

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

ID.No. 169/2020

- 1.Sh. Rajiv Yadav, S/o Sh. Lal Chand Yadav, &**
- 2.Sh. Manoj Kumar, S/o Sh. Kiran Pal,**

Through-CPWD Karamchari Union,
B-40, MCD Flats, Boulevard Road,
Tis Hazari, Delhi-110054.

VERSUS

- 1. The Director General,
Ministry of Housing & Urban Affair,
Room No. 219 C, Nirman Bhawan,
Maulana Azad Marg, New Delhi-110011.**
- 2. Vishal International,
(Govt. Contractor of General Order Supplier)
B.N. House, B-08/24, Krishna Nagar, Delhi-110051.**
- 3. Aditya Technology (Contractor),
GD-95-A, D-5, 3rd Floor, Pul Prahlad Pur,
New Delhi-110044.**

Appearance

For claimants: None.

For respondent: None.

AWARD

This is an application **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by the claimants for their illegal termination. Claim of the claimants is that they were working with the management since 01.08.2014 at the post of MTS at the last drawn salary of Rs. 12,894/- p.m. They had been

doing their duty with diligently and honestly and had not given any chance to the management for any complaint. They were working with the management from four years and they have unblemished service record. However, from the initial date of joining they were treated as daily rated/casual/must roll worker and was being paid as fixed wages and never revised from time to time under the Minimum Wages Act by the appropriate government while their counterparts doing identical work and the work of the same value but was being treated as regular employees were paid their salary in proper pay scale and allowances. Management-1 had appointed them and they were supervised by the management-1 only. However, management-1 registered the name of the workmen in the roles of management-2 on 31.12.2017 and then registered to the management-3 on 01.01.2018. Even, the management-1 had not paid the salary to the workmen for the period of 01.10.2017 to 31.12.2017. Workmen had requested many times to regularize them but, the management never responds to them and continuously changed the contractor. When the workmen demanded the same, management got adamant and illegally terminated their services on 31.10.2018. At the time of termination of services, no seniority list was displayed, no notice was given, no notice pay was either offered or paid, no services compensation was offered and paid to workmen which is violation of section 25 (f), (g) & (h) of the I.D Act, 1947 read with rules 76 and 77 of the I.D (central) rules, 1957. The demand notice was served upon to the managements, but, no reply was received and it was presumed that the demand has been rejected. Hence, they filed the claim with the prayer to reinstate them with full back wages.

Management-1, 2 & 3 have filed their respective written statements. They have denied the averment made in their claim statement. They submit that claim filed by the claimants is devoid of any merit and deserves to be dismissed.

Now, the matter is listed for workmen evidence. Workmen have not been appearing since long to substantiate their claim inspite of providing a number of opportunities.

In view of the facts on record that claimants have not been appearing since long to substantiate their claim, their claim has been resulted into failure. Hence, claim of the claimants stands dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947.

Date: 09.12.2024

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