

Government of India
 Ministry of Labour & Employment,
 Central Government Industrial Tribunal –Cum- Labour Court-II, New Delhi
 Present: Smt. Pranita Mohanty

ID.NO. 145/2020

Smt. Rani, W/o Sh. Raghubir,
 Through, New Delhi Nagar Palika, Karamchari Union,
 29, Palikagram Sarojini Nagar, New Delhi-110023.

.....claimant

Versus

New Delhi Municipal Council,
 Palika Kendra, Parliament Street,
 New Delhi-110001.

.....Management.

AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-42011/100/2020 IR (DU) dated 21.09.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the action of the management of New Delhi Municipal Council (NDMC) in not regularising applicant /workman Smt Rani W/o Sh. Raghubir, payment of arrear of DTL Scale as other malies have got and lawful promotion in rank as raised through, New Delhi Palika Karamchari Union is proper, legal and justified? If not, what relief the workman is entitled to and from which date? What other directions, if any, are necessary in this regard?”

In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the

reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the management. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on her behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in her appearance nor has she led any evidence so as to prove her cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Presiding Officer
CGIT-cum Labour Court II,
Rouse Avenue,
Delhi-110002.

Dated: 24th Jan., 2023