

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO-II, NEW DELHI**

**I.D. NO. 33/2013**

**The General Secretary,**

Mother Dairy Fruit & Vegetable Workers Ekta Union,  
C-70, Indra Enclave,  
Delhi-110041.

Versus

**The Factory Manager & General Manager,**

Mother Dairy Fruit & Vegetable Pvt. Ltd.,  
Fruit & Vegetable Unit,  
Mangolpuri Industrial Area,  
Phase-I, Delhi-110083.

Present: None for the claimants.

Sh. Lalit Bhasin, Ld. AR along with Sh. Rupam Sajjan, & Ms.  
Vishali (Proxy) for the management.

**AWARD**

**04.08.2025**

1. In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour and Employment, vide its Order No. **L-42011/188/2012-IR (DU)** dated 07.03.2013 has been pleased to refer the following dispute between the employer, that is the Management of Mother Dairy Fruit & Vegetable (P) Ltd. and their workman for adjudication by this Tribunal, terms of which are as under:

***“Whether the action of the management of  
M/s Mother Dairy Fruit & Vegetable Pvt. Ltd.***

***Mangolpuri signing settlement with a Union, when as a case to determine majority union is pending before RLC @ New Delhi is fair and justified? If not, what relief the union is entitled for? ”***

After receiving the said reference, notices were issued to both the parties. Both the parties have appeared. Claimants have filed their claim statement stating that the above said union is registered union under the Trade Unions Act, Govt. of NCT of Delhi, Department of Labour, 5 Sham Nath Marg, Delhi vide registration no. F10/DRTU/NWD/10/03 and the union is also affiliated with CITU. Their address is owned by National Dairy Development Board, an autonomous body of the Government of India. The strength of the union at present is more than 135 out of the total strength of the employees of the management. The union is its general body meeting of the union held on 20.03.2011, elected a new set of office bearers/executive of the union for the year 2011-12. As per law, the union informed the same to the management vide letter dated 20.04.2011, but vide letter dated 25.04.2011, the management informed to above said union that they are not recognized union of the management. On 29.01.2004, when the last time union elections held in the unit of management and thereafter the management and elected union did not conduct election in the unit. On 01.01.2009, the union Mother Dairy Fruit & Vegetable Employee Union again signed the settlement with the management and they did not conduct the union election. When the Mother Dairy Fruit & Vegetable Workers Ekta Union came to know about this settlement then every time the said union protests against the settlement which held between the Mother Dairy Fruit & Vegetable Employees Union and management. On 11.12.2012, Mother Dairy Fruit & Vegetable Employees Union and management again made settlement without given any information to the other union and when the Mother Dairy Fruit & Vegetable Workers Ekta Union came to know about the said settlement then immediately the Mother Dairy Fruit & Vegetable Workers Ekta Union informed to the Labour Department and objected the said unfair and unjustified settlement. Mother Dairy Fruit & Vegetable Workers Ekta Union is the majority union as it has a membership of more than 75% workers of the

management. The action of the management is completely unfair and unjustified in signing settlement with Mother Dairy Fruit & Vegetable Employees Union, when a case to determine majority union is still pending before the R.L.C., New Delhi. They made prayer that an order be passed in favour of the workmen.

2. Management has filed its written statement denying the averment made in the claim statement. He also submitted that claim be dismissed.

3. Claimant has filed the rejoinder denying the averment made in the written statement and affirmed the facts made in their claim statement.

4. After completion of the pleadings vide order dated 18.02.2014, following issues have been framed i.e.:-

(i) Whether the action of the management of M/s Mother Dairy Fruits & Vegetable Pvt. Ltd., Mangolpuri signing settlement with a union, when as a case to determine majority union is pending before RLC @ New Delhi is fair and justified? If so its effect?

(ii) What relief the workman is entitled to?

5. Examination in chief and cross-examination of the claimant has been recorded separately.

6. Examination in chief of the management witness has been concluded. On 19.10.2022, claimant was found absent on repeated calls, therefore, right to cross examine the management witness by the claimant hereby closed.

7. It is the matter of fact that the claimant has not been appearing since long, though, he has been cross-examined. It is further the fact that the management has filed the affidavit of evidence of its witness which

remains unchallenged, unrebutted, where he has stated that the claimant's union has no right to raise the claim regarding his participation in the ongoing settlement between the management and the recognized union. It has been further stated by the management that the claimant union's claim for grant of the status of a protected workman was rejected by Sh. R.K. Meena, Assistant Labour Commissioner (Central), New Delhi vide order dated 01.09.2011 and the writ petition filed by the claimant's union was subsequently dismissed by the Hon'ble High Court of Delhi vide order dated 08.05.2023.

8. In light of the said fact, issue no 1 is decided against the workman and in favour of the management. Accordingly, the claim of the claimant stands dismissed. Reference is answered accordingly. A copy of this award is sent to the appropriate government for notification under section 17 of the I.D. Act, 1947. Record of the case file is consigned to record room.

Date: 04.08.2025

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