

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – CUM –  
LABOUR COURT-II, DELHI**

**I.D. NO. 02/2022**

**Ms. Karuna Samtani,**

**Through-** Prashanik Vikas Vibhag Industrial Employees Union,  
Aggarwal Bhawan, G.T. Road, Tis Hazari, Delhi-110054.

**VERSUS**

- 1. Intelligent Communication System India Ltd. (ICSIL),**  
Administrative Building, Okhla Industrial Estate,  
Phase-III, New Delhi-110020.
- 2. The Secretary,**  
**Department of Social Welfare (DSW), Govt. of NCT of Delhi,**  
GLNS Complex, Opposite Gate No. 10, Firozshah Kotla Stadium,  
Delhi-110002.
- 3. Delhi State Industrial & Infrastructure Development Corporation (DSIIDC),**  
N-36, Bombay Life Building, Connaught Circus,  
New Delhi-110001.

**AWARD**  
**12.11.2025**

1. In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour and Employment, vide its Order No. **L-42011/126/2021-IR (DU) on 03.12.2021** has been pleased to refer the following dispute between the employer that is the Management of **Intelligent Communication System India Ltd. (ICSIL) and Ors. and the workman** for adjudication by this Tribunal, terms of which are as under:

***1. “Whether the claim of the Delhi Prashasanik Vikas  
Vibhag Industrial Employees Union in respect of Ms.  
Karuna Samtani vide letter dated 02.08.2021 against the***

***management of Department of Social Welfare(DSW), Govt. of NCT of Delhi/Delhi State Industrial & Infrastructure Development Corporation(DSSIDC) that the contract/arrangement between the management of DSW, DSSIDC and Intelligent Communication Systems India Limited (ICSIL) is sham and bogus is proper, legal and justified? If yes, to what reliefs the disputant workers are entitled and what other directions, if any, are necessary in the matter? ”***

***2. “Whether the claim of the Delhi Prashasanik Vikas Vibhag Industrial Employees Union in respect of Ms. Karuna Samtani vide letter dated 02.08.2021 against the management of Department of Social Welfare(DSW), Govt. of NCT of Delhi/Delhi State Industrial & Infrastructure Development Corporation(DSSIDC) for paying them entire difference of salary on the principle of “Equal Pay for Equal Work” from them initial joining and all consequential benefits thereof is proper, legal and justified? If yes, to what reliefs the disputant workers are entitled and what other directions, if any, are necessary in the matter? ”***

2. In pursuance of the reference, claimant had filed the claim statement stating that she had been working with the management i.e. Department of Social Welfare (DSW), as an Office Assistant and Assistant Programmers, performing work related to diary dispatch, submission of demand drafts and cheques of recovery pension amount to head office, all typing work and work related to office correspondence since January, 2013. The work and conduct of the workman is satisfactory and unblemished, and there has been no complaint regarding her services. She was appointed in the DSW after going through the procedure conducted by ICSIL. Her work was of a perennial and continuous nature, and though there are sanctioned posts for this category, she was still engaged through an outsourcing agency. The office Assistant has been working against the vacant post of LDC and was paid minimum wages of skilled category, whereas her regular counterparts are paid salary in proper pay scale (Pay Band 5200-20200 and Grade Pay

1900/-) with all other benefits. It is submitted that the complete administrative control of the workmen is performed by the DSW. The supervision of the workman such as allowing/denying leave, issuing show cause, memo, chargesheet, initiating disciplinary proceedings were also done by the DSW except disbursing salary to the workmen. Her engagement was extended by ICSIL on the demand/request of the DSW from time to time. It is submitted that DSW has initiated a proposal and issued a letter dated 19.07.2021 for procurement of 12 Office Assistants (against vacant posts of LDC/UDC) through GeM portal. The DSW has initiated the proposal for replacing the workman and therefore, the workman apprehended that her services would be terminated. She had approached the Hon'ble High Court through her union vide **W.P. (C) No. 8498/2021**, wherein the Hon'ble High Court directed the ***managements to continue with the services of the workman even if the contractor is changed***. Thereafter, she had been continuously discharging services with the managements since the date of her initial appointment. As such, non regularization of the workman as Office Assistants since her initial date of joining on the post of LDC/UDC in proper pay scale and allowances and non-payment of difference in salary and salary in proper pay scale of LDC/UDC on the principle of "Equal Pay for Equal Work" with all arrears is totally illegal, bad, unjust and malafide, amounting to unfair labour practice. She had approached the conciliation officer, but, no result was yielded. Hence, she filed the present claim with the prayer that she be regularized in her services from her initial date of joining and be paid the entire difference of salary on the principle of "Equal Pay for Equal Work".

2. Respondent no. 1 i.e. ICSIL has filed its WS, stating that claim filed by the claimant is neither maintainable nor tenable in law on facts against the management. He submitted that claim is liable to be dismissed.

3. Respondent no. 2 i.e. Department of Social Welfare has already been proceeded ex-parte vide order dated 13.03.2023.

4. Respondent no. 3 i.e. DSIIDC has filed its WS, stating that respondent has no relationship of employee and employer with respect to the claimant. It is Department of Social Welfare, GNCTD i.e. respondent no. 2 to submit the statement/comments before this Hon'ble Tribunal with respect to deployment of the claimant. He submitted that claim be dismissed with cost.

5. After completion of pleadings vide order dated 20.11.2023, following issues had been framed:

- (i) As per terms of reference?
- (ii) Whether the dispute has been legally and properly espoused? If not, its effect.
- (iii) Whether the workman is entitled for equal pay for equal work and all consequential benefits is proper legal and just.
- (iv) Relief, if any.

6. Now, this matter is listed for filing of affidavit of evidence of the workman. **Ms. Surbhi Bagra**, Ld. AR for the claimant submitted that she is not able to contact the claimant, and requested that No Dispute Award be accordingly passed.

7. In view of the above submission, claimant's claim stands dismissed for want of prosecution. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the I.D Act, 1947. Record of this file is consigned to record room.

ATUL KUMAR GARG  
(Presiding Officer)