

**BEFORE SH. ATUL KUMAR GARG, PRESIDING  
OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-  
LABOUR COURT NO-II, NEW DELHI**

**I.D. No. 02/2019**

**Sh. Inder Kumar, S/o Sh. Sunder, and Others.,**

Through- CPWD Karamchari Union, Babu Lal Ji Complex, Shop No-  
04,

Gurgaon Road, Opposite Bus Stand, Gurgaon Haryana-122006.

**VERSUS**

**1. Director General, C.P.W.D.,**

Nirman Bhawan, New Delhi-110001.

**2. Director of Personal P.W.D.,**

11<sup>th</sup> Floor, MSO Building, P.W.D. Head Office

I.T.O., New Delhi-110002.

**AWARD**

The appropriate Government **Sh. Rajendra Joshi**, Deputy Director, Government of India, Ministry of Labour/ Shram Mantralya has sent the reference refer dated 02.09.2020 to this tribunal for adjudication in the following words:

*“Whether the demand of the  
CPWD Karamchari Union to the  
Management of Director General,  
CPWD, Nirman Bhawan, New  
Delhi and Director (Personnel)  
PWD New Delhi for regularizing  
the services of 18 workers as per*

*details in annexure is justified and legal? If yes, what relief the workers & CPWD Karamchari Union are entitled to and what directions are necessary in the case?"*

After receiving the above said reference notices were sent to both the parties. Both the parties appeared and claimant AR had filed the claim statement on behalf of 18 workmen who are members of the union and whose service particulars are as under:-

S.No.	NAME	DATE OF JOINING	JOINING DIVISION OFFICE	PRESENT DIVISION OFFICE	SUB-DIVISION OFFICE
1.	Inder Singh S/o Sunder	01.04.1995	Shahadara central division	S.R.D (P.W.D.)	E.IN.C. Pr. C.E.
2.	Khumo Bahadur S/o Shahveer	01.01.1993	E.D-XI	F-22 (P.W.D.)	Delhi Secretariat
3.	Shushil Kumar S/o Jail Veer Singh	17.03.1995	School Building Project Mandel	M-214 (P.W.D.)	M-214
4.	Govind Singh	10.02.1996	Punjabi	F-24	E.N.C.

	S/o Laxman Singh		Bagh Project	(P.W.D.)	Office
5.	Inder Singh S/o Laxman Singh	04.06.1998	Punjabi Bagh Project	M-321	M-321
6.	Sanjeev S/o Gulshan Sharma	12.06.1995		S.R.D.	M-21
7.	Rajesh Kumar S/o Gulshan Sharma	01.12.1999	Delhi College		
8.	Jitender Kumar S/o Dudh Nath Singh	02.02.2002	P.W.D. Circle No. II	M-113 S.W.R.I	C.E.M.Z.-1 (S)
9.	Shami S/o Mithu Ram	16.06.2007	D.C. College Project	M-333	C.E.M.Z. III (N)
10.	Jai Prakash Dubey S/o Dev Narayan Dubey	31.07.2006		S.R.D. (E)	P.W.D. Office
11.	Hasan S/o Maksud	31.01.2008	M-25	S.R.D. (E)	E.IN.C P.W.D
12.	Anil Mishra S/o	31.12.2008	E.IN.C	M-113	E.IN. C

	Ram Vishal Mishra			(P.W.D.)	
13.	Prabhu S/o Ram Shankar	01.11.2012	P.W.D. M-14	E.D. (P.W.D.)	E.D.U. (M) P.W.D.
14.	Prem Thapa S/o Dil Bahadur Thapa		M-441	M-441	M-441
15.	Chote Lal S/o Sukhdev	13.07.1992	E.D.-II P.W.D	Shiksha Mandel-II	Shiksha Mandel-II, Dwarka
16.	Dil Bahadur S/o K.B. Shakar	18.09.2009	P.W.D. B.2.Z	E.D.	P.W.D. Office
17.	Madan Lal S/o Kamal Singh	01.08.1966	C.E.M.Z-4		C.E.M.Z-2 (E)
18.	Rajesh Kumar S/o Vasant Lal	01.11.2012	M-25	B-141 P.W.D.	C.M.P P.R.O

It is the case of the workmen that they have been working against the vacant posts of Driver since their introduction into the employment of the management. Workmen are continuously discharging their services with the management. They have unblemished record of services to their credit. Workmen aforesaid are supposed to be regularized since their respective initial date of joining but the management had never regularized them till now. That the job against which the workmen aforesaid have been working are of a permanent and regular in nature but the management are treating them as a monthly

paid/muster roll workers. The workmen have been meted out with hostile discrimination as junior to them have been regularized in service in proper pay scale and allowances since their initial dates of joining, but the workmen have been completely ignored in this matter. Demand notice was also served upon the management by speed post which was duly received in their office but no reply had been received and it is presumed that the demand notice has been rejected. They have filed the claim with the prayer of regularizing their services with the managements.

Management-1 never appeared i.e. CPWD. Management-2 has appeared and filed his respective W.S and denied the averment made in the statement of claim.

After completion the pleadings, following issues have been framed vide order dated 17.12.2019 i.e.:-

1. Whether the proceeding is maintainable.
2. If the workman as per the list received along with the reference are entitled to regularization of their service with CPWD.
3. Whether there exist employer employee relationship between the management and the workmen.
4. To what other relief the workmen are entitled to.

Vide order dated 25.04.2022, the matter was listed for evidence of the workmen.

Claimants are asked to prove their case. However, despite providing a number of opportunities, claimants have not turned up to prove their claim. As the claimants have not turned up for proving their case, their claim stand dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

Date: 01.05.2024

ATUL KUMAR GARG  
Presiding Officer.  
CGIT-cum-Labour Court-II