

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

I.D. No. 94/2019

Sh. Nandan Singh Routela

Through-Samast Delhi Karamchari Union,

Affiliated to Rashtriya Mazdoor Singh, 52-C, Okhla Estate,
Phase-III, New Delhi-110020.

Versus

- 1. NTPC Ltd. NTPC Bhawan, Scope Complex, 7 Institutional Area,
Lodhi Road, New Delhi-110003.**
- 2. NTPC Ltd. (CMD) Guest House, House No.- A5 Niti Bagh New Delhi-110049.**
- 1. R.S. Security Agency, RZ-C-76, Mahaveer Vihar, Dwarka Sector-01,
New Delhi-110076.**
- 2. 3061/Sanjay Kumar Security Agency,
B.D. – 40, DSIDC Complex, Kalyanpuri,
New Delhi-110091.**

AWARD

This is the case filed by the workman against the management U/S 2A of the I.D Act. This case is taken for disposal.

Claimant case is that he was appointed as Security Guard with the management at the last drawn salary of Rs. 21,537/- per month. He did his duty with sincerity and honestly and did not give any chance to complain to anyone. Management-1 had appointed them through management-4 and this fact has been opposed by the claimant. Only for this reason management had terminated his service on 11.08.2017, after stopping his wages for two month i.e. from 01.01.2017 to 31.03.2017. He had sent the demand letter to the management by speed post on 24.09.2018 with the request to take them on duty, however,

management did not take him on duty. He had also filed his claim with the Assistant Labour commissioner, but, there also nothing was yielded. Hence, he filed the claim here with the request that his termination be declared illegal and he be taken back on duty with full back wages.

Respondents have appeared and filed their respective W.S. Management-1 & 2 have denied the relationship of employer and employee. It is his case that management-1 & 2 had entered into agreement dated 01.04.2017 with Sanjay Kumar Security Agency i.e. Respondent-4 for providing security/surveillance and allied services to NTPC during the period 01.04.2017 to 31.03.2019. The management-1 & 2 never got any papers or vouchers, etc. signed from the claimants.

Respondents no.-3 is already proceeded ex-parte vide order dated 22.10.2019.

The establishment of the management-4 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 16.03.2020. As per record, for the last four year, workman has not led any evidence to prove his claim. Hence, his evidence stands closed.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. His claim stands dismissed. Award is passed accordingly. File is consigned to record room. A Copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

03rd April, 2024

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