

**SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOV.  
INDUSTRIAL-TRIBUNAL CUM – LABOUR COURT NO II, NEW DELHI**

**I.D. 51/2017**

Sh.Chanchal kumar S/O Shri Bishamber Singh  
H.No. B- 117, Street No. 8 Mata Wali Gali,  
Johripur Gokul Puri  
East Delhi  
Delhi-94

**VERSUS**

**The Management of  
M/S Bird worldwide Flight  
Services India Pvt. Ltd.  
E-9, Connaught House  
Connaught Place  
New Delhi-110001**

**AWARD**

**Sh. Niranjana Kumar, Assistant Labour Commissioner** has sent the reference Dated 15.09.2017 to this Tribunal for Adjudication in the following word-

***“Whether the action of the management of Bird Worldwide Flight Services Private Limited (BWFS) in denying the wages for the period of 30/07/2017 to 19/03/2017 when the workman was not taken on duty though he was available for duty and was willing to do the duty in illegal and/or unjustified. If so, what benefit is the workman entitled to and what directions are necessary in this respect?”***

Upon receiving of this reference, Notices were issued, both the workman and management to appear before this tribunal. Both workman and management

filed their claims and reply. Evidence were laid by the workman. Management was also asked to examine its witness. Management had examined the witness. Matter is listed for argument. During the course of argument, this tribunal has asked the claimant, how this tribunal has jurisdiction over the worker of the private ltd. company.

Before proceeding further, It is necessary to cull out the provision regarding the jurisdiction.

Counsel for the claimants has stated that he has appeared before this tribunal because the notices were sent by this tribunal and upon considering the plea assistant labour commissioner shri Niranjan has sent the reference to this court for adjudication.

As per section 2(a) Appropriate Government means the Central Government in relation to any industrial dispute which pertain to any industry carried on by all under the authority of central government.

Section-2(a)(1) of the Act give the detail expression of covering the industry which falls under the definition of central government controlled industry. It is reproduced as under.

***'in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company [or concerning any such controlled industry as may be specified in this behalf by the Central Government] or in relation to an industrial dispute concerning [a Dock Labor Board established under Section 5A of the Dock workers (Regulation of Employment) Act, 1948 (9 Of 1948), or [the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 19560] or the Employees State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of***

*the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees Provident Fund and Miscellaneous provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or [the Oil and Natural Gas Corporation Limited registered under the companies Act, 1956 (1 of 1956)], or the Deposit Insurance and Credit Guarantee Corporation establish under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporations of India established under section 3, or a Board of Management established for two or more contiguous States under section 16, of the Food Corporation Act, 1964 (37 of 1964), or [the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994), or a Regional Rural banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], [the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or [[an air transport service, or a banking or an insurance company,] a mine, an oil field,] [a cantonment Board,] or a [major port, any company*

***in which not less than fifty-one percent of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to in this clause, established by or under any law made by parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and]***

Ld. AR of the workman is unable to tell how this tribunal has the jurisdiction to try their claim particularly when the appropriate government is not the central government in respect of the respondent herein. Ld. AR has only stated that the Sh. Niranjana Kumar, Assistant Labour Commissioner had sent the reference to this tribunal for adjudication.

Here the respondent has not come within the definition of the Central Government. Mere exercising the unjust power by any Authority entertaining the application which does not pertain in a jurisdiction does not justify the wrong. Therefore, the argument that Shri Niranjana Kumar, Assistant Labour Commissioner had sent the reference to this Tribunal is not tenable.

In these circumstances, this tribunal has found that it has no jurisdiction to try the claim of the workmen. Hence, the claim of the workmen stand dismissed for want of jurisdiction. Award is accordingly passed. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. A copy of this award is also sent to the Central Labour Commissioner for information and action.

Date: 01.03.2024

ATUL KUMAR GARG  
Presiding Officer  
CGIT-Cum-Labour-Court-II

