

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

**I.D. NO. 111/2019**

**Mohd. Aftab Alam, S/o Mohd. Nayeemuddin,**

Correspondence Address:-F-625, 25Foota Road, Khadda Colony,  
Jaitpur Extn. Part-II, Badarpur, New Delhi-110044.

**Permanent Address:-** Village-Madanpur (Shampur)  
P.S. Haveli Khadakpur, District-Munger, Bihar,

**I.D. No. 112/2019**

**Mohd. Nisar Alam, S/o Sh. Mohd. Gulab,**

Correspondence Address:- F-231, Sahin Bagh, Jamia Nagar,  
Okhla, New Delhi-110025.

**Permanent Address:-** R/o Vishunpur Margi, Pirol Urf Rasulpur Shamshuddin,  
District- Vaishali, Bihar.

**I.D. No. 113/2019**

**Sh. Bharat Dev, S/o Late Sh. Tarani Tanti,**

Correspondence Address: A-152/8, Gagan Vihar, Meethapur,  
Jaitpur, New Delhi-110044.

**Permanent Address:-** Village-Madanpur (Shampur)  
P.S. Haveli Khadakpur, District-Munger, Bihar,

**I.D. No. 114/2019**

**Smt. Poonam Kumar, W/o Late Sh. Varun Kumar Shah,**

**R/o WZ- 851, Naryana Village, Ring Road,**  
New Delhi-110028.

Versus

1. The Managing Director,  
**Delhi Metro Rail Corporation Ltd.**  
Metro Bhawan, Fire Bridge Lane, Barakhamba Road,  
New Delhi-110001.
  
2. The Managing Director,  
**Nuvision Commercial & Escorts Services,**  
S.C.O. No. 16, 17, 18, Shiv Narayan Complex, Sikanderpur,  
Gurgaon, Haryana.

*Appearance:*

*For Claimants: None*

*For Managements: Sh. Nitesh Sharma, Ld. AR with Sh. Akhilesh (LWI) for M-1 i.e. DMRC.*

*None for M-2.*

### **AWARD**

By this composite order, I shall dispose of these four applications of **U/S 2A of the Industrial Disputes Act (here in 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 their illegal termination. All the four workmen claim to be employed by the management-2 as TOM (Ticket Operation Machine) Operators for management-1 at the last drawn salary of Rs. 10,000/- since 2013 respectively. They have been doing their duty with diligently and honestly and did not give any chance to the management for any complaint. Management had deprived them of various legal benefits i.e. PF, ESI, Leave Wages, Bonus etc. They have several times approached the management orally and requested for giving the said benefits, but the management did not pay any heed. Works performed by the workmen are perennial in nature is not an intermittent or of causal nature.

Management-1 first terminated the contract of management-2 and again grants him fresh contract w.e.f. 17.11.2017. Management-2 had issued the notice of termination of these workmen on 06.10.2017 as such they have made prayer that the order of termination by management-2 be declared as illegal and they be reinstated with full back wages.

Respondent-1 had filed the WS and denied the relationship of employer and employee between the management and the workmen. They stated that claimants were employee of independent contractor **M/s Nuvision Commercial & Escort Services**. ESI, EPF facilities have been given by them. Hence he submits that no industrial dispute exists between management-1 and management-2. Management-2 never appears in the present cases.

In the absence of the claimants, vide order dated 01.03.2023 following issues has been framed i.e.:

1. Whether the proceedings are maintainable?
2. Whether they exists employer and employee relationship of between the M1 and the claimants?

3. Whether the services of the claimants were illegally terminated and from which managements?
4. To what relief to workmen are entitled to, from whom, and from which date?

Now, the matters are listed for workmen evidence. They are required to file their affidavits. Despite, providing a number of opportunities, workmen have not been appearing since long to substantiate their claims.

In these circumstances, when the claimants are not interested in pursuing the claims. Their claim stands dismissed. Awards are passed accordingly. Copies of these awards are filed in each of the file. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. Files are consigned to record room.

ATUL KUMAR GARG

Presiding Officer.

Date 12<sup>th</sup> September, 2024