of lawfully entitlements including unpaid wage were not considered. The contract between management no. 1 and the contractors who are M2 and M3 of this proceeding as sham and intended to defeat the rights of the claimant. Neither the management no. 1 is registered nor the contractors are having license under the CLRA. Hence, the claimant approached the conciliation officer with the claim petition. The conciliation failed and the

claimant filed the present claim petition the claim petition in which he has prayed for reinstatement into service with back wages and other consequential benefits.

Notice of the claim was served on all the Respondents. None of the Respondents appeared and no written statement was filed. Hence, by order dated 14.12.2021 all the respondents were proceeded ex-parte.

The claimant being called upon testify as ww1 and produced the documents which were marked in the series as ww1/1 to 1/5. The documents include the identity card issued to him by mgt. no. 2 Shakti Anand Security Agency, the photocopy of the cheque issued by mgt. no. 2 the copy of the demand letter and failure report. He has fully supported the stand taken in the claim petition. The said evidence of the claimant stands uncontroverted since none of the managements contested the same. In the affidavit the claim has further stated that he was appointed by management no. 2 Shakti Anand Securiy Agency who is a manpower supply contractor. When he was working with him his service was terminated. Though no letter of termination has been filed by the claimant, the undisputed evidence adduced by him leads to a conclusion that he was working with management no. 2 the contractor and the said contractor terminated his service illegally and without following the proviso of Section 25 F of the ID Act as no notice of termination, notice pay or termination compensation was paid to him. For the illegal termination which amounts to unfair labour practice the claimant is entitled to the relief sought for. Hence order.

Order

The claim petition be and same is allowed ex-parte against all the three respondents. It is held that the claimant was working as an

employee of m2 and his service was illegally terminated with effect from 30.09.2019 without following the procedure laid under section 25F of the ID Act. The mgt 2 is directed to reinstatement the claimant into service with immediate effect and grant him 50 per cent of the back wages at the rate of last drawn salary from the date of illegal termination until the final payment is made. The management no. 2 is further directed to extend all the statutory benefits to the claimant he is entitled to. The mgt .2 is further directed to implement the direction within two months from the date of publication of the award failing which the accrued amount shall carry interest at the rate of 9 per cent per annum from the date of approval and till the final payment is made.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

Presiding Officer.
CGIT-Cum-Labour Court.
01st March, 2023.

Presiding Officer.
CGIT-cum-Labour Court.
1st March, 2023.