

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

**ID.No. 52/2019**

**Sh. Kamlesh Kumar, S/o Sh. Ram Karan.,**

**Through- CELEBI Employees Union, BTR Bhawan,**

**13-A, Rouse Avenue, New Delhi-110002.**

**VERSUS**

M/s. CELEBI Ground Handling Delhi Pvt. Ltd.  
Import Building-2, International Cargo Terminal,  
IGI Airport, New Dlehi-110037.

**AWARD**

This is an application of **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by the claimant. Claimant had stated in his claim statement that he had been working with the respondent since 10.02.2017 on the post of U/H and his last drawn wages was Rs. 13,500/-. He had been performing his duties with sincerity, diligence, devotion and dedication since his appointment. He has unblemished and meritorious service record since his employment with management and he never gave any chance of complaint to the management. Workman had joined the trade union in order to get the legal and statutory benefits. The management got annoyed with the workman hence, management was looking for the ways to victimize the workman. It is submitted that one such opportunity came into the hands of the management when the workman demanded from the management for leave to attend the marriage of his brother-in-law fixed for 31.10.2017. He had sought leave for two days on account of the marriage of his brother-in-law, but the management declined to grant him leave. When the workman reported to attend his duties on 03.11.2017 after attending the said marriage function the management did not allow him to attend his duties and illegally terminated from his services without informing the workman about his fault and giving any sort of opportunity to enquire against his illegal termination. The management has neither served one month notice to the workman nor paid any amount for the notice pay as per the provisions of Section 25-F of the Industrial Disputes Act, 1947. On dated 04.11.2017 the management official Sh. Harmeet Singh, HR Executive called the workman to discuss and sort out the issue. But instead of resolving the issue, he blocked entry of the workman into the premises by detaining his entry pass. Sh. Harmeet Singh again called the workman on

07.11.2017 and asked him to sign on some papers on the wrong pretext. When the workman later came to know that those papers were actually his resignation papers which were got signed by keeping the workman in dark. The management has misled the workman and took away his job illegally, unjustifiably and by unfair labour practice. The management has not issued any show cause/charge sheet to the workman. Management has also detained personal entry pass of the workman which was meant for the security purpose. He had many times verbally asked the officials of the management about the reason for his detention, but, no clear answer was given to him. On 18.12.2017 he had sent the notice to the management but, the management did not reply. They have gone to the conciliation officer, but no result was yielded. Hence, has filed the present claim with the prayer to reinstate him with full back wages. He is unemployed since the date of termination from their services.

Management had filed the W.S vide order dated 31.05.2019. He had denied the averment made in the claim statement. He submits that claim is not maintainable and is bad in law and is liable to be dismissed.

After completion of the pleadings following issues have been framed vide order dated 16.08.2019 i.e.-

1. Whether the proceeding is maintainable.
2. Whether the service of the workman was terminated illegally by the management.
3. Whether the workman had voluntarily resigned from service.
4. To what relief the workman is entitled to.

Now, the matter is listed for cross-examination of the workman. Claimant has not been appearing for cross-examination since long, inspite of providing a number of opportunities.

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. 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: 23/08/2024

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