

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL – CUM – LABOUR COURT-II, NEW DELHI**

I.D. NO. 257/2021

Sh. Lal Singh, S/o Sh. O.P Singh,
R/o RZ-A-4/204, Gali No.-04, Durga Park,
Palam Gaon, Delhi-110027.

Through- All India General Mazdoor Trade Union,
170, Bal Mukund Khand, Giri Nagar, Kalkaji,
New Delhi-110019.

VERSUS

**1. The Managing Director-CEO/Project Manager,
Delhi Metro Rail Corporation Ltd.**

Metro Bhawan, Fire Bridge Lane, Barakhamba Road,
New Delhi-110001.

2. KSJ Dynamic Security Pvt. Ltd.,

Plot No. 273, 2nd Floor, Near SBI, Old Delhi Gurgaon Road,
Kapashera Extension, Kapashera, New Delhi-110049.

Appearance

For claimant: None

For respondents: Sh. Nitesh Sharma, Ld. AR for M-1.

Smt. Saumitra Singhal, Proxy for M-2.

AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an “Act”)**. Claimant had stated in his claim statement that he was working with the management-1 through management-2 (contractor) at the post of **House Keeper** since March, 2018 and his last drawn salary was Rs. 15,500/- p.m. He had been working sincerely with the managements and no point of time during the service period; he had never given any chance of complaint in any manner to the managements. Managements were not providing the legal facilities i.e. Salary Slip, Attendance card and Overtime card etc. to him and have not given the bonus and holiday money to the year 2019-20. Managements were not paying salary to him as per the notification issued by the Delhi Government. Managements have paid less than the minimum salary to him from July 2020 to March 2021, thereafter, workman has complained about this to the Assistant Labour Commissioner (C). Management-1 and Management-2 together used to forcibly take back Rs. 4700/- in some months and Rs. 5200/- in some months after the salary payment from him. When he complained about the same before the Assistant Labour Commissioner (C), due to which he was illegally terminated by the managements without giving him a notice charge sheet or without paying anything which is a violation of the provisions of Section 25F of the ID Act. Workman had sent a demand letter on 07.06.2021 to the management through speed post but management had not replied the same despite receipt of the same. He had gone to the conciliation officer, but, it was resulted into failure. Hence, he filed the present claim.

Management-1 & 2 have appeared and filed their WS respectively. They have denied the averment made in claimant’s claim. Management-1 in his WS submitted that there is no employer-employee relationship between the answering management and the claimant. He submitted that claim is not maintainable and is liable to be dismissed. Management-2 in his WS submitted that the claimant has absented himself from 15.04.2021 and he has not come forward on his duty on his own. He was asked to attend his duty by sending SMS, registered letters but he has not come forward on his duty. He also submitted that claimant was never

terminated by him from his services, but he has abandoned his service on his own. He submitted that claim of the claimant is not maintainable and deserves to be dismissed.

Rejoinder has been filed by the claimant against management-2 denying the averment made in the WS of management-2.

After completion of the pleadings, following issues have been framed on 14.03.2023 i.e.-

1. Whether the proceeding is maintainable?
2. Whether there exists employer and employee relationship between the claimant and the management no. 1?
3. Whether the service of the workman was illegally terminated by the management no. 2?
4. To what other relief the parties entitled to and from which date?

Now, the matter is listed for workman evidence. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities

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 his case. His claim stands dismissed. 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: 07.01.2025

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

