

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

I.D. No. 253/2021

Sh. Bhagwan Singh, S/o Sh. Chote Lal,
R/o- C-81, Gali No.-04, Mohan Baba Nagar,
Badarpur, Delhi-110044.

Through- Indian National Migrant Worker's Union,
1770/8, 3rd Floor Govind Puri Extn. Main Road, Kalkaji,
New Delhi-110019.

Versus

1. Container Corporation of India Ltd.

Inland Content Depot, Tughlakabad, New Delhi-110020.

2. Til Ltd.

Plot No-11, Site-IV, Shibabad Industrial Area,
Uttar Pradesh-201005.

AWARD

This is an application U/S 2A of the **Industrial Disputes Act (here in after referred as an Act)**. It is the case of the claimant that he was appointed as **Batir Operator** with a final salary of Rs 13,600/- per month. He was working with respondent no. 1 through respondent no. 2 since 19-04-2017. Respondent no.- 1 is the main employer and the respondent no. -2 is the one in which the employee worked. Respondent no. -2 is a fake contractor who has been appointed by the employers in violation of the **CONTRACT LABOR (REGULATOIN AND ABOLITION) ACT 1970** only with the intention of not providing legal facilities to the employees

like respondent no. 1. Record of employee was shown in the records of respondent-2, where he never had any relation with the respondent no. 2. The Delhi Government has not issued any notification to the respondent no. 1 for imposing contractual labor under the **CONTRACT LABOR (REGULATOIN AND ABOLITION) ACT 1978** nor the Government has registered the respondent No. 2 under the said Act nor any contractor has any license to work **M/s CONTAINER CORPORATION OF INDIA LTD.**, has any contract made between the employer and the contractor is false (**SHAM**) and (**CAMOUFLAGE**). Every employee working in **M/s TIL LIMITED** is an employee of **M/s CONTAINER CORPORATION OF INDIA LTD.** The employers were violating the labor laws, they were not providing legal facilities like: minimum salary as per the post declared by the government, appointment letter, salary sheet, leave book, attendance card, weekly and festival leave, bonus, PF, etc. The salary register and attendance register was also not maintained properly nor employees being paid overtime. The service record of the employee was clean. At the time of appointment and during the service, the employer had made the employee sign in blank papers several times, agreement letter and blank appointment letter but did not give a copy of the same to the employee. The employer did not provide many legal facilities to the applicant/employee like appointment letter, salary letter, leave book, attendance card, weekly and festival leave, bonus, overtime, ESI, PF, etc. When the employee demanded all the above mentioned legal benefits, the employer immediately became angry and in a spirit of revenge, withheld the salary earned by the employee from 22-12-2019 to 28-01-2020 without any prior notice to the employee. Without any notice, charge sheet and without any reason, the employers made the applicant forcibly sign some blank papers, vouchers and final agreement papers. On 29-01-2020, he was terminated from the job, neither permission was taken from the government nor seniority list was made even though the employee

has worked more than 240 days every year. Therefore, terminating from the job is illegal, unjust and a violation of natural justice. After being terminated from the job, the applicant/employee is going to work every day except weekly holidays, but the employer is neither hiring the employee back nor allowing him to mark his attendance nor paying his salary. He has gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim. After being terminated from the job, the applicant/employee also tried to get a job through the Labor Department, but the employers did not co-operate with the Labor Department. He is unemployed since the date of illegal termination.

Management-1 had been proceeded ex-parte vide order dated 24.05.2022. Management-2 had filed the W.S, and he denied the averment made in the claim. He has submitted that claims are liable to be dismissed.

After completion the pleadings, following issues have been framed vide order dated 30.08.2022 i.e.:-

1. Whether the proceedings is maintainable.
2. Whether the claimant was the employee of the management-1 i.e. Container Corporation of India.
3. Whether the contract between the management no.1 and 2 is sham and camouflage the legal rights of the claimant.
4. Whether the service of the claimant is illegally terminated by the managements.
5. To what relief the claimant is entitled to.

Now, the matters are listed for workman evidence. Neither the workman nor the management appeared. Notice was issued to both the parties vide order dated 24.01.2024. None appeared on behalf of the both the parties. 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 Claimant. Claim of the claimant stands dismissed. Award is 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 GAR
Presiding Officer.
CGIT-cum- Labour Court-II