

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

ID No. 102/2020

Sh. Mukesh Prasad Satya, S/o Late Sh. Nasib Lal,
Through- Delhi Karamchari Sangh, W-4, Infront of
Kalkaji Bus Depot, Govindpuri, New Delhi-110019.

ID No. 103/2020

Sh. Sukhbir Singh, S/o Sh. Nand Lal,
Through- Delhi Karamchari Sangh, W-4, Infront of
Kalkaji Bus Depot, Govindpuri, New Delhi-110019.

Versus

1. The Chairman & Managing Director of,
India Tourism Development Corporation (ITDC),
Scope Complex, Core-6, Lodhi Road, New Delhi-110003.
2. **The Ashoka Hotel,**
Chankyapuri, New Delhi-110021.
3. **Uttarakhand Purv Sainik Kalyan Nigam Ltd. (UPNL)**
Project Office-301-C, 3rd Floor, Nehru Complex,
Pandav Nagar, New Delhi-110092.

Award

By this composite order, I shall dispose of these two applications of **U/S 2A of the Industrial Disputes Act**

(herein 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 deciding these cases.

2. Claimants in their claim statements had stated that they were working with the management-1 & 2 through contractor at the post of Security Guard since January, 2010 and November, 2010 at the last drawn salary Rs. 17,500/- per month respectively. They were working under the supervision and control of M-1 & 2. The M-1 & 2 is the Principle employer of M-3. The M-1 & 2 had given contract of manpower to M-3. During the course of their employment, M-2 had appointed different contractor. M-2 had engaged the management-3 as contractor. The management-2 used to take work to workman through M-3. They used to work sincerely, honestly and their service record was well satisfactory and they did not give any chance of complaint to the managements. Managements did not issue any appointment letter, attendance card, leave book, pay slip, HRA, etc. to them. They were also deprived from their legal benefits i.e. off, leaves, bonus, overtime by the managements. They demanded the same to the managements to provide the above said legal facilities, but the managements did not provide the same and started harassing and threatening them to terminate their services. Thereafter, the services of workmen were terminated by the managements on 03.10.2017 respectively without paying the earned wages for the month of Oct, 2017, and without issuing any notice. They have filed the written complaint before the Deputy Labour Commissioner, Central Jeevan Deep Building, New Delhi. Workmen has sent the demand notice to the managements and demanded

for reinstatement with full back wages, but the managements have neither replied to the said demand notice of the workmen despite receiving the same nor have reinstated the workmen. Thereafter, the workmen initiated the conciliation proceedings before the Conciliation Officer, Central Government, Jeewan Deep Building, New Delhi, but it was resulted into failure. Hence, they have filed their present claims with the prayer that they be reinstated in services with full back wages.

3. Written statement has been filed by the M-1 & 2 stating that claims of the claimants are not maintainable as there has never been relationship of employee and employer between the claimants and the M-1 & 2. He submits that claims of the claimants are liable to be dismissed.
4. Management-3 in its WS has stated that claimants were the civilians and were being employed by them under the contract of service, but after completing three months from where management has joined the contract, the claimants completed their period under the contract of services as a Civilian as mentioned in clause 5 of the agreement made with ITDC. He further stated that he was legally bound to deploy only employee ESM/EX CAPF. On dated 18.10.2017 management-3 issued a notice that the claimants have completed the time mentioned as per the contract clause after 15 days of issuing notice from management no. 3 asked the claimants to discontinue their services. Therefore, there is no more privity of contract left between management-3 and the claimants, and accordingly, their claims under the Industrial Disputes Act,

1947 is not legally maintainable and is liable to be rejected.

5. Claimants were required to file their rejoinder, however, they had not appeared for the last several dates, therefore, their right to file the rejoinder was closed. Now, these matters are listed for framing of issues, but, still these workmen have not appearing despite providing a number of opportunities.

6. In these circumstances, when the claimants have not been appearing since long to substantiate their claim, it appears that they are not interested in pursuing their case. This tribunal has no option except to pass the no disputant award. No dispute 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.

Dated: 10.03.2025

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

