

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

ID.NO.128/2020

Shri Deep Chand Sharma S/o Sh. Jitender Dutt Sharma,  
 Through India Steel and Metal Workers Union,  
 (Regd. No. 4377) 1801/9 Govindpuri Extension,  
 Main Road, Kalkaji,  
 New Delhi-110019.

.....Workman

Versus

1. M/s Kotak Mahindra Old Mutual Life Insurance Ltd.,  
 33 1<sup>st</sup> floor, Community Center,  
 New Friends Colony,  
 New Delhi-110025.
2. M/s Manmachine Solutions Private Limited,  
 143 A, Pocket-M, DDA Janta Flat, Sarita Vihar,  
 New Delhi-110020.

.....Managements.

**AWARD**

In the present case, a reference was received from the appropriate Government vide reference no. L-12012/05/2020(IR(B-I)) dated 16.06.2020 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 claim of the Union, India Steel and Metal Workers Union, regarding termination of services of workman Shri Deep Chand Sharma S/o Sh. Jitender Dutt Sharma w.e.f 06.03.2017 by the management of M/s Kotak Mahindra Life Insurance Corporation Limited and the management of Man Machine Solutions Private Limited and their contractor M/s is correct ? If so, what relief the workman is entitled to ?”

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 his 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 his appearance nor has he led any evidence so as to prove his 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: 5<sup>th</sup> August, 2022