

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL – CUM – LABOUR COURT-II, NEW
DELHI**

I.D. NO. 01/2010

The General Secretary
Delhi Multi Storeyed Building Employees Congress,
Vandana Building- 11, Tolstoy Marg,
New Delhi-110001.

VERSUS

1. The Chairman-cum-Managing Director,
Indian Oil Corporation Ltd.
Scope Complex, Core No. 2
Lodhi Road, New Delhi.

2. Sh. Mahipal Singh Chouhan,
M/s Indian Industrial Security Services (P) Ltd.,
A-4/144, New Kondli, Delhi-110096.

3. **M/s R.R. Associate,**
E-12, Sadh Nagar, Pardhan Chowk,
Palam Colony, New Delhi-45.

Appearance

For claimant: Sh. Jagdish Prasad, Proxy for Ms. Asha Jain Madaan, Ld. AR

For respondent: None

AWARD

The appropriate Government has sent the reference referred dated 05.01.2010 to this tribunal for adjudication in the following words:

“Whether the contract arrangement between the management of IOCL and their contractors is sham and bogus and whether the same is camouflage to deprive the workmen (Lists enclosed) the benefits of regular employee? If so, to what relief the workmen concerned are entitled and from which date?”

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Details of workmen are shown below:

<u>List of Workmen</u>				
S. No.	Name of the workmen	Designation	Date of Joining	Basic Pay
1.	Dilbag Singh	Security Guard	10.01.1980	6474/-
2.	Jaipal Singh	Security Guard	17.02.1983	4316/-
3.	Sukhwasi Singh	Security Guard	16.06.1983	4316/-
4.	Visheshwar Prasad	Security Guard	30.06.1983	4316/-
5.	Shiv Kumar	Security Guard	06.07.1983	4316/-
6.	Man Mohan Lal	Security Guard	08.08.1984	4316/-
7.	R.B. Pande	Security Guard	15.05.1987	4316/-
8.	Rakesh	Head Safai Karamchar	19.03.1997	4001.92/
9.	Om Prakash	Safai Karamchari	01.01.1998	3372.98/
10.	Mahipal	Safai Karamchari	01.01.1998	3372.98/

Claimants had stated in the claim statement that they had been continuously employed by Indian Oil Corporation (IOC) for many years, working under IOC's direct supervision, despite being technically hired through various contractors. They claim that there has been ongoing employer-employee relationship between them and IOC, and the contractors only acted as intermediaries without any real authority. They were engaged under a system that violated labour laws, specifically concerning the non-regularisation of their services and wage disparity. Their work has always been permanent in nature, but IOC exploited them by using contractors to deny them regular employee. All the claimants fall within the definition of workman as defined by Section 2 (s) of the I.D Act. They have filed the claim with the prayer that IOC should regularize their services from the date they started working.

Respondent-1 and Respondent-3 had filed their WS respectively. They denied the averment made in the claim statement. Respondent-1 submitted that claim of the claimants is devoid of any merit and is liable to be dismissed. Respondent-3 submitted that claim petition is not maintainable and is liable to be dismissed.

Now, the matter is listed for workman evidence. Out of 10 workmen, only two workmen namely **Sh. Sukhwasi Singh** and **Sh. Om Prakash** had filed their affidavits. Their Examination in chief have been done. They are required to be cross-examined, but, they have not been appearing since 2019, to substantiate their claim inspite of providing a number of opportunities.

In these circumstances, when the claimants have not been appearing since long, it appears that they are not interested to pursue

their case. Hence, their claim stands dismissed. Reference is answered 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. A copy of this award is placed in each of the file.

Date: 17.02.2025

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