

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

ID No. 149/2021

Sh. Arvind Kumar & 129 Ors. vs. Chief Post Master General and Anr.

**Sh. Arvind Kumar & 129 Ors.,
Through-All India General Mazdoor Trade Union,
170, Bal Mukund Khand, Giri Nagar, Kalkaji,
New Delhi-110019. ...Applicant/Claimant**

Versus

**1. The Chief Post Master General (CPMG),
Delhi Circle, Meghdoot Bhawan, New Delhi-110001.**

**2. Smt. Garima Arora, Director,
G.A. Digital Web Word Pvt. Ltd.,
No. 01, Hargovind Enclave, Vikas Marg Extn.,**

...Managements/respondents

Counsels:

For Applicant/ Claimant:

None for the claimant.

For Management/ Respondent:

Sh. O.P. Gupta, Ld. AR for the chief post master general.

None for G.A. Digital Web Word pvt. Ltd.

Award

14.01.2025

Sh. D.K. Himanshu, Under Secretary, Ministry of Labour and Employment, Government of India had sent a reference to this tribunal for adjudication in the following words:

Sh. Arvind Kumar and 129 Ors. vs. Chief Post Master General and Anr.

I.D. no. 149/2021

“Whether the demand of bonus for the year 2015-16 by Sh. Arvind Kumar S/o Sh. Kishan Lal and 129 others (Annexure-A) represented through All India General Mazdoor Trade Union (Regd.) vide letter dated 27.11.2019 against the management of India Post and M/s G.A. Digital Web Word Pvt. Ltd. is legal, valid and justified? If yes, what reliefs/directions are necessary in this regard?”

2. After receiving the reference, this tribunal had sent notice to the claimants and both managements. The claimants appeared and filed their claim statement. The claimants stated in their claim statement that 130 employees were denied their bonus by the managements for the year 2015-2016 under the Payment of Bonus Act, 1965. They raised four main issues which are as follows:

I. Non-Payment of Bonus: Even though the workers demanded several times, the managers have not paid the statutory bonus. Only ₹500 were paid to the workers instead of the minimum statutory amount based on wages.

II. Violation of Labor Laws: The contractor, M/s GA Digital Web World Pvt. Ltd., and the Chief Manager of the Indian Postal Department violated the Contract Labour Regulation and Abolition Act, 1970, by not registering or obtaining the necessary licenses.

III. Non-Compliance with Worker Benefits: Employees were not given equal pay for equal work, annual leave, or weekly holidays as per labor laws.

IV. Non-Cooperation in Proceedings: The managers were not very keen to have the issue settled during the hearings before the Assistant Labour Commissioner (Central), who found their replies unsatisfactory and sent the matter to this tribunal for adjudication. Lastly the claimants prayed that the managements be ordered to pay the bonus along with documents such as balance sheets and bonus registers.

3. In rebuttal, management-1 appeared and filed its written statement. It denied all the allegations of the claimants except those which have been specifically admitted or on record. It raised several key points before this tribunal, *inter-alia* the claim is legally void, has no cause of action, and is filed against wrong parties; the claimants were not employed by the respondents but by a contractor *M/s G.A. Digital Web World Pvt. Ltd.* under a valid outsourcing agreement. The contractor (management-2) is responsible for compliance with labor laws, including wages, EPF/ESI, and bonuses, there is no employer-employee relationship between the claimant and the respondents. On merit, management-1 stated that it had no control over the claimants, they used to be supervised by the contractor; all payments were made to the contractor, who accepted the terms and conditions, including statutory compliance; the claimant cannot claim regularization or benefits directly from the respondents as per the contract terms. Lastly, management-1 prayed to dismiss the claim as it has no liability in the matter.

4. The respondent no.2 in its written statement stated that it is a private limited company incorporated under the **Companies Act of 1956**, which deals with manpower supply services. It denied the allegations of the workmen in their statement of claim. Management-2 further stated that it complies with all relevant labor laws such as the Minimum Wages Act, Contract Labour Act, EPF, ESI, Employee Compensation Act, and Bonus provisions; Bonuses and all the statutory facilities were provided as per Minimum Wages Act to all the employees. It further denied all allegations against it by saying that the labor laws and all statutory requirements have been followed. Lastly, management-2 also prayed for dismissal of the present claim.

5. Subsequently, the claimants were directed to file the documents regarding payment of bonus in the previous years. They were also directed to file the date of their respective appointments. However, despite being provided with several opportunities, they have not appeared to file the same.

In light of the fact that the claimants have not been appearing to pursue their claim, their claim has resulted in No Dispute Award. Award is passed accordingly. A copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

Dated 14.01.2025

ATUL KUMAR GARG
Presiding Officer
CGIT – cum – Labour Court – II