

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

**I.D. NO. 269/2019**

**Sh. Johney, S/o Sh. Elam Singh,**

R/o-A-28, Street No. 11, Bhajanpura Garhi Mandu,  
Harijan Basti Shahdara, Delhi-110053.

Versus

- 1. The Registrar, University of Delhi (DU),**  
University Campus, Near New Administrative  
Block, Delhi-110007.
  
- 2. The Managing Director,**  
**Narender Enterprises,**  
26/18, Shakti Nagar, Delhi- 110007.

*Appearance:*

*For Claimants: None*

*For Managements: Sh. Rakshit Rai (Proxy) for M-1.*

**AWARD**

This is an applications **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by the claimant for his illegal termination. Claim of the claimant is that he was employed as a Sanitation Worker (Safai Karmachari) by management no. 1 since 2008. He has remained in continuous, uninterrupted service for around 11 years with management-1. Work performed by the workman is perennial in nature. He has been doing his duty with diligently and honestly and did not give any chance to the management for any complaint. The last drawn salary of the claimant was credited into his bank accounts by the M-1. Since December 2018, his wages has been reduced to Rs. 13,350 p.m. from Rs. 15,070/- p.m. without any prior notice. On 31.12.18 he along with other terminated workmen made a representation before the Provost, North East students House for women, University of Delhi to revise the wages cut of Rs. 1720 p.m. They have met the provost of the hostel and the M-2 for numerous times to revise the deduction in their wages but the administration was adamant in their stand and did not revise their wages and management got furious with the claimant and threatened to terminate the services. On 13.05.2019 the claimant along with other terminated workmen made a representation to the Assistant Labour Commissioner,

Chief Labour Commissioner (Central), New Delhi and before the Hon'ble Labour Minister of India, to revise the deduction in their wages. On 31.07.2019 respondents terminated the services of the claimant without any prior notice from the premises of respondent-1. After his illegal termination he is jobless. Hence, he filed the present claim.

Respondent-2 was proceeded ex-parte vide order dated 11.02.2020. Respondent-1 had filed the WS and denied the relationship of employer and employee between the management and the workmen.

In the absence of the claimant, vide order dated 23.08.2022 following issues has been framed i.e.:

1. Whether the proceeding is maintainable.
2. Whether there exists employer and employee relationship between the claimant and management-1.
3. Whether the contract between management-1 and 2 was sham and intended to camouflage the legal rights of the claimant.
4. Whether the service of the claimant was illegally terminated by the management-1.
5. 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 his 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.

ATUL KUMAR GARG

Presiding Officer.

CGIT-cum- Labour Court-II

Date 19<sup>th</sup> September, 2024