

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

**I.D. No. 185/2019**

**Sh. Suraj Dubey, S/o Sh. Shyam Bihari,**  
R/o-B-12, Gali NO. 10, Raj Nagar-II, Palam Colony,  
New Delhi-110045.

Versus

- 1. Bird Worldwide Flight Services India Pvt. Ltd.**  
E-9, Connaught House, Connaught Place, New Delhi-110001.
  
- 2. Delhi International Airport Pvt. Ltd.**  
New Udaan Bhawan, Opp. Terminal-3, IGI Airport,  
New Delhi-110037.

*Appearance:-*

*For Claimant- None*

*For Managements- Sh. Hridayesh, Clerk, for management-1 i.e. BWFS*

*Sh. Manish Sehrawat, Ld. AR for the M-2 i.e. DIAL*

**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 on the post of Loader on 21.11.2011 at the last drawn salary Rs. 8,500/- Per month. The management-1 did not issue any appointment letter to him. The workman used to work sincerely, honestly and his service record was well satisfactory and he did not give any chance of complaint to the management-1. He was the active member of BWFS Karamchari Union and he always participated in all the union activities. The management-2 is proper party in the present case. The management-1 did not provide the legal facilities i.e. causal leave, leave book, CA, etc. to workman and he used to demand to management-1 to provide the above said legal facilities, but the management-1 did not provide the same to him. During the course of employment, the workman alongwith and union and other employees filed the case of general demand before the Presiding Officer Labour Court. The management-1 became annoyed with him and on 12.09.2016 the management-1 has

illegally terminated to workman from his services, without any rhyme or reason, without conducted any domestic enquiry against the workman. After the termination of workman, the workman approached the management repeatedly seeking for reinstatement; however, the workman was not reinstated by the management-1. Workman has sent the demand notice to the management on 29.12.2017 and the said demand notice was duly served upon the management, but the management neither reinstated to him nor given any reply to the said demand notice. The management no. 1 had violated the provision of section 25F and G, 33 of ID Act, 1947, hence the termination of service of the workman is illegal and unjustified and liable to be set aside. He is entitled to reinstatement with full back wages. Hence, he filed the present claim. After the illegal termination, the workman is jobless and he is depending upon his family.

W.S have been filed by the management-1 and management-2. They have denied the averment made in his claim statement. They submit that claim is not maintainable and is liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 16.08.2022 i.e.-

1. Whether the proceeding is maintainable.
2. Whether there exist employer and employee relationship between the management no. 2 and the claimant.
3. Whether the service of the claimant was illegally terminated by management no. 1 without following the procedure laid U/s 25F of the ID Act.
4. To what relief the claimant is entitled to.

Now, the matter is listed for workman evidence. He is required to file his 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 17<sup>th</sup>, September, 2024

ATUL KUMAR GARG  
Presiding Officer.  
CGIT-cum-LabourCourt-II