

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal-Cum-Labour Court-II, New
Delhi.

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 01/2021

Date of Passing Award- 24.02.2023

Between:

Shri S.M Nomaan,
Through – NSIC Officers Association,
Gate No-03, NSIC Exhibition Complex,
Okhla Industrial Estate, New Delhi-110020.

Workman

Versus

The National Small Industries Corporation Ltd.
NSIC Bhawan, Okhla Industrial Estate,
New Delhi-110020

Management

Appearances:-

None for the Claimant

None for the Management

A W A R D

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of M/s

National Small Industries Corporation Ltd. and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-42012/31/2020(IR(DU)) dated 22/12/2020 to this tribunal for adjudication to the following effect.

“Whether Mr. S.M Nomaan, Dy. General Manager (A/cs) in the National Small Industries Corporation Ltd. (a Government of India enterprises), New Delhi is workman as defined under section 2(s0 if the Industrial Disputes Act, 1947?

If yes, whether the transfer order dated 27.07.2020 are issued by the Management of National Small Industries Corporation Ltd. NSIC for transfer of Mr. S M Nomaan, Dy. General Manager(A/cs) as raised by NSIC Officers Association vide letter dated 17.08.2020 is proper, legal and justified? If not, then what relief Mr. S.M Nomaan is entitled to and what directions, if any, are necessary in the matter?

As per the claim statement the claimant is serving as the Deputy General Manager in NSIC Ltd. a Government of India Enterprise and working in New Delhi. On 27.07.2020 by an order the Management transferred the claimant from Branch office Faridabad to Branch office Naini Allahabad, ignoring its own letter dated 30.03.2013. On the date of transfer the claimant was the joint secretary of the NSIC officer association which was actively taking up issues relating to the welfare of the employees of the corporation. The order of transfer of the claimant was intended to weaken the association activities and the said order was passed when the claimant was a protected workman. Thus the association took up the issues, served a demand notice on the Management and an Industrial Dispute was raised before the conciliation officer. The conciliation since failed, the appropriate Government referred the matter for adjudication.

Notice being served both the claimant and the Management appeared. The claimant filed the claim statement supported by documents praying a direction to the Management to cancel the order of transfer. The Management though took adjournment did not file w/s and thus issues were not framed.

When the claimant was called upon to adduce evidence he did not appear and the matter was reserved for passing or award.

The stand taken in the claim petition is not proved and substantiated for want of oral and documentary evidence adduced by the claimant. Hence this no dispute award is passed.

Order

The reference be and the same is dismissed as not proved and accordingly, answered against the claimant this no dispute award is passed and forwarded. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

Presiding Officer.
CGIT-Cum-Labour Court.
24th Feb, 2023.

Presiding Officer.
CGIT-cum-Labour Court.
24thFeb, 2023.