

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

ID No. 176/2020

**Sh. Robert John, S/o Sh. Michal John,
Qr. No.- 18, NIVH, 116, Rajpur Road,
Dehradun, Uttarakhand-248001.**

Versus

1. The Director,
**Indian Institute of Remote Sensing,
4, Kalidas Road, Dehradun, Uttarakhand-248001.**

2. The Secretary,
**Ujjawal Labour Contract Co-Operative Society Ltd.,
50/100, Krishan Nagar, Near Hotel Lalit Palace,
Dehradun, Uttarakhand-248001.**

Award

The appropriate Government has sent the reference referred dated 08.10.2020 to this tribunal for adjudication in the following words:

“Whether the termination of the service of Shri Robert John S/o Shri Michal John, who was engaged in Indian Institute of Remote Sensing, Dehradun from 2008 to 2013 and thereafter by M/s Ujjawal Labour Contract Co-operative

Society Ltd., Dehradun, Contractor of IIRS, for the period October, 2013 to December, 2019 is proper and justified.

If not, to what relief, the workman is entitled to?”

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant had stated in the claim statement that he was working as Gym Coach or Gym Instructor in the gymnasium of Indian Institute of Remote Sensing, (Indian Space Research Organization, Department of Space Government of India) on contract basis from 01.10.2008 through management-2 (contractor). He was assigned major work during the job period and his work performance is quite professional and satisfactory. He was paid Rs. 5,000/- on starting by the management-1 and also given assurance a letter dated 14.05.2012 to increase in the Gym Instructor emoluments. He did his duty with diligently and honestly and did not give any chance to the management for any complaint. He had raised the demand of PF & ESI and other remuneration for the period 2008 to 2013 and had been demanding the increase in his salary in front of CMD of the management no. 1. Thereafter, he was illegally terminated by the management on 31.12.2019 without assigning any reason or without issuing any notice. He had filed an application before the Assistant Labour Commissioner (C), Dehradun

on dated 14.01.2020 against the respondent-1, but, it has resulted into failure. Hence, he has filed the present claim.

Management-1 had filed its WS denying the averment made in the claimant's claim. He also submitted that workman was absconding from his work from 12.12.2019, and since then he has not joined his services and further the workman instead of joining his duty with the management, filed a resignation letter. He submitted that claim of the claimant is being devoid of merits is not maintainable under law and the same is liable to be dismissed. Management-2 was already proceeded ex-parte on 08.12.2022.

After completion of the pleadings, following issues have been framed on 17.03.2023 i.e.-

1. Whether the proceeding is maintainable?
2. Whether there exists employer and employee relationship between the claimant and the management no. 1?
3. Whether the service of the claimant was illegally terminated by the management no. 1?
4. Whether the contract between the management no. 1 and 2 was sham?
5. To what relief the claimant is entitled to and from which date?

Now, the matter is listed for reply and consideration of the application filed by M-1 under order 06 rule 17 for amendment in written statement. However, no one is appearing on behalf of the claimant. On the last

date of hearing, upon being informed telephonically, AR for the claimant did not give any satisfactory reason for his absence. Additionally a cost of Rs. 1,000/- was also imposed upon the workman for his non-appearance on the subsequent dates, but still he is not appearing.

In these circumstances, when the claimant is not interested to peruse his case. His claim stands 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.

Dated: 05.03.2025

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