

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-
II, NEW DELHI**

I.D. No. 179/2015

**Sh. Deepak Kumar
C/O G-160, First Floor,
Dilshad Colony,
Delhi-110095.**

VERSUS

- 1. THE Management of
M/S Bird Worldwide Flight Services India Pvt. Ltd.
E-9, Connaught House,
Connaught Place,
New Delhi-110001.**

AWARD

Sh. M.K. Singh, Section Officer has sent the reference refer dated 23.11.2015 to this tribunal for adjudication in the following words:

“Whether the claim of the workman Sh. Deepak Kumar that his services are terminated by the Management of M/s Bird Worldwide Flight Services (I) Pvt. Ltd. w.e.f. 28.12.14 without complying with the provisions of ID Act, 1947 is legal and justified? To what relief the concerned workman is entitled to?”

After receiving the above said reference notices were sent to both the parties. Both the parties appeared and claimant AR had filed the claim statement on behalf of the workman. It is the case of the workman that he had joined the services of the management in the year 2011 at the post of Loader. His employee code is BELD 0168. He had an unblemished record of service with the management. The management has been harassing the workman on account

of his trade union activities. The management refused to take the workman on duty w.e.f. 28.12.2014 alleging that he was indulged in some mis-conduct. The workman reported for duty regularly after his services were terminated on 28.12.2014 but the management refused to reinstate him in service. That the workman sent a registered demand notice to the management on 06.04.2015, however, the management has not given any response to the same. After the illegal termination workman is jobless. He has gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim.

Management-1 appeared and filed his respective W.S and denied the averment made in the statement of claim.

Issues have been framed vide letter dated 25.01.2017 that is given below:

1. Whether the claim of the workman Sh. Deepak Kumar that his services were terminated by the management of M/S Bird Worldwide Flight Services Pvt. Ltd. w.e.f 28.12.12 without complying with the provisions of I.D. Act 1947 is legal and justified? If so, its effects?
2. If yes, to what relief workman Sh. Deepak Kumar is entitled to ?

Claimant is asked to prove his case. However, despite providing a number of opportunities, claimant has not turned up to prove his claim. Moreover, the present claim has been filed against the respondent i.e. **Bird Worldwide Flight Services India Pvt. Ltd.**, where the respondent has not come within the definition of the Central Government that is given below:

Section-2 a of I.D Act (hereinafter is called as an Act) define the expression 'appropriate government'.

Appropriate government is the central government in relation to any industrial dispute which pertain to any industry carried on by all under the authority of central government.

Section-2(a)(1) of the Act give the detail expression of covering the industry which falls under the definition of central government controlled industry. It is reproduced

'in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company [or concerning any such controlled industry as may be

specified in this behalf by the Central Government] or in relation to an industrial dispute concerning [a Dock Labor Board established under Section 5A of the Dock workers (Regulation of Employment) Act, 1948 (9 of 1948), or [the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)] or the Employees State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees Provident Fund and Miscellaneous provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or [the Oil and Natural Gas Corporation Limited registered under the companies Act, 1956 (1 of 1956)], or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporations of India established under section 3, or a Board of Management established for two or more contiguous States under section 16, of the Food Corporation Act, 1964 (37 of 1964), or [the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994), or a Regional Rural banks Act, 1976 (21 of 1976), or the

Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], [the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or [[an air transport service, or a banking or an insurance company,] a mine, an oil field,] [a cantonment Board,] or a [major port, any company in which not less than fifty-one percent of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to established by or under any law made by parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and]

In view of the above circumstances on both counts, claim of the claimant resulted into dismissal. Dismissal 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: 07.05.2024

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