

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

I.D. NO. 295/2022

Smt. Sudesh, W/o Late Sh. Surender,
Through- The General Secretary, Municipal Employees Union,
Aggarwal Bhawan, G.T. Road, Tis Hazari, Delhi-110054.

VERSUS

The Commissioner,
North Delhi Municipal Corporation,
4th Floor, Dr. S.P. Mukherjee Civic Centre,
J.L. Nehru Mark, New Delhi-110002.

AWARD

The appropriate Government has sent the reference referred dated 10.11.2022 to this tribunal for adjudication in the following words:

“Whether the demands of Smt. Sudesh W/o Late Sh. Rajender through Municipal Employees Union, Delhi vide letter dated 14.05.2022 to the management of North Delhi Municipal Corporation, New Delhi for giving appointment on compassionate ground to Smt. Sudesh on regular basis (instead of daily wager) in proper pay scale and

allowances with retrospective effect from the initial date of her joining i.e. 03.05.2016, treating her as regular employee from the initial date of her joining i.e. 03.05.2016 along with all consequential benefits, and payment to her the entire difference of wages on the principle of “Equal Pay for Equal Work” alongwith all consequential benefits since initial joining till her actual regularization, are proper, legal and justified? If yes, to what reliefs are the disputant entitled and what direction(s), if any, is necessary in the matter?”

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant had stated in the claim statement that her husband (deceased workman) Sh. Rajender joined into the employment of the management as Safai Karamchari. Initially, he was taken in job as a daily wager and muster roll employee and was paid wages as fixed and revised from time to time under the Minimum Wages Act. Subsequently he was regularized w.e.f. 01.04.1990 and as such, he was discharging his services as a regular Safai Karamchari. On 07.09.2014, the workman Sh. Rajender expired leaving behind his family in great distress and harness.

The wife of the workman Smt. Sudesh applied for her appointment on compassionate ground as her husband was the sole bread earner in the family. She was taken in job on compassionate ground w.e.f.

03.05.2016 for a period of 89 days. After said period of 89 days, the workman Smt. Sudesh was not allowed duties. Thereafter, workman concerned approached the management again and again and ultimately, vide office order dated 06.01.2017; she was again allowed duties on compassionate ground. Since then till date, the workman Smt. Sudesh was continuously discharging her services without any break. Her engagement on compassionate ground was always to be made on regular and permanent basis but to the contrary, the management illegally took her in job as a daily wager employee w.e.f. 03.05.2016 which is totally illegal, bad and unjust. She was also eligible for appointment in accordance with the conditions laid down in the scheme for appointment on compassionate ground by the Government of India vide office memorandum dated 30.06.1987. In the similar circumstances the management had given employment on compassionate ground to other employees on regular basis but had denied the same to the workman concerned which is violative of Article 14, 16 of the Constitution of India. She was also discharging same duties as are being discharged by other regular counterparts. The action of the management in employing the workman as daily wager and to continue her as such for years together with the object of depriving her of the status and privileges of permanent workman amounts to unfair labour practice as provided in Section 2 (ra) read with Item No. 10 of the 5th Schedule of the **Industrial Disputes Act (hereinafter referred as an “Act”)**, 1947. The demand notice was also served upon the management by hand vide communication dated 28.02.2022, which is duly received in their office, but no reply has been received and it is presumed that the demand has been rejected. Thereafter, conciliation proceedings were also initiated but same resulted into failure due to adamant and non co-operative attitude of the management. She made prayer appointment on compassionate ground be given to her on regular basis (instead of as

daily wager) in proper pay scale and allowances with retrospective effect from the initial date of her joining i.e. 03.05.2016.

Respondent had not appearing since long. He was proceeded ex-parte on 23.03.2023.

Now, the matter is listed for ex-parte workman evidence. Claimant is not appearing from several dates to substantiate his claim. AR of the claimant had stated on the previous date that she would try to contact the claimant positively, but, he has not appeared today despite being given several opportunities.

In these circumstances when the workman has not led any evidence to substantiate his claim, his claim is resulted into dismissal. His claim stands dismissed. Award is passed accordingly. A Copy of this award is sent to appropriate government for notification under section 17 of the I.D. Act. File is consigned to record room.

Date: 23.01.2025

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