

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

I.D. NO. 95/2019

Smt. Sunita Devi, C/o Sh. Anil Dalal,

Address:- Room-3C, 352/2A, Munirka Village,
New Delhi-110067.

VERSUS

1. The Registrar,

Jawaharlal Nehru University, New Delhi-110067.

2. The Managing Director, Rakshak Securitas Pvt. Ltd.

T-5, Plot No-12, Manish Plaza-III, Sector-10, Dwarka,
New Delhi-110075.

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 she was employed as Sanitation Worker (Safai Karamchari) since April, 2005 at the last drawn salary of Rs. 11,985/- p.m. with the management-1 through management-2 who is the contractor. She has remained in continuous, uninterrupted service for 13 years and 7 months with M-1. It is a central university with its campus in New Mehrauli Road, New Delhi-110067. M-1 employs various categories of employees including sanitation worker/Safai Karamchari, mess worker/helper, Khalasi/helper, Beldar, Gardener/maali etc as permanent as well so called contract workers through various sham and bogus contracts. These contractors are sham and bogus. The mentioned

work in M-1 is incidental and necessary for running the institution. The work done by above categories is permanent and perennial in nature. So called contract worker are performing identical work as that of permanent workers of management-1 and they were also given similar uniform, masks, gloves as that of permanent workers wear during working hour. The nature and period of work carried out by claimant and other so called contract workers is similar as that of permanent workman of management-1.

The work of the claimant and other so called contract workers was supervised by Sanitary Inspector, Mr. B.S Khandelwal, who is a permanent worker of the M-1. He is in charge of the sanitation work in hostels and monitors the work of so called contract workers. Claimant is an active member of All India General Kamgar Union (JNU Unit). The union through its representative has been regularly raising demands on behalf of so called contract workers before M-1 for better working conditions, equal pay at par with permanent workers, bonus, overtime pay, earned and casual leaves etc. All India General Kamgar Union (JNU Unit) filed an application for equal pay for equal work for so called contract workers before the **Deputy Chief Labour Commissioner**, where they prayed for deciding wages and other amenities equal to the wages and other amenities available to the regular employees of M-1. Deputy Chief Labour Commissioner decided this application and passed an order dated 17.09.2018. The claimant along with other Union members went to the M-1 for implementation of the order dated 17.09.2018, but, it had vehemently denied to implement the order and threatened to terminate the services of the claimant and other union member, for making such demand. Further, M-1 through so called contractor i.e. M-2 issued termination letter dated 27.11.2018 without conducting domestic enquiry. The termination letter was received by her when she went to report for the duty on 28.11.2018. No notice p-ay and retrenchment compensation was paid to her, as required U/s 25 of the I.D Act. The union approached the M-1 and M-2 through its representatives to reinstate the workman, but M-1 took an adamant stand and refused to reinstate her. Hence, she had filed the present claim with

the prayer to reinstate her with full back wages. She is unemployed since her date of termination.

M-1 and M-2 have filed their WS respectively. They have denied the averment made in her claim statement. They have also submitted that claim filed by the claimant is not maintainable and is liable to be dismissed.

After completion of the pleadings, following issues have been framed on 08.11.2021 i.e.

1. Whether the proceeding is maintainable.
2. Whether there exist employer and employee relationship between management and the claimant.
3. Whether the service of the claimant was illegally terminated by the management.
4. To what other relief the claimant is entitled to.

Examination of the workman has been done by the workman AR. Now, the matter is listed for cross-examination of the workman. Workman is not appearing since long to cross-examine, inspite of providing a number of opportunities

In these circumstances, when the claimant has not been appearing since long to substantiate her claim, it appears that she is not interested to pursue her case. Her 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