

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-II, New Delhi.

**INDUSTRIAL DISPUTE CASE NO. 47/2017**

**Date of Passing Award- 01.03.2023**

Between:

State President,  
BSNL Casual & Workers Unions,  
Uttarakhand,

Workman

Versus

1. The Chief General Manager, Telecom(West)  
Bharat Sanchar Nigam Limited

2. General Manager, Telecom District, BSNL

Managements

Appearances:-

None for the claimant

Sh. Atul Bhardwaj, Ld. A/R for the mgt.

**A W A R D**

This is an application filed by the applicant under the provisions of section 33A of the Id Act.

Notice was issued to the management who appeared and filed w/s. Thereafter, the claimant was given several opportunities for filing rejoinder but no rejoinder filed.

As per the claim statement filed through the union the claimant was working as Lineman under the management for a pretty long period. The period of employment varies between 2015 to 2016. They had raised a dispute demanding regularization of service. During the pendency of that dispute before this Tribunal, the management with mala-fide intention terminated the services of the workmen as per the list annexed to the application, in violation of the provisions of Section 33 of the ID Act. The management did not consider that the claimants were serving for the management and discharging regular work for more than 15 years. Being aggrieved, they filed the present application under Section 33A of the ID Act.

Copy of the claim petition being served the mgt. BSNL filed w/s denying the stand taken in this petition. It has been stated that the claimants were never appointed directly by BSNL nor their services were ever terminated. BSNL is a Government corporation and invites open tenders as per codal provisions for execution of different work. The said contractor might have engaged the claimants for work and their termination if any might have been done by the said contractor. Hence, the mgt. has prayed for dismissal of the claim petition.

Since the claimant did not file rejoinder the following issues were frame for adjunction.

### **Issues**

1. If the proceeding u/s 33A of the ID, Act is maintainable?
2. If there exists any employer employee relationship between the complainant and management?
3. If the management during pendency of Industrial Dispute changed the service condition of the complainant in contravention of the provision laid u/s 33 of the I.D Act?
4. To what relief the complainant is entitled to?

The claimant was thereafter called upon to adduce evidence. But the claimant failed to appear and no evidence was adduced. The right for claimant evidence was closed and mgt was called to adduce evidence. A mgt also denied to adduce evidence.

There been no evidence adduced by the claimant this no dispute award is passed. Hence order.

The application filed on section 33A of the ID Act by the claimant is dismissed for no evidence adduced by him and this no dispute award is hereby passed.

### **ORDER**

The complaint petition be and the same is dismissed as without merit and this award is accordingly passed.

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.  
1<sup>st</sup> March, 2023.

Presiding Officer.  
CGIT-cum-Labour Court.  
1<sup>st</sup> March, 2023.