

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL – CUM – LABOUR COURT-II, NEW
DELHI**

I.D. NO. 129/2022

Sh. Aroon Kumar, S/o Sh. Kailash,
R/o- Village- Banpur Lalit Pur, District-Lalipur,
Uttar Pradesh-284402.

I.D. NO. 130/2022

Sh. Sushil Kumar, S/o Sh. Kailash Narayan,
R/o- Village- Banpur Lalit Pur, District-Lalipur,
Uttar Pradesh-284402.

VERSUS

- 1. The General Manager, Canara Bank,**
(Syndicate Bank After Merger),
Head Office: 112, J.C. Road, PB No.-6684,
Bangalore, Karnataka- 560002.
- 2. Canara Bank,**
Surajmal Vihar Branch, Atintic Plaza,
08 A LSC (DDA), Surajmal Vihar, New Delhi-110092.
- 3. World Wide Security Organisation,**
B-06/66, Bearing NO. B-06/66, Situated,
At Safdarjung Enclave, New Delhi-110029.

AWARD

1. By this composite order, I shall dispose of these two applications of **U/S 2A of the Industrial Disputes Act (herein after referred as an Act)** filed by the different claimants against the same respondents, because of having the common respondents and same cause of action, these cases are taken together for deciding these cases.

2. Claimants in their claim statements had stated that they were appointed by the management at the post of Security Guard since 07.08.2018 and 10.05.2019 at the last drawn salary Rs. 14,698/- per month respectively. They were working under the supervision and control of M-1 & 2. The M-1 & 2 is the Principle employer of M-3. They did their duty without any default /complaint and obey their duty and orders of the management with full honesty and sincerity. M-1 & 2 had not provided legal documents i.e. EPF Slip, Attendance register, Casual Slip, Wage register to workman. They continuously demanded for legal benefits but the managements did not pay attention on the genuine demand of workmen. Managements had started unnecessary harassment to workmen and that the managements had not paid complete wages since 07.08.2018 to 15.09.2021. Thereafter, managements had orally illegally terminated the services of the workmen on 15.09.2021 respectively without any domestic enquiry, without adopting industrial dispute Act rules & procedure. When they had approached the management's office getting to job and their total legal dues of Rs. 5,77,960/- and Rs. 4,04,116/- respectively, managements had not released their legal dues nor provided to their job. Termination of the services of the workmen on dated 15.09.2021 is totally illegal, bad and unjust. Management had violated the provision of Section 25 F and G of the ID Act,

1947. Hence, they filed the present claims with the prayer that they be reinstated with full back wages.

3. M-1 & 2 had filed its WS, denying the averments made in their statements of claim. They submit that the claimants were never employed by the M-1 & 2 therefore, the present claim petition is not maintainable and is liable to be rejected.

4. M-3 had filed its WS, denying the averment made in their statements of claim. He stated that claimants are not a workmen as defined U/s 2 (s) of the ID Act, 1947. As a part of their profile, claimants used to supervise other employees, taking him out of ambit of Section 2 (s) of the ID Act and therefore, the present claim deserves to be rejected. He submitted that claimants have suppressed the fact that on 01.02.2022, these claimants entered into a full and final settlement with the Respondent-3, regarding their employment and received sum of Rs. 87,750/- and 1,05,750/- respectively through cheque. Claimants have not mentioned the fact of this full and final settlement in their statement of claims, and have not come to this Hon'ble Tribunal with clean hands. As a result, the claims of the claimants deserve to be dismissed.

5. Now, these matters are listed for filing of rejoinder. However, for so many dates, workmen have not been appearing inspite of providing a number of opportunities to substantiate their claims.

6. In these circumstances, when claimants are not interested in pursuing their claims, this tribunal has no option except to pass the no dispute award. No Dispute Awards are 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. A copy of this award is placed in each of the file.

Date: 03.04.2025

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