

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. 43/2014**

**Date of Passing Award- 23.02.2023**

Between:

M/S. The General Secretary,  
Cambata Aviation Karamchari Union,  
House no. 76, Bagoda Village, Sector-28,  
Saket, Near Saket Metro Station,  
Dwarka, New Delhi 1100377

Workman

Versus

1. The Chief Operating Officer- India,  
M/s. Cambata Aviation Pvt. Ltd.  
Unit-09 and 09-A, Vasant Square Mall,  
Vasant Kunj, New Delhi- 110070.
2. Mr. Patrck Casserly, Chief Operating Officer-India,  
M/s. Cambata Aviation Pvt. Ltd.  
Unit-09 and 09-A, Vasant Square Mall,  
Vasant Kunj, New Delhi- 110070.
3. Mr. Y.S. Cooper, Chief Operating Officer (Delhi)  
M/s. Cambata Aviation Pvt. Ltd.  
IGI Airport, T-02, Bay-81, Line maintenance,  
Block-A, New Delhi-110070

Managements

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 (i) M/s. The Chief Operating Officer- India, M/s. Cambata Aviation Pvt. Ltd., (ii) Mr. Patrck Casserly, Chief Operating Officer-India, M/s. Cambata Aviation Pvt. Ltd.(iii) Mr. Y.S. Cooper, Chief Operating Officer (Delhi) M/s. Cambata Aviation Pvt. 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-11012/06/2014(IR(CM-1)) dated 11/03/2014 to this tribunal for adjudication to the following effect.

“Whether the action of the management of Cambata Aviation pvt. Ltd. in retrenching one hundred workmen w.e.f. 01.09.2023 (as per the list enclosed) without following the provisions under section 25 G and 25N of the I.D. Act, 1947, is legal and justified? To what relief the concerned workmen are entitled to?”

After receipt of the reference notices were issued to the parties for their appearance. The claimant and the mgt. appeared and the claimant filed its claim statement as per the claim statement filed by the workman through the union having name Cambata Aviation Karamchari Union have stated that all the workmen as per annexure A of the claim petition are the members of the unions and they are challenging the illegal termination of their service with effect from 01.09.2013 by the mgts. It has been stated that the Respondent no. 1 DIAL is the principal employer of the workman and they were engaged in the operation in the core areas of the Airport to discharge the maintenance work the mgt. no1 DIAL has entered into the operation management and development agreement with Airport Authority

of India and as per the said agreement the Respondent no. 1 awards subcontracts for the work of maintenance and housekeeping to other agencies. The Respondent no.2 M/s Cambata Aviation pvt. Ltd. is one of the agencies whom the Respondent no.1 had awarded the contract. The Respondent no. 1 & 2 M/s. Cambata aviation has been providing Ground handling and ancillary services to various international and domestic airlines at IGI Airport New Delhi for executing the work the mgt. no. 2 has engaged about 1800 workers in IGI Airport in different categories. There has been routine transfer of the employees from one department to other. Mgt. no. 2 is an Industrial establishment and the industrial employment standing order act 1946, applies to it. Though all the workmen were discharging their duties with sincerity suddenly the mgt. terminated their services without complying the provision of section 25F 25G of the ID Act. The workman had earlier raised dispute before the Industrial tribunal seeking other benefits and during pendency of the said dispute the order or termination is in violation of section 33 of the ID Act. Hence, by filing the claim petition the claimant had prayed the award may be passed direction mgt. no. 1 and 2 to reinstate the claimants forthwith continuity of service and back wages.

Notice being served the mgt. 2 appeared and filed an application of deletion of its name from the proceeding on the grounds stated therein. That petition being rejected by this tribunal the Respondent no.2 moved the Hon'ble High Court of Delhi and the Hon'ble High court by order dated 99.08.2019 passed in WPC no. 11678/2015 directed deletion of the name of M1.

The mgt. no. 1 and 3 Cambata Aviation did not appear and proceeded ex-parte. The claimant when called upon to adduce evidence also opted not to file any evidence and the right was closed.

Since the claimant and mgt. 1 and 3 were found absent for a long period, this tribunal by order dated 30.08.2022 closed the evidence and reserved the matter for passing no dispute award.

There being no evidence oral or documentary available on record it is held that the claimant has failed to substantiate the stand taken in the claim petition. For want of evidence the claim advanced by the claimant fails and the reference is accordingly answered.

**Order**

The reference be and the same is dismissed for want of evidence and the award is accordingly passed.

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.  
23<sup>rd</sup> Feb, 2023

Presiding Officer.  
CGIT-cum-Labour Court.  
23<sup>rd</sup> Feb, 2023