

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal –Cum- Labour Court-II, New
Delhi

Present: Smt. Pranita Mohanty

ID.NO.111/2020

Shri. Dharmendra Kumar, S/o Sh. Raj Pal Singh,
Aryapuri Flawada Road bhud, Near Vandana Bal,
Siksha Niketan Khatauli, District-Muzaffar Nagar,
Uttar Pradesh-251201.

.....Workman

Versus

The Dy. General Manager (HR).
Bharti Airtel Ltd.,
C-Wing, Airtel Centre, Plot No. 16, Udyog Vihar,
Phase-IV, Gurgaon -122008.

2.Alcatel Lucent Network Management Service India Ltd.,
15th Floor, Tower-C, DLC, Cyber Green, DLF City,
Phase –III, Gurgaon -122004.

.....Management

AWARD

In the present case, a reference was received from the appropriate Government vide reference no. D-838/A/2020/06/IRDDN Dy. CLC(C), Dehradun, dated 27.02.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the termination of the services of Sh. Dharmendra Kunar S/o sh. Raj Pal Singh, Muzaffar Nagar, engaged in Bharti Airtel Limited, Gurgaon and thereafter through M/s Alcatel-Lucent Network Management Service India Ltd., Gurgaon is legal and justified?

If not, whether the workman is entitled for regularization /reinstatement of his service in the said Estb. Or else what relief /remedies, the concerned workman is entitled to ?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Presiding Officer
CGIT-cum Labour Court II,
Rouse Avenue,
Delhi-110002.

Date: 10th May, 2022