

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal –Cum- Labour Court-II, New Delhi
Present: Smt. Pranita Mohanty

ID.NO.108/2020

Shri Gopi Chand,

76, New Basti, Chander Road (Rajesh colony),

P.O Dalanwala, Dehradun, Uttrakhand-248001.

.....Workman

Versus

1. The Chief Engineer, MES,
Bareilly Zone, Bareilly Cantt, Uttar Pradesh -243001.

2.The Commander Works Engineer, MES,
Mall Road Dehradun Cantt, Dehradun-248003.

3.Garrison Engineer, MES,
Dehradun Cantt, Dehradun-248003.

.....Managements.

AWARD

In the present case, a reference was received from the appropriate Government vide reference No. D-837/A/2020/08/IRDDN Dy. CLC (C) Dehradun, dated 04.03.2020 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 action of terminating the services of Sh. Gopi Chand, who was engaged for performing the job of fitter from June, 1971, by the management of MES, Dehradun is legal, fair and justified?”

Whether the workman is entitled for regularization /reinstatement of their service in the said Estb.? If not, what relief/ remedies, the concerned workmen are 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 union opted not to file the claim statement.

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 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 Nov., 2022