

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

ID.No. 277/2019

**Sh. Sashikant Vishwakarma, S/o Sh. Jagdish Vishwakarma,
Through- Delhi Plumber Allied Industrial Worker Union,
1770/8, 3rd Floor, Govind Puri Exten.Main Road Kalkaji,
New Delhi-110019.**

VERSUS

- 1. Solar Energy Corporation of India,
D-M, 1st Floor Wing-A, Prius Building, District Center,
Saket, New Delhi-110017.**
- 2. Security Solution & Manpower Services,
1283, Sector-29, Noida, U.P.-201301.**

Appearance

For claimants: Sh. Rohit, Ld. AR for the claimant.

For respondent: None.

AWARD

The appropriate Government has sent the reference refer dated 10.12.2019 to this tribunal for adjudication in the following words:

“Whether the services of the workman Sh. Sashikant Vishwakarma S/o Sh. Jagdish Vishwakarma were terminated in an illegal and unjustified by M/s Security Solution & Manpower Services in the establishment of Solar Energy Corporation of India Ltd., New Delhi? If yes, whether the workman is entitled to reinstatement with full back wages and other consequential benefits? What other relief the workman is entitled to?”

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant has filed his claim statement, stating that he was working with the management-1 through management-2 since 24.09.2013 at the post of Driver and his last drawn wages was Rs. 20,205/- per month. He was engaged through sham and camouflage contractors namely M/s Security Solution & Manpower Services. His service records were clean and he had never made the complaint to the management. Management had not been providing any legal facilities i.e. appointment letter, Leave Book, bonus, overtime, PF & ESIC, weekly and events holidays etc. The employers had made the employee sign many blank papers, blank vouchers, blank agreement letters and blank appointment letters at the time of appointment during the service. A dispute of the employee with other employees regarding general demands and permanent employees of the institute was pending before conciliation officer. When the management pressurized the workman to withdraw the said dispute, he refused to withdraw the same. Management got annoyed and without any notice, without making any payment, his service was terminated by the management on 19.08.2018 which is a violation of the terms of Section 25F, 33 and 31 of the I.D. Act, 1947. He has worked more than 240 days in a year. After being terminated from the service, he also tried to get job through the Labour Department but, the management did not cooperate with the Labour Department. He had filed his claim before the conciliation officer, however, conciliation become failure. Hence, he has filed his claim.

Vide order dated 02.05.2022, management no. 1 & 2 have been proceeded ex-parte. The matter is listed for ex-parte workman evidence where examination in chief has been done by the workman AR. Workman evidence was stand closed on 11.11.2022. Thereafter, the case was fixed for ex-parte argument. Instead of arguing the matter, workman AR has filed the application for filing of certain

documents which had been left at the time of preparation of affidavit. At request, application for filing of amended affidavit was allowed. Today, workman AR submits that workman is not in contact with him.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His 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.

Date: 22.11.2024

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