

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

ID.NO.161/2020

Shri Raj Kumar S/o Sh. Ram Phal,
Rept, by Delhi Municipal Mazdoor Trade Union,
B-40, 1st floor, MCD flats Buleward Road Tis Hazari, Delhi-110054

.....Workman

Versus

The Commissioner,
North Delhi Municipal Corporation,
S.P Mukherjee, Civic Centre, J. L Nehru Marg,
New Delhi-110002.

.....Management.

AWARD

In the present case, a reference was received from the appropriate Government vide reference no. L-42012/20/2020(IR(DU)) dated 15.09.2020 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 demand of Sh. Raj Kumar S/o Shri Ram Phal through Delhi Municipal Mazdoor Trade Union to the management of North Delhi Municipal Corporation for regularization in service and salary in the regular pay-scale from the date of his initial appointment is proper, legal and justified ? If yes, what reliefs the worker are entitled to and what other directions, if any are necessary in this regard?”

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 management. 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: 5th August, 2022.