

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

**I.D. No. 101/2015**

The General Secretary,  
Airport Employees Union (Regd. 3750),  
BTR Bhawan, 13-A, Rouse Avenue,  
New Delhi-110092.

Versus

- 1. Airport Authority of India,**  
Rajiv Gandhi Bhawan,  
Safdarjung Airport,  
New Delhi-110003.
  
- 2. DIAL**  
Udan Bhawan, IGAI Airport,  
New Delhi-110037.
  
- 3. M/s. CELEBI CARGO Handling Delhi Pvt. Ltd.**  
Room No. 22, Import Building,  
3, International Cargo Terminal,  
IGI Airport, New Delhi-110037
  
- 4. M/s. ICM Engineering Pvt. Ltd.**  
58, Udyog Vihar, Phase-I,  
Gurgaon, Haryana
  
- 5. M/s. B.R. Power Control and Automatic**  
IGI Airport  
New Delhi

*Appearance:-*

*For Claimants: None.*

*For Management: Sh. Akshit Gupta, Ld. AR for M-1 i.e. AAI.*

*Sh. Manish Sehrawat, Ld. AR for M-2 i.e. DIAL.*

*Ms. Muskaan Kaushik, Ld. AR for M-3 i.e. CELEBI.*

## AWARD

The appropriate Government had sent the reference refer dated 30.06.2015 to this tribunal for adjudication in the following words:

*“Whether the action of the management of B.R. Power Control & Automatic as contractor of CELEBI in not allowing Sh. Madan Lal, Sh. Rampal and Sh. Narender Kumar to resume their duties w.e.f. 01.04.2014 can be construed as termination without application of provisions of industrial disputes Act, 1947 & is it just, fair and legal? If not, what relief the workmen concerned are entitled to?”*

Claim of the workmen are that they have been working with the managements. Name and particular of their employment are given below-

### List of Workmen

Sr. no.	Name	Father's Name	Post	Dates of Joining	Dates of Termination	Last Drawn Salary
1	Madan Lal	Munshi Ram	Electrician	20.10.1986	31.03.2014	Rs. 14,784/-
2	Ram Pal	Uday Ram	Electrician	16.04.1997	31.03.2014	Rs. 11,277/-
3	Narendra Kumar	Dhani Ram	Sr. ETV Operator	01.12.1989	31.03.2014	Rs. 12,470/-

It is further the case of the workmen that they were recruited by the management-1 for the post of Sr. Electrician, Operator and Sr. Operator. Work assigned to them was similar in nature and they were asked to operate cargo handling system. However, no appointment letter was given to them and no retirement age was prescribed by the managements. They had been discharging their duties diligently, sincerely and devotionally and there were no complaints against them regarding their performance of duties. It is the case of the workmen that they were issued notice by the management-4 on 28.02.2024 stating that six month contract for Delhi Cargo Operations with the main contractor expiring on 31.03.2014 and was not renewed. They were given one month notice but, they were refused to take back on duties from the next date. They had worked upto 240 days in the year as such they submitted that their termination is declared illegal and they be reinstated with full back wages.

WS has been filed by the respondent-1, 2, 3 & 4. They have denied the relationship of employer and employee between the management and workmen. They submit that claim is liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 10.08.2018 i.e.-

1. Whether the claim is not legally tenable in view of the various preliminary objections?
2. In terms of the reference.

Now, the matter is listed for workman evidence. He is required to file his affidavit. Despite, providing a number of opportunities, workmen have not been appearing since long to substantiate his claim.

In these circumstances, when the claimants are not interested in pursuing the claim. Their claim stand 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: 09.09.2024

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