

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

ID.NO. 163/2020

Smt. Rekha Tomar, W/o Narender Chauhan,
 Through, Pragtisheel Mazdoor Sangh,
 I-148 & 161, Karampura, New Delhi-110015.

.....Workman

Versus

1.M/s CPWD, Estern Court (Guest House),
 Janpath, New Delhi-110001.

2. Sh. Praveen Sharma,
 Capital Outsourcing & Management Services Pvt. Ltd.,
 B-323/16 Sant Nagar, New Delhi-110084.Managements.

AWARD

In the present case, a reference was received from the appropriate Government vide letter No.L-42011/103/2020 IR (DU) dated 21.09.2020 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 services of the worker Smt. Rekha Tomar, W/o Narender Chauhan represented through Pragtisheel Mazdoor Sangh, New Delhi vide letter dated 17.07.2017 have been terminated illegally and /or unjustifiably by the managements of CAPITAL outsourcing and Management Services Pvt. Ltd., New Delhi (contractor) under CPWD, Easter Court (Guest House) Janpath, New Delhi? If yes, to what relief is she entitled and what directions are necessary in this regard?”

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.

Date: 4th July, 2022.