

**GOVERNMENT OF INDIA  
MINISTRY OF LABOUR & EMPLOYMENT  
CGIT-CUM-LABOUR COURT-II,  
ROOM NO. 208, 2<sup>nd</sup> FLOOR,  
ROUSE AVENUE DISTRICT COURTS COMPLEX, I.T.O.,  
NEW DELHI-110002.**

**I.D. No. 01/2020**

**Sh. Pawan Kumar, S/o Sh. Posan,**  
Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 02/2020**

**Sh. Upender, S/o Sh. Dhoom Singh,**  
Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 03 /2020**

**Sh. Vinod, S/o Sh. Jagdish,**  
Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 04/2020**

**Sh. Sundar Pal, S/o Sh. Ram Kisan,**  
Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 05/2020**

**Sh. Sumit Rai, S/o Sh. Vinod,**  
Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,

Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 06/2020**

**Sh. Mukesh, S/o Sh. Baljeet,**

Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 07/2020**

**Sh. Anuj Kumar, S/o Sh. Jagroshan,**

Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 08/2020**

**Sh. Jony, S/o Sh. Ragbir,**

Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 09/2020**

**Sh. Ranjit , S/o Sh. Ramgopal,**

Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 10/2020**

**Sh. Narender Pal, S/o Sh. Mewaram,**

Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

**I.D. No. 11/2020**

**Sh. Vikas, S/o Sh. Ashok Kumar,**

Through- The President Sh. Hukum Chand,  
CPWD Karamchari Union, Babu Lal Ji Complex,  
Shop No-04, Gurgaon Road, Opposite Bus Stand,  
Gurgaon Haryana.

...Applicants/Claimants

**VERSUS**

**1. The Director General C.P.W.D.**

Nirman Bhawan, New Delhi-110001.

**2. The Director of CSMRS,**

Through- Sh. Sohan Lal Gupta,  
CSMRS New Delhi.

**3. Executive Engineer V Division, CPWD(Civil)**

Sarojni Nagar, New Delhi-110023.

**4. Assistant Engineer 2V, CPWD,**

Old JNU Campus, New Delhi-110067.

**1. Sh. Kapil Ahmad(Contractor),**

V-349, Gali No-19, Monpur, Vijay Park, New Delhi.

**2. V Tech. Electrical Co. (Contractor),**

S-16/A9, Munga Nagar, Karawal Nagar,  
New Delhi-110094.

Appearance:

**None of the claimant.**

**Sh. Atul Bhardwaj, Ld. A/R is present on behalf of the mgt-1,3,4.**

**Management no.-2 & 5 already proceeded exparte.**

**Management no.-6 failed to file its written statement.**

By this composite order I shall dispose off the eleven cases filed by the claimants. All the eleven cases have been taken together because in all the cases respondent are same. Issues are also same.

These are the eleven claim petitions filed by the claimant under section-2A (2) of (Industrial Dispute Act 1947) for their illegal termination. It is the case of the claimants that they have joined the management in the year 2004 and lastly posted at **2V, C.P.W.D. Old JNU Campus, New Delhi**. During the period of their service, there is no occasion for any complaint so far against them. They were treated since beginning as a daily rated/ casual/ muster roll workers and was being paid fixed wages and their wages were never revised from time to time under the minimum wages act. They have raised the dispute with the management for their regularization of service from the initial date of joining but the management did not pay any heed for their demand and terminated their services. Hence, they have made prayer that their termination are declared illegal and they be taken back into services with full back wages.

Respondent no.-1,3 & 4 have appeared and put their appearance. Respondent no.- 2 and 5 have not appeared as they were proceeded ex-parte vide order dated 07-04-2021. Respondent no.-6 has put their appearance however he had not filed any WS. Hence right to file his WS have been closed vide order dated 27-10-2021.

Respondent no.-1,3 and 4 have filed the WS and denied the existence of any employer and employee relationship with the workmen. It is the case of the management no.-1&2 that claimant is labour of the contractor to whom contract has been awarded by competent(CPWD) authorities after inviting open tenders as per codal provision. Workmen were never appointed nor recruited in the employment by the management/CPWD authorities. They were employees of the respondent no.-3.

From the pleadings of the party following issues are framed vide order dated 31.08.2022.

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 contract entered from time to time between the respondent no.-1 and other respondents was sham and intended to camouflage the right of the claimant.
4. Whether the services of the claimants was illegally terminated.
5. To what relief the claimants are entitled to and from which date.

Claimants are asked to prove his case by examining themselves and other evidences. However, despite providing the number of opportunities to adduce the evidence, workmen failed to bring themselves into witness box nor any other witnesses have been brought and examined so far. Hence, their evidence stood closed vide order dated 22.03.2023.

In these circumstances, when the workmen have failed to examine any witnesses in support of their claims, their claims have resulted into failure. Therefore, this tribunal has no option except to pass the No disputant award. Hence No disputant awards are passed in all the above said eleven cases.

Send the copy of this award to the appropriate government for notification under-section-17 of the I.D. Act 1947.

Presiding Officer.  
8<sup>th</sup> November, 2023