

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

**ID No. 16/2021**

**Sh. Bijender, S/o Sh. Hari Singh,**

Through- Delhi Karamchari Sangh, W-4, Infront of  
Kalkaji Bus Depot, Govindpuri, New Delhi-110019.

Versus

1. The Chairman & Managing Director of,  
**India Tourism Development Corporation (ITDC),**  
Scope Complex, Core-6, Lodhi Road, New Delhi-110003.
  
2. **The Ashoka Hotel,**  
Chankyapuri, New Delhi-110021.
  
3. **Uttarakhand Purv Sainik Kalyan Nigam Ltd. (UPNL)**  
Project Office-301-C, 3<sup>rd</sup> Floor, Nehru Complex,  
Pandav Nagar, New Delhi-110092.

**Award**

This is an application U/s 2A of the **Industrial Disputes Act, 1947** (hereinafter referred as an 'Act') filed by the claimant. Claimant in his claim statement had stated that he was working with the management-1 & 2 through contractor at the post of Security Guard since January, 2009 at the last drawn salary Rs. 17,500/- per month. He was working under the supervision and control

of M-1 & 2. The M-1 & 2 is the Principle employer of M-3. The M-1 & 2 had given contract of manpower to M-3. During the course of his employment, M-2 had appointed different contractor. M-2 had engaged the management-3 as contractor. The management-2 used to take work to workman through M-3. He used to work sincerely, honestly and his service record was well satisfactory and he did not give any chance of complaint to the managements. Managements did not issue any appointment letter, attendance card, leave book, pay slip, HRA, etc. to him. He was also deprived from legal benefits i.e. weekly off, leaves, bonus, overtime by the managements. He demanded the same to the managements to provide the above said legal facilities, but the managements did not provide the same and started harassing and threatening him to terminate his services. Thereafter, the service of workman was terminated by the managements on 30.10.2017 without paying the earned wages for the month of Oct, 2017, and without issuing any notice. They have filed the written complaint before the Deputy Labour Commissioner, Central Jeewan Deep Building, New Delhi. Workmen has sent the demand notice to the managements and demanded for reinstatement with full back wages, but the managements have neither replied to the said demand notice of the workmen despite receiving the same nor have reinstated the workmen. Thereafter, the workmen initiated the conciliation proceedings before the Conciliation Officer, Central Government, Jeewan Deep Building, New Delhi, but it was resulted into failure. Hence, they have filed their present claims with the prayer that they be reinstated in services with full back wages.

2. Management-1 & 2 was proceeded ex-parte on 31.10.2022. Management-3 in its WS has stated that claimant was never employed by the management-3 under any contract of service, but he was an employee of an independent contractor of the management no. 1 & 2, which used to supervise and control the working of the claimant and pay his wages. Therefore, there is no privity of contract between management no. 3 and the claimant. He further submitted that claim of the claimant is not legally maintainable and is liable to be rejected.
3. After completion of the pleadings, following issues have been framed on 06.02.2023 i.e.
  1. Whether there exists employer and employee relationship between the claimant and the management no. 3?
  2. Whether the service of the claimant was illegally terminated by the management.
  3. To what relief the claimant is entitled to and from which date?
4. The matter is listed for workman evidence as well as filing of reply of application filed by the management-3. Workman is not appearing since long to substantiate his claim, inspite of providing a number of opportunities.
5. 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.

Dated: 24.03.2025

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