

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

ID.No. 268/2022

**Sh. Govind Kumar, S/o Sh. Jiya Lal,
Through-All India General Kamgar Union,
C-90-Z, DDA Flats, Jahangirpuri, Delhi-110033.**

VERSUS

- 1. The Registrar,
Jawaharlal Nehru University,
New Mehrauli Road, New Delhi-110067.**

- 2. Max Maintenance Ltd.,
C-05/99-100, New Kondili,
Mayur Vihar Phase-III, Delhi-110096.**

- 1. Sudarshan Facilities Pvt. Ltd.,
18, Local Shopping Centre, 2nd Floor,
Madangir, Delhi-110062.**

AWARD

This is an application of U/S 2A of the Industrial Disputes Act (here in after referred as an Act). Claimant had stated in his claim statement that he had been working with the respondent-1 at the post of Sanitation worker since several years through various sham and bogus contractors. He has been in continuous, uninterrupted service for more than two years with the respondent-1 and he was also issued identity card of several so-called contractors. The tenure of the employment for all the service years has been more than 240 days per year. The period of the workman is also same as permanent worker. He used to mark his attendance every day in the register placed in the office of Section Officer (officer-in-charge) of every hostel. The workman was given the superficial designation of supervisor. He had been doing his work with diligently and honestly performing his duties as assigned by the concerned officials of the respondent-1 despite difficulties, workplace challenges and non-payment of various statutory dues. He has also been working even during the COVID-19 pandemic and performed excellent duties for respondent-1.

Workman through their union has raised various issues regarding labour law violations before the appropriate authority and as well as the management. Respondent has repeatedly engaged in unfair labour practices such as threatening the workers for participating in union activities and raising genuine grievances before the respondents. Respondent-3 on the explicit directions of the respondent-1 forced the worker to sign a proforma which made it obligatory for a worker to not join any union but, the claimant objected to his proforma and asked the workers to refrain from signing such a document which is completely illegal. The workman was actively involved in mobilizing the workers working in the respondent-1 premises and have protested many times against unfair labour practices happening in the university. Due to these activities, he was threatened multiple times by the JNU administration for termination of his services. Claimant had also filed an application before Dy. CLC (Central) raising his grievances, of non-payment of wages, unfair labour practices, threat of termination and other issues, and the workmen also who were employed in the same category of work. The claimant was illegally terminated by the respondent after the application filed by the workman. The termination of the services of the workmen is completely arbitrary, illegal and without profound logic. He is jobless and facing financial difficulties. He has gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim with the prayer to reinstate him in same position.

Management-1 had appeared and filed the WS. Both management-2 &3 have not appeared despite being served. Management-1 had denied the averment made in his claim statement. He submits that claim of the claimant is not maintainable and is liable to be dismissed.

Now, the matter is listed for filing of rejoinder against W.S of management-1. Claimant has not been appearing since long for filing rejoinder.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue the case. This tribunal has no option except to pass the no disputant award. No dispute 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: 06/08/2024

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