

**SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL  
GOV. INDUSTRIAL-TRIBUNAL CUM – LABOUR COURT NO  
II, NEW DELHI.**

**ID.No.02/2018**

**The General Secretary,  
Hindustan Construction Co. Ltd  
Pipalkothi Chamoli,  
Uttarakhand- 246481**

**VERSUS**

**The Project Manager,  
Hindustan Construction Co. Ltd  
Vishnugaad Pipalkothi Chamoli,  
Uttarakhand- 246481**

**AWARD**

The appropriate Government Sh. **Rajendra Joshi**, the Deputy Director, Government of India, Ministry of Labour/ Shram Mantralya has sent the reference refer dated 27.12.2017 to this tribunal for adjudication in the following words:

**“Whether the management of Hindustan Construction Co. Ltd. Vishnugaad Pipalkothi Hydro Electric Project, Chamoli were at fault having enforced the principle of ‘no work no pay’ without involving the Hindustan Construction workers union members/workers in negotiations for lifting the work stoppage? If so, whether any wages can be paid to the workmen for the period of work stoppage i.e. 14.05.2017 to 02.07.2017?”**

Claimant had stated in his claim statement that THDC India Ltd. is a joint venture of Government of India and Government of U.P. which is constructing Tehri Dam with effect from 13<sup>th</sup> May 2017 at the site of the Dam at Helong, the

villagers of Helong blocked entry of the site workman presented themselves the work at the site of the management however site for workman was not accessible to the workman concerned by the management due to the blockade by the villagers. General Secretary of the Union had brought the notice of the project manager of M/s Hindustan Construction Company Ltd. vide email message dated 19.04.2017 to the effect that there was discontentment among left over PRU contractors and about their threats. The management of THDCIL filed a suit for permanent injunction before the Civil Judge (Senior Division) Chamoli seeking a decree of permanent Injunction against for respondents. However despite Injunction order villagers continued the blockade for acceptance of their demands. Management by giving notice dated 17.05.2017 notified that the period of work stoppage will be treated on the principle of 'No Work No Pay' till the time of works of Dam site are resumed. His case is that the workman concerned in the reference are not remotely concerned with the obstruction to the access to the project site and they never refused to do their duties. Hence, he has prayed the award to be passed in favour of the workman and against the management directing the management to pay salary to each of the 225 workmen for the period of which workmen had not turned his duty due to the blockade.

WS have been filed by the management-2 denying the averment. Issued were framed vide order dated 07.12.2022.

It is also the matter of facts that the claimant have not been representing since 22.05.2019. On 22.05.2019 Sh. Somdutt, AR of the claimant has withdrawn the authority letter. Only management -2 have been appearing continuously. On 10.01.2024, management had filed the evidence. Since the workman has not been appearing, there is no use for examining the management witness.

In these circumstances, when the workmen are not interested in pursuing their claim since neither they have engage another counsel nor they have turned up for redressal of their grievances, claim of the claimant stand dismissed. Reference is answered 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.

13.03.2024

ATUL KUMAR GARG  
Presiding Officer