

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

I.D. No. 18/2019

**Sh. Ravi Kumar, S/o Late Sh. Mahavir Prasad,
Through- General Secretary, Delhi Labour Union,
Agarwal Bhawan, G.T. Road, Tis Hazari,
Delhi- 110006.**

VERSUS

The Registrar,
University of Delhi, Delhi- 110007.

AWARD

The **Deputy Director, Sh. Rajendra Joshi** has sent the reference refer dated 10.01.2019 to this tribunal for adjudication in the following words:

“Whether the claimant Sh. Ravi Kumar son of Mahavir Prasad is entitled for employment on compassionate ground with the management of University of Delhi? If yes, what direction are necessary in this respect?”

After receiving the above said reference notices were sent to both the parties. Both the parties appeared and claimant had filed his claim statement mentioning the fact that Sh. Mahavir Prasad (now deceased) joined into the employment of the management as Sanitary Guide and he was regular employee with the management. He was lastly posted as Sanitary Guide at South Delhi Campus and he expired on 21.03.2007 due to cancer leaving behind the following heir that is given below:-

<u>Name</u>	<u>Relation</u>
1. Smt. Ram Rati	Wife (expired on 20.08.2011)
2. Smt. Sita, W/o Sri Om	Daughter
3. Rita, W/o Sh. Sant ram	Daughter

4. Smt. Poonam, W/o Sh. Anil Daughter
5. Ravi Kumar Son

After the death of Sh. Mahavir Prasad, the workman namely Sh. Ravi Kumar who is son of late Sh. Mahavir Prasad approached the management regarding his appointment on compassionate ground. After long persuasion, the management issued a letter dated 15.02.2013 to Sh. Ravi Kumar in which he was informed that his interview will be taken on 21.02.2013 regarding his appointment on compassionate ground. On 21.02.2013 Sh. Ravi Kumar appeared and his interview was taken by the management but he had not been informed about the position regarding his appointment on compassionate ground. That as such till date the management has not done anything on the request of the workman for his appointment. The said action on the part of the management is totally illegal, bad, unjust, malafide. The deceased workman was the sole bread earner in the family and after his death, he left behind his family in total harness. The applicant workman Mr. Ravi Kumar is totally unemployed. The demand notice was also served upon the management by Regd. AD vide communication dated 16.08.2017 which was duly received in their office, but no reply has been received and it is presumed that the demand has been rejected. He had gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim.

W.S has been filed by the management and it had denied the relationship of employer and employee. He stated that the father of the claimant namely Sh. Mahavir Prasad (now deceased), had joined as a Sanitary guide at South campus, Delhi University on 08.08.2003 and has unfortunately expired on 21.03.2007 as informed by his wife namely Smt. Ramrati vide her letter dated 23.04.2007. Though, a letter was received from the claimant in the year 2011, however the same could not be considered as his name was not there in the service records of his father, however the name of the claimant was added in the service records of the deceased only on 24.02.2012 and the answering management has never received any request for appointment of the claimant on compassionate ground. The management has responded vide its reply dated 07.10.2017 to the legal notice dated 16.08.2017 of the workman in this regard. He says that claim of the claimant is liable to be dismissed.

Issues have already been framed vide order dated 11.02.2020. Workman has filed the affidavit of its evidence. Thereafter, workman has not been appearing since long to substantiate his claim.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. Claim of the claimant stands dismissed. Award is passed accordingly. A Copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

Date: 09.04.2024

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