

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

ID.NO. 254/2019

Smt. Seema Kotiyal & 26 Ors.
Through-Sh. Govind Singh Bisht,
State Representative, Bhartiya Mazdoor Sangh,
61, Kanwali Road, Dehradun, Uttrakhand -248001.

.....claimants

Versus

1.The Director, National Institute of Technology (NIT),
Sri Nagar, Pauri Garhwal, Uttrakhand-246174.

2. The Director, Sybex Support Services Pvt Ltd.
A-39, Basement Daryaganj, Lajpat Nagar-IV,
New Delhi-110024.

.....Managements.

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. D-813/A/2019/02/IRDDN: dated 15.11.2019 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:

“Whether the act of terminating the services of Smt. Seema Kotiyal and 26 other workmen, engaged by M/s Sybex Support Services Pvt. Ltd., New Delhi for performing multi purpose jobs in the Estb. Of M/s National Institute of technology (NIT), Sir Nagar, Pauri Garhwal (UK) -246174 is legal, fair and justified?

Whether those 27 workmen are entitled for regularization / reinstatement of their service in the said Estb.? If not what relief /remedies, the concerned workmen are entitled to ?”

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 union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. 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 her 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 in her appearance nor has she led any evidence so as to prove her 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: 2nd Jan., 2023