

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

**I.D. No. 67/2015**

**Sh. Manoj Kumar & 18 Workmen,**  
C/o 1800/9, Govindpuri Extension,  
Main Road, Kalkaji,  
New Delhi-19.

Versus

- 1. Foreign Service Institute,**  
**Minsitry of External Affairs,**  
Baba Gang Nath Marg,  
Old JNU Campus, Ber Sarai,  
New Delhi-110067.
  
- 2. Compass India Support Services Pvt. Ltd.**  
Formerly Known as Vipul Facility Management Pvt. Ltd.  
17, 1<sup>st</sup> Floor, Vipul Square,  
Sushant Lok, B-Block, Phase-1  
Gurgaon-122002.
  
- 3. S.K. Facility Management Services Pvt. Ltd.**  
E-215, Sushant Lok-1,  
Gurgaon, Haryana.

**AWARD**

Sh. P.K. Venu Gopal, Desk Officer, GOI has sent the reference to this tribunal in regard to 19 workmen (including Manoj Kr.) for adjudication with the following words:

*“Whether the action of the management of Foreign Service Institute (FSI) in not regularizing the employment of 19 workmen (Manoj Kumar and 18 others as per the list*

***attached with Annexure A) engaged through reportedly sham and camouflage contractors namely M/s Compass India Support Services pvt. Ltd. is illegal and unjustified and whether the said workmen are entitled to receive pay at parity with regular employees of that management of concur from their respective date of appointment? If not, what relief the workmen are entitled to ?”***

After receiving the reference, notice was issued to both the parties. Workman had filed the written statement of claim. They were working with the management-1 since their respective initial date of joining. Respondent-2 is a sham contractor, who had issued identity card to the workmen. It is further the case of the claimants that the management-2 has sub-leased their contract to management-3. They have been deprived from legitimate legal facilities. Their jobs were perennial in nature. Services records of the workmen were clean. Since their initial appointment, management got some blank papers/proformas signed from the workmen. Demand notice were issued to the management. Management had not replied. They have been terminated on 10.06.2013 by way of oral refusal of duties and withheld their earned wages. Claimants had sent several complaints through union. Union as such had submitted that they be reinstated with full back wages.

Respondent-1 had filed the WS. He had denied the employer and employee relationship between them and the claimants. He submits that claims of the claimants qua him be dismissed. Right of other respondent to file the WS have been closed vide order dated 05.05.2016.

After completion of the pleadings following issues have been framed vide order dated 01.02.2017 i.e.-

1. Whether the action of the management of Foreign Services Institute (FSI) is not regularizing the employment of 19 workmen (Manjoj Kumar and 18 others as per the list attached with Annexure A) engaged through reportedly sham and camouflage contractors namely M/s Compass India Support Services Pvt. Ltd. is illegal and unjustified ? If so its effect?

2. Whether the said workmen are entitled to receive pay at parity with regular employees of the management of concur from their respective date of appointment? If so its effect?
3. To what relief the workman is entitled to and from which date?

Neither the workman nor the management-1 had not brought any evidence to substantiate their claim in counter-defence. Workmen affidavit was expunged vide order dated 24.08.2022 as he has not come for cross-examination. Management had not led any evidence.

In these circumstances, when the claimants have not led any evidence, their claims are resulted into failure. Their claims stand dismissed. Award is 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.

Date 04.09.2024

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