

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

I.D. No. 166/2019

**Sh. Rishi Pal Singh, S/o Sh. Lal Singh,
Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,
Through- Universal Proutist Labour Federation,
Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.**

I.D. No. 167/2019

**Sh. Makardhwaj Narayan Singh, S/o Sh. Ravinder Singh,
Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,
Through- Universal Proutist Labour Federation,
Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.**

I.D. No. 168/2019

**Sh. Bakhtawar Singh, S/o Sh. Chander Singh,
Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,
Through- Universal Proutist Labour Federation,
Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.**

I.D. No. 169/2019

**Sh. Rajesh Kumar, S/o Sh. Shashi Kant Chaudhary,
Permanent R/o- 4/7, Asaf Ali Road, New Delhi-110002,
Through- Universal Proutist Labour Federation,
Branch Office : Q-10-54, Mangolpuri, New Delhi-110083.**

Versus

- 1. N.T.P.C. Ltd.**
N.T.P.C. Bhawan, Scope Complex, 7, Institutional Area, New Delhi-110003.
- 2. 3061/Sanjay Kumar Security Agency,**
B.D. – 40, DSIDC Complex, Kalyanpuri,
New Delhi-110091.

AWARD

These are the four cases filed by the different workmen against the same management U/S 2A of the I.D Act. Having common respondents and same cause of action, these cases are taken together for disposal.

Claimants cases are that they were appointed as Security Guard with the management at the last drawn salary of Rs. 21,537/- per month. They did their duty with sincerity and honestly and did not give any chance to complain to anyone. Management-1 had appointed them through management-2 and this fact have been opposed by the claimants. Only for this reason management had terminated their services on 23.02.2018, after stopping their wages for six month i.e. from April to October 2017. They had sent the demand letter to the management on 14.05.2018 with the request to take them on duty, however, management did not take them on duty. They had also filed their claims with the Assistant Labour commissioner, but, there also nothing was yielded. Hence, they filed the claims here with the request that their termination be declared illegal and they be taken back on duty with full back wages.

Both the respondents have appeared and filed their respective W.S. Management-1 has denied the relationship of employer and employee. It is his case that management-1 had entered into agreement dated 01.04.2017 with Sanjay Kumar Security Agency i.e. Respondent-2 for providing security/surveillance and allied services to NTPC during the period 01.04.2017 to 31.03.2019. The management-1 never got any papers or vouchers, etc. signed from the claimants.

The establishment of the management-2 is a law abiding and always works within the frameworks and guidelines as prescribed by **Directorate General Resettlement Ministry of Defence (DGR)**. The leveling allegation against the Security Agency are baseless as the establishment has always maintained an attendance sheet, leave book and salary/wages register. Furthermore all the guards are issued identity cards as per guidelines. The establishment/Agency is registered with DGR and is bound only to deploy Ex-Army personnel. It has been specifically mentioned in the guidelines by the management-2 that only 10% civilians are allowed to be deployed by the agencies who secures the contract. It is submitted that NTPC had abolished few post for security deployment when the notice was served to the petitioners they had denied to accept the same and therefore on their part the security agency had sent the notice to the registered addresses of the petitioner by post. Petitioners wanted to voluntarily withdraw the PF and for that purpose he gave their

handwritten resignation letter. Since the post of security guards were decreased by the principal employer. Management-2 has always provided all types of prescribed benefits like salaries, wages, bonus, HRA etc. every month through cheques to all his employees. Respondent-2 deployed claimants for requisite services. He submits that claims of the claimants qua him be dismissed.

Issues have already been framed vide letter dated 11.11.2021. As per record, for the last three year, workmen have not led any evidence to prove their claims. Hence, their evidence stand closed.

In these circumstances when the workmen have not led any evidence to substantiate their claims, their claims are resulted into dismissal. Their claim stand dismissed. Awards are passed accordingly. Files are consigned to record room. Copies of these awards are sent to appropriate government for notification under section 17 of the I.D. Act. Files are consigned to record room.

03rd April, 2024

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