

Government of India
 Ministry of Labour & Employment,
 Central Government Industrial Tribunal –Cum- Labour Court-II, New Delhi
 Present: Smt. Pranita Mohanty

ID.NO. 70/2022

Shri J. P Kaushik,
 General Secretary, Bhartiya Medical Sales,
 Representatives Mahasangh, 41, 1st Floor, Ganga
 Place Complex, Subhash Road, Rohtak -124001.

.....claimant

Versus

1.Pratueush Managing Director,
 Mankind Pharma Ltd.,
 208, Okhla Industrial Area, Phase-III,
 New Delhi 110002.

.....Management.

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-42011/41/2022 IR (DU) dated 21.02.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“ 1. Whether the claim of Bhartiya Medical & Sales Representatives Mahasangh (BMSRM) , Rohtak Vide Letter dated 10.06.2019 that the management of Mankind Pharma Ltd. New Delhi compelled the members of Bhartiya Medical and Sales Representatives Mahasangh (BMSRM), Rohtak to resign from the membership of the union is proper, legal and justified? If yes, to what relief the union is entitled and what other directions are necessary in the matter?

2. Whether the claim of the management of Mankind Pharma Ltd. vide letter dated 17.07.2019 that Bhartiya Medical & Sales Representatives Mahasangh (BMSRM), Rohtak resorted to unfair labour practice by indulging in acts of force or violence or to hold out threats of intimidation against the workman with a view to prevent from attending work, and demonstration at the residence of the managerial staff of the company, is proper, legal and justified? If yes, to that relief the management of Mankind Pharma Ltd. is entitled and what other directions are necessary in the matter?"

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, claimant opted not to file the claim statement.

3. On receipt of the above reference, notice was sent to the workman as well as the management. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Presiding Officer
CGIT-cum Labour Court II,
Rouse Avenue,
Delhi-110002.

Dated: 1st May, 2023