

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

**I.D. No. 122/2022**

**Sh. Raja Babu,**

C/o- 253. Pratap Khand,  
Jhilmil Colony, Delhi-110095.

**VERSUS**

**1. The Chairman/Director,**

**Kotak Mahindra Bank Ltd.**

Narain Manzil, G-Floor, Shop No. G-01 to G-05,  
01<sup>st</sup> Floor, Shop No- 1001 to 1007, Barakhamba Road,  
New Delhi-110001.

**2. Avon Facility Management Services Ltd.**

B1/1-1, 1<sup>st</sup> Floor, Mohan Co-operative Industrial Estate,  
Near Badarpur Border, New Delhi-110044.

**AWARD**

This is an application of U/S 2A of the Industrial Disputes Act (here in after referred as an Act). Claimant had stated in his claim statement that he was appointed by the management-1 on 01.07.2019 at the post of Security Guard, casual labour on muster roll. After going through the entire selection process, he was selected for his service. It would be pertain to mention here that though the job for which he was employed was permanent nature, but, despite that he was taken in job on contract basis malafidely. Workman is continuously discharging their duties since 01.07.2019 but he was malafidely shown as employee on through contract basis and management has taking work regularly. Workman is continuously discharging his service in office of **KOTAK MAHINDRA**

**BANK LTD- DELHI** and issue a various letter through management that workman service are required to regularized on permanent basis and he also entitled to his salary in proper pay scale and allowances. Management-1 & 2 was not followed to contract labour (Regulation and Abolition) Act 1970. He is entitled to be treated as regular and permanent employee from the initial date of his joining but the management has not taken any step to regularized his service in proper pay scale and allowance. On 14.06.2020 management-1 has orally stopped his entry in ATM without any information, without any reason, without releasing bonus and overtime dues. Workman has been rendered jobless and he is employed from the date of illegal termination. He has gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim.

Vide letter dated 28.04.2022, management-1 had been proceeded ex-parte. Management-2 had appeared and filed the W.S. and denied the averment made in the claim. It is his case that workman had been working with the management-1 for a short period of 5 months i.e. from 31.10.2019 to 31.03.2020 and thereafter he left to report for duty. He was working with the management for a fixed period/contract from 31.10.2019 to 31.03.2020 which was not formally extended due to lockdown declared by the Ministry of Home Affairs, Government of India but as the banking services were coming under the category of essential services, he was allowed to continue his working after but for the reasons best known to the claimant, he started absenting from his services and did not report for duty. He submits that claim of the claimant be liable to be dismissed.

After completion the pleadings, following issues have been framed vide order dated 27.09.2022 i.e.:-

1. Whether the proceeding is maintainable in view of the earlier settlement arrived between him and the management before the Labour Commissioner.
2. Whether the service of the claimant was illegally terminated.
3. To what relief the claimant is entitled to and from which date.

Claimant is asked to prove his case. However, despite providing a number of opportunities, claimant has not turned up to prove his claim. As the claimant has not turned up for proving his case, his claim stands 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