

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal-Cum-Labour Court-II, New Delhi.

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-I, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 07/2021

Date of Passing Award- 16th May,2023

Between:

Shmt. Anita Rani, W/o Sh. Sanjay,
R/o House No-3/90, P-Block, Near-Opposite
Shivaji Stadium, Cannaught Place,
New Delhi-110001
Through –Universal Protuist Labour Federation,
F-30/5, 1st Floor, Okhla Phase-II,
New Delhi-110020.

Workman

Versus

1. Ministry of Home Affairs,
Block-14,C.G.O Complex, Pandit Deen Dayal
Antyodaya Bhawan, Block-03, C.G.O Complex
(M.N.E.R), New Delhi-110002.
2. K.S Housekeeping & Services,
H-09, New Govind Puri, Kalkaji,
New Delhi-110019
3. Lucky House Keeping & Services,
H-09, New Govind Puri, Kalkaji,
New Delhi-110019.

Managements.

Appearances:-

Shri D.B Dubey, Ld. A/R for the Claimant.

None for the management

A W A R D

This is an application filed u/s 2- A of the ID Act by the workman against the managements praying a direction to the managements to reinstate the workman into service with full back wages and all other consequential benefits.

It has been stated in the claim statement that the claimant was working in the site of the mgt through the contractor M/s A.K housekeeping and services and M/s Lucky Housing Keeping and services from 27.03.2007. Her last drawn salary was Rs 14000 per month. Though he was discharging his duties with sincerity by not giving any scope for complaint for any quarter, suddenly his service was terminated on 01.10.2019 without complying with the provisions of ID Act. He was not even paid the earned salary for the period 01.09.2019 to 13.09.2019. Being aggrieved, she had raised a dispute before the labour commissioner and steps were taken for conciliation. On 14.10.2019 the claimant has served a demand letter on the mgt. But no reply was received. For the non cooperation of the mgt, conciliation failed and the claimant filed this application before this Tribunal. It has been prayed that she had completed 240 days of work continuously for the mgt but the provisions of section 25-F ID was Act was not complied. Thereby she has prayed for a direction to the mgt for reinstatement into service with back wages and release of the earned wage.

Notices were sent to all the three mgt. But none of them appeared nor filed any written statement. The claimant examined herself as WW1 and filed the resolution of the union for espousal of her cause. She has also filed a certificate issued to her on 12.06.2018 by the mgt no. 2 that is KS Housekeeping services which is a salary certificate.

The evidence of the claimant has remained unrebutted and unchallenged on account of the fact that all the respondents have been proceeded ex-parte..

During course argument, the Ld. A/R for the claimant submitted that the mgt no. 1 i.e. Ministry of Home Affairs is the principal employer and the claimant being a contractual employee, it was the duty of the principal employer to ensure that the contractor is paying the wage to the employees and complying with the statutory deposits under the EPF and ESIC Act. In this case the principal employer has failed to discharge the obligation. Hence, the principal employer i.e. mgt no.1 be directed to release the unpaid earned wage to the claimant. Considering the submission and the unchallenged evidence, it is held that the claimant is entitled to the unpaid wage amounting to Rs.14000/- for the month of Sep 2019 and retrenchment compensation including one month pay as the notice pay since no notice of termination was served on her. This amount shall be paid by the principal employer i.e. mgt no. 1 since there is no evidence that the claimant was employed through the contractor under a valid contract. Hence Ordered.

Order

The claim petition be and the same is allowed. For the illegal termination of the service of the claimant she is entitled to Rs. 14000 towards unpaid wage for the month of Sept 2019, one month wage at the rate of 14000 as the notice pay and additional amount of Rs.84000/- which is equivalent to 15 days salary for every completed year of service which is 12 years in this case. This amount shall be

paid to the claimant by the mgt no. 1 within 2 months from the date of publication of the award without interest failing which the amount shall carry interest at the rate of 3% from the date of accrual and till the final payment is made.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

Presiding Officer.
CGIT-Cum-Labour Court.
16th May, 2023.

Presiding Officer.
CGIT-cum-Labour Court.
16th May, 2023.