

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

I.D. NO. 176/2021

Sh. Ravikant Tiwari, S/o Sh. Pawan Kumar Tiwari,
R/o- House No. A-141, Gali No. 05, West Vinod Nagar,
Delhi-110092.

Versus

- 1. The Managing Director,**
Kotak Mahindra Bank Ltd.,
Registered Office At: 27-BKC, C-27,
G-Block, Bandra Kurla Complex Mumbai-400051.

Also At: Plot No. 07 Sector-125, Near Amity University,
Noida-201313.

- 2. Avon Solutions & Logistics Pvt. Ltd.,**
Registered Office At: No. 01, Deepak Complex,
3rd Floor, Bharathi Nagar, 4th Street, T Nagar, Chennai-600017.

Also At: Roots Tower, Near- V3S Mall, 7th Floor 711,
Laxmi Nagar, Delhi-110092.

AWARD

This is an application **U/S 2A of the Industrial Disputes Act (here in after referred as an Act)** filed by the claimant for his illegal termination. Claim of the claimant is that he was working with the management-1 as Mailroom Staff through management-2 at the last drawn salary of Rs. 13,896/- since 08.01.2015. He has been doing his duty with diligently and honestly and did not give any chance to the management for any complaint. He was initially appointed at the monthly salary of Rs. 9,524/- p.m. Due to sincerity and dedication, management had always appreciated the work of the workman and because of this reason his salary was increase time to time. The salary of the workman was Rs. 13,896/- p.m which was less than the minimum wage determined by the Delhi Government under the Minimum Wages Act, 1948. Instead of giving attention to the workman's demand, the management got annoyed with the workman and the workman was told by the manager namely Nidhin and

(CRM) Rohit Tyagi that he no longer needs to come to the office and banned him from his duties in the office. On 22.07.2019 the workman received a charge sheet cum show-cause notice from the management. An enquiry into the charges leveled against the workman was conducted by enquiry officer Mr. Puneet Saini in which not only the workman presented himself but also co-operated completely. The enquiry report was also submitted by the enquiry officer which held the workman liable of remaining absent from his duty and based on the same enquiry report the services of the workman were dismissed w.e.f. 22.10.2019. The notice of enquiry was not served upon the workman nor was notice of enquiry ever received by the workman. The workman was not given any opportunity to bring his defense witnesses and as such the workman could not put his case during the enquiry. After termination of the services, the workman visited the office of the management time and again for his reinstatement, but all in vain. Hence, he filed the present claim with the prayer that he be reinstated with full back wages. From his illegal termination by the management, he is unemployed.

Respondent-1 and 2 had filed their respective written statement. Management-1 and 2 denies the averment made in his claim statement. Management-2 also submits that workman many times along with other colleague namely Badri Prasad and Vijay Tiwari remained unauthorized absent from the duties; all these persons without any reason wrote a false and fabricate complaint to the management. They submit that claim is not maintainable and liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 11.01.2023 i.e.:

1. Whether the proceeding is maintainable.
2. Whether there exists employer and employee relationship between the claimant and management-1.
3. Whether the service of the claimant was illegally terminated by management-2.
4. To what relief the claimant is entitled to and from which date.

Now, the matter is listed for workman evidence. He is required to file his affidavit. Despite, providing a number of opportunities, workman has not been appearing since long to substantiate his claim.

In these circumstances, when the claimant is not interested in pursuing his claim. 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.

ATUL KUMAR GARG

Date 25th September, 2024

Presiding Officer.

CGIT-cum- Labour Court-II