

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

ID No. 12/2021

Sh. Pawan vs. Sports Authority of India and Ors.

Sh. Pawan, S/o Sh. Rajpal,

R/o House No.-51, Locality- Mathura Road,
Kail Gaon Faridabad-121004

...Applicant/Claimant

Through- All India General Mazdoor Trade Union,

Regd. Office-170, Bal Mukund Khand, Giri Nagar,
Kalkaji, New Delhi-110019.

Versus

1. Sports Authority of India,

Dr. Karni Singh Shooting Range, Suraj Kund Road,
Tughlakabad, New Delhi-110044.

2. Sarvesh Security Services Pvt. Ltd.,

CS-49, 1st Floor, Ansal Plaza (Near Dabur Chowk)
Vaishali, Ghaziabad, Uttar Pradesh-201010.

...Managements/respondents

Counsels:

For Applicant/ Claimant:

Sh. Anil Rajput, Ld. AR.

For Management/ Respondent:

*Sh. Niraj Kumar, Ld. AR for Sports Authority of India
(management-1).*

Sh. Uday Malhotra, Ld. AR for Sarvesh Security Services Pvt. Ltd. (management-2).

Award

This is an application filed **U/s 2-A of Industrial Disputes Act, 1947 (herein after referred as 'the act')** by the claimant herein. The claimant in his claim statement stated that he had been working at the post of security guard with management since 01.05.2018. He was promised a salary of Rs. 17498/- but he used to received only 10,000/- per month. The contractor used to deduct Rs. 5,500/- per month in the name of uniform, but he received only one set of uniform. He wasn't getting any legal facility such as appointment letter, attendance sheet, E.S.I. and P.F. etc. When he demanded the said facilities, he was terminated from his service on 21.05.2019 without any prior notice. He also sent a demand letter on the same day by post demanding his arrears, remaining overtime and other statutory amount and also demanded for his reinstatement in service. Both managements received the letter but didn't reply nor paid any due amount. He submits that he has been unemployed ever since. He prayed that he be reinstated with full back wages.

2. Both managements had appeared and filed their respective written statements. Management-1 in its W.S. stated that the claimant was employee of management-2 i.e. M/s Sarvesh Security Service Pvt. Ltd. which is a separate and independent entity distinct from management-1. Management-1 had nothing to do with management-2 which is a security agency. There didn't exist any employer-employee relationship between the management-1 and the claimant herein. Management-1 further submitted that it doesn't carry out any activity that can be termed as business, manufacturing and trade nor it is engaged in any commercial activity. That, management-1 is a registered society registered in 1984 by Ministry of Youth Affairs and Sports (Government of India),

thus, management-1 cannot be said to be an industry. Lastly, it prayed for dismissal of present claim petitions in interest of justice.

3. Management-2 in its W.S. also denied the averments made by the claimant in his claim petition. Management-2 further submitted that the claim filed by the claimant herein is false frivolous and vexatious in nature; the claimant wanted to only extract money from the managements, the claimant didn't submit any necessary and mandatory documents such as police verification, educational qualification, training certificates etc. to them; the claimant was undisciplined and habitual absentee and had been warned against the same. Lastly, it also prayed from dismissal of present claim petitions.

4. The claimant chose not to file his rejoinder.

5. After completion of pleadings, following issues had been framed for adjudication:

1. Whether the proceeding is maintainable?
2. Whether there exists any employer-employee relationship between the claimant and management-1.
3. Whether the service of the claimant were illegally terminated by management-1 or they voluntarily left their services?
4. To what relief the claimant is entitled to and from which date?

6. Thereafter, the claimant was required to bring his evidence. However, AR for the claimant Sh. Anil Rajput submitted that he was unable to communicate with the claimant, therefore, he could not file affidavit of evidence on his behalf.

In these circumstances when the claimant has not appeared to adduce his evidence, his claim has resulted in dismissal. Award is passed accordingly. 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.

Dated 04.12.2024

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