

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL
GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI**

I.D. No. 08/2018

Sh. ShambhuNathYadav S/o SagunYadav

Versus

- 1. M/s NBCC Ltd. (P.E)**
Throuhg its Chairman
NBCC House Lodhi Road,
New Delhi-110003

- 2. M/s N.K.G. Infrastructure Ltd. (Contractor)**
Through its Managing Director,
1107 Kailash Building, 26 K.G. Marg,
New Delhi-110001.

AWARD

This is an application U/s 2A of the I.D Act filed by the claimant against his illegal termination. It is the case of the workman that he had been working at the post of mechanic with the management at the last drawn salary of Rs. 20,000/- per month. He did his work well and has not given any chance of making any complaint to the management nor he was charged while he was in service. Since beginning management has not been providing any legal facility i.e. appointment letter, I-card, Salary slip, Leave record and Bonus etc. When the workman had raised his voice against the management, his services was terminated without assigning any reason on 10.06.2017 which is violation of labour law. It is further his case that he had sent the demand letter asking the management to take him on job, however management had not replied nor he was taken on job. He had filed his claim before the conciliation officer,

however, conciliation become failure. Hence, he has filed his claim with the prayer that he be reinstated with full back wages since the date of termination, he is jobless.

Respondent-1 had filed the reply and denied the employer and employee relationship between the workman and him. He submits that the management has awarded the contract to the management-2 for hiring of the manpower. He submits claim is liable to be dismissed. Management-2 had not appeared and his right to file the W.S was closed vide order dated 07.08.2018.

Rejoinder has also been filed by the claimant to the W.S of the management-1 wherein, he had denied the averment made by the M-1 and affirmed the averment made in the claim.

From the pleadings of the parties, vide order dated 30.08.2018 following issues have been framed:

1. Whether the termination of the claimant by the management is illegal and against the provision of I.D. Act ?
2. Whether the claim petition is not maintainable against management in view of various preliminary objections?
3. Whether the claimant is entitled for reinstatement into service with back wages as claimed and litigation expenses.

In order to prove his case, workman had tendered his affidavit in evidence, however, thereafter, workman had stopped him coming to the court for the purpose of cross-examination. Vide order dated 22.02.2023 evidence tendered by the claimant stood expunged.

In the absence of any evidence on record, workman claim is resulted into failure. Hence, his claim is stand dismissed. Award is accordingly passed. A copy of this award is sent to the appropriate government for notification of U/S 17 of the I.D Act. File is consigned to record room.

Date 14th March, 2024

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