

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

I.D. No. 55/2020

Sh. Kuldeep, S/o Sh. Dheeraj Singh,

R/o-12/1, Gadhi Mendu Bhajanpura, Delhi-110053.

Through- Delhi Plumber Allied Industrial Workers Union,

1770/8, 3rd Floor, Govind Puri Exten. Main Road Kalkaji,

New Delhi-110019.

Versus

1. Mecon Ltd.

13th & 15th Floor, North Tower, Scope Minar,

Laxmi Nagar District Center, New Delhi- 110092.

2. Orion Security Solutions Pvt. Ltd.

5-E, 1st Floor, Jungi House, Street No. 5,

Near BSES Power Station, Shahpur Jat.

New Delhi-110049.

AWARD

This is an application of **U/S 2A of the Industrial Disputes Act (here in after is referred as an Act)** filed by the claimant for his illegal termination. Claimant had stated in his claim statement that he had been working with the respondent-1 through respondent-2 since 01.01.2010 at the post of Security Guard at the last drawn salary of Rs. 13,900/- Per month. Management-2 is the false contractor created by management-1 in violation of contract labour **(Regulation and Abolition) Act 1970**. Workman service record is clean and he has not given any complaint so far. During the service, management had obtained his signature on blank papers and have not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, weekly and events holidays etc. Management got annoyed with the demands raised by the claimants had thrown them out from the service of the management on 09.11.2017. He

had tried to take back his service but failed. He had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, He has filed the present claim.

Management-1 had appeared and filed the WS vide order dated 05.07.2022. Management-2 had not been appearing since. He had been proceeded ex-parte on the same date i.e. 05.07.2022. M-1 denied the averment made in the claim statement and stated that claim is liable to be dismissed.

After completion of the pleadings following issues have been framed vide order dated 17.01.2023 i.e.-

1. Whether the proceeding is maintainable.
2. Whether there exist employer and employee relationship between the claimant and the management-1.
3. Whether the service of the claimant was illegally terminated by the management-1 and management-2.
4. To what relief the claimant is entitled to and from which date.

Now, the matter is listed for workman evidence. He is required to file the affidavit. Despite, providing a number of opportunities, workman has not been appearing since long to substantiate his claim.

In these circumstances, when the claimant is not interested in pursuing the claim. His claim stands dismissed. Award is passed 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.

Date: 14.08.2024

ATUL KUMAR GARG
Presiding Officer.
CGIT-cum-Labour Court-II