

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

I.D. No. 218/2021

Sh. Narayan Singh & 02 others.,

Through- The President Sh. Hukum Chand,
CPWD Karamchari Union, Babu Lal Ji Complex,
Shop No-04, Gurgaon Road, Opposite Bus Stand,
Gurgaon Haryana-122001.

VERSUS

1. The Director General,
Central Public Work Department,
Nirman Bhawan, New Delhi-110001.
2. The Special Director General,
Electrical Co-ordination Circle, East Block,
R.K. Puram, New Delhi-110066.
3. The Engineer in Chief,
P.W.D. 12th Floor, MSO Building (P.W.D. H.Q.)
I.P. Estate, New Delhi-110002.

AWARD

This is an application of U/S 2A of the Industrial Disputes Act (here in after referred as an Act). Claimant AR had filed the claim statement on behalf of 03 workmen who are members of the union and whose service particulars are as under:-

S.No.	NAME	DATE OF JOINING	POST	PRESENTLY WORKING
1.	Sh. Narain Singh S/o. Mohan Singh	24/09/1991	ML Driver	South Road Div-2
2.	Sh. Shanta Prasad S/o. Rudra Prasad		ML Driver	CBMD 321
3.	Sh. Vijay Chand S/o. Nanah Chand	13/01/1989	ML Driver	PWD-EMD M-251 (PWD H.Q.)

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 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 vide communication date 20.11.2014, 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.

Vide letter dated 27.02.2023, management-1 & 2 had been proceeded ex-parte. Management-3 had appeared and filed the W.S. and denied the averment made in the claim. He submits that claim of the claimant be liable to be dismissed.

I have gone through the record of the case. Case has been filed U/s 2A of the Industrial Disputes Act. Section 2A of the Act has been inserted in the I.D Act in the year 1965. It gives the individual workman the right to approach directly to the tribunal or Labour Court against their illegal discharge, dismissal, retrenchment or termination. There is a rider about this remedy available to the workman. A condition was imposed by Sub-section of 2 of Section 2A that workman first approach to the conciliation officer of the appropriate government by moving an application to this effect and forty-five days have been passed therein. Further a limitation was also there that the application shall be entertained by the Labour Court or by the tribunal if the same has been made within three year of his discharge, dismissal, retrenchment or otherwise termination of his service.

Herein, in the present case the claimant services have not been discharged. They seek the regularization of their services from this tribunal which is not possible without reference made to this court by appropriate government. Hence, the claim filed by the petitioner stands dismissed. Award is accordingly passed. 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: 02.05.2024

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