

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

ID.NO.131/2021

Sh. Afsar Khan S/.o Sh. Ayub Khan.
Through , The General Secretary,
Karmsheel Mazdoor Sangarsh union,
A-31 Agar Enclave, Meetha Pani, Prem Nagar-III,
Near Hanuman Mandir, Somdarzar Road, Mubarakpur,
New Delhi-110086.

.....Workman

Versus

1. Delhi Metro Rail Corporation Ltd.
DMRC Project , CC-24 Sarai Kale Khan ISBT,
Near RTO Office, New Delhi-110013.

2. J. Kumar CRTG /DMRC,
Barakhamba Lane NEw Delhi-110001.

.....Managements.

AWARD

In the present case, a reference was received from the appropriate Government vide reference no. L-42011/43/2021- IR(DU) dated 30.07.2021 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 Karmsheel Mazdoor Sangharsh Union, New Delhi Vide letter dated 23.03.2021 demands withdrawal of workman (Sh. Sh. Afsar Khan S/.o Sh. Ayub Khan) against J. Kumar CRTG under the management of Delhi Metro Rail Corporation project and payment of notice wages to what extent it is reasonable and justified, if any, what relief should be given to the workman and from when.”

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.

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 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: 6th December, 2022

