

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

ID.NO.45/2019

Mohd. Danish & 2 Others,
R/o House No. 877, Gali no. 30/5,
Zafrabad, Delhi-110053.

.....Workman

Versus

1.The E.D (operation) DMRC,
Metro Bhawan, Barakhamba Road, New Delhi-110001.

2. The Contractor , M/s NCES, I -1704/21, Ground Floor,
Room No. 01-05, Sangam Vihar,
New Delhi-110062.

.....Managements.

AWARD

In the present case, a reference was received from the appropriate Government vide reference no. L-42011/209/2018- IR(DU) dated 31.01.2019 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 action of the management of Nuvisioin Commercial & Escort Services (NCES) (Contractor)/ Delhi Metro Rail Corporatioin (DMRC) (Principal Employer) in terminating the services of the workman Mohd. Danish, Firoz and Mohd. Javed w.e.f 08.02.2017 , 14.03.2017, 15.03.2017 respectively who were working on the post of Tom Operator and posted at the Kashmiri Gate Metro

Station is illegal and /or unjustified? If yes, what relief is he entitled to and what directions are necessary in this respect?”

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, Claimants opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workmen 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 claimants union. Despite service of the notice, claimants union opted to abstain away from the proceedings. No claim statement was filed on their behalf. Thus, it is clear that the claimants are not interested in adjudication of the reference on merits.

4. Since the claimants neither put their appearance nor led any evidence so as to prove their cause against the managements, 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.