

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

I.D. No. 208/2019

Sh. Amrit Lal, S/o Sh. Chote Lal,

R/o- 2024, Kotla Pilanji Mubarakpur, New Delhi-110003.

Through- All India General Mazdoor Trade Union,

Office-170, Bal Mukund-Khand Giri Nagar, Kalkaji,

New Delhi-110019.

I.D. No. 194/2019

Sh. Jagmohan, S/o Late Sh. Ganashi,

R/o- L-1/1504/12, Sangam Vihar, New Delhi-110080.

Through- All India General Mazdoor Trade Union,

Office-170, Bal Mukund-Khand Giri Nagar, Kalkaji,

New Delhi-110019.

Versus

1. NBCC India Ltd.

NBCC Bhawan, Lodhi Road, New Delhi-110003.

2. Veer Prosguer Soilder & Housekeepers Pvt. Ltd.,

B-133, 3rd Floor, DDA Shed, Okhla Phase-I,

New Delhi-110020.

AWARD

By this Composite order, I shall dispose of these two applications of U/S 2A of the Industrial Disputes Act (here in after referred as an Act) filed by the different claimants against the same respondents. Because of having the common respondents and same cause of action, these cases are taken together for disposal. Claims of the workmen are that they have been serving with management-1 through management-2 at the post of security guards at the last drawn salary of Rs. 8,500/- and Rs. 6,000/- per month with four hours overtime

of 3,000/- per month respectively. They were deprived ESI and PF facilities by the chief manager and contractor. When the workmen demanded for legal facilities, the Chief manager and contractor deprived the workmen of their salary earned from 01.03.2017 to 31.05.2017 and 01.03.2018 to 25.04.2018. Without any rhyme or reason and without informing and giving notice, they were terminated from their job on 01.06.2017 and 26.04.2018. Claimants through their union, submitted written demand letter to the management on 12.03.2018 and 23.05.2018 through A.D/Speed Post, but no response to the demand letter of workmen has been received nor they be taken on job and no amount was paid to them. After the illegal termination, workmen are jobless and despite their tireless efforts, they have not got a job. They had tried to take back their services but failed. They had sent the complaint to the labour commissioner, but, it has yielded no result. Hence, they have filed the present claims.

Notices of the claims have been served to both the parties. W.S has been filed by the respondent-1, and he denied the averment made in their claims. He has submitted that claims are liable to be dismissed. Management-2 had been proceeded ex-parte vide order dated 11.11.2021.

After completion the pleadings, following issues have been framed vide order dated 01.12.2023 i.e.:-

1. Whether the proceedings are maintainable.
2. Whether there exists employer and employee relationship between the management-1 and the claimants.
3. Whether the claimants were working in the premises of the management-1 through the contractor management-2.
4. Whether the services of the claimants were illegally terminated by the managements.
5. To what relief the claimants are entitled to.

Now, the matters are listed for workman evidence. Today, the AR of the workman submits that he has no contact with the workmen since long; as such he is unable to file the affidavit of evidence of workmen.

In absence of the Claimants. Claims of the claimants stand dismissed. Awards are accordingly passed. 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 15th May, 2024

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