

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 120/2020

Sh. Diganta Rabbha, S/o Sh. Pradip Rabbha,

C/o- All India Central PWD (MRM) Karamchari Sangathan,
House No-4823, Gali No. 13, Balbir Nagar Extension,
Shahadra, Delhi-110032.

I.D. No. 123/2020

Sh. Rajesh Kumar Jha, S/o Sh. Valmiki Jha,

C/o- All India Central PWD (MRM) Karamchari Sangathan,
House No-4823, Gali No. 13, Balbir Nagar Extension,
Shahadra, Delhi-110032.

Versus

1. The Director,
National Institute of Health & Family Welfare,
Baba Gangnath Marg, Munirka, New Delhi-110087.
2. **MI2C Security & Facilities Pvt. Ltd.**
8/40, UGF, South Patel Nagar, New Delhi-110008.
3. **Good Year Security Services,**
A-75, UGF, Sector-08, Dwarka, New Delhi-110077.

AWARD

By this composite order, I shall dispose of these two applications of U/S 2A of the **Industrial Disputes Act (here in after referred as an Act)** filed by the different claimants against the same respondents, because of having the common respondents and same cause of action, these cases are taken together for their illegal termination. Claims of the workmen are that they were appointed by the management as Security Guard through contractor w.e.f. 04.07.2012 and 15.09.2015 respectively. Management no.-1 awarded the contract to

management-2 for providing the Security Guards and Supervisors for the period 01.08.2014 to 31.07.2015 which were renewed from time to time. After proper scrutiny of the contract, management-1 has again awarded the contract management-3 i.e. M/s Good Year Security Services, but this fact was concealed from workmen. Management-3 have been taken over the work from management-2 w.e.f. 16.06.2019 but this fact was also not apprised to the workmen to engage in this matter and the workmen were refused to take on duty by management-3. Workmen have made complaint before the Hon'ble Regional Labour Commissioner (C), New Delhi for redressal of their grievances i.e. reinstatement of their services in respective places. Hon'ble RLC (C) implead the party as management-3 i.e. M/s Good Year Security Services. During the pendency of the case, management-2 issued the transfer order on 20.07.2019 to the workmen for joining their duties in Jaipur so that workmen will not be able to arrange the bread and butter of their families and will surrender/resign from their respective duties which is illegal and comes under the definition of unfair labour practice. On 20.12.2019, Hon'ble RLC (C) issued the direction to the above management for making the payment to the workmen as per law. On the same date Hon'ble authority also recorded the same in the proceeding and accepted that the above act of the management is just an exercise to escape from payment of legal dues to the workmen i.e. Notice, Notice Pay, Retrenchment compensation, gratuity, Bonus and leave encashment etc. Management-1 gave the reply of the proceedings and denied the facts of the proceedings but, management-2 & 3 never replied the same. Hence, they have filed the present claim with the prayer to reinstate them with full back wages.

W.S has been filed by the respondent-1 & 2. Management-3 has been proceeded ex-parte vide order dated 25.10.2021. Managements had denied the averment made in their claims. They had submitted that workmen's claims are totally baseless and meritless having no locus stands. Their claims are liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 22.02.2023 i.e.-

1. Whether the proceedings is maintainable.
2. Whether there exist employer and employee relations between R1 and claimants.
3. Whether the services of the workmen were illegally terminated by management-2 ?
4. To what relief the claimants are entitled to and from which date?
5. The benefits if permissible who would be liable to grant the same?

Now, the matters are listed for workman evidence. On behalf of management-2, **Ms. Komalpreet Kaur, AR** appeared. Claimant AR **Sh. Sunil Dutt** has submitted that claimant Sh. Rajesh Kumar Jha has been taken back on duty by management-1 through another contractor. He does not want to pursue the case. Claimant Sh. Diganta Rabbha cannot come to Delhi as he is residing in Assam so he wants to withdraw the claim.

Considering the above submission on record, I.D No. 123/2020 stands dismissed because of the fact that the claimant has been taken back on job by managment-1 through another contractor as stated by claimant AR. So far so, I.D. No. 120/2020 is concerned, it also stands dismissed, considering the fact that he does not want to pursue the case further because of his difficulty in coming to Delhi. Awards are 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. Files are consigned to record room.

Date- 08.08.2024

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