

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

I.D. NO. 50/2020

Sh. Bharat, Sh. Kishan Lal,
R/o N-671, Mangolpuri, New Delhi-110083.

Versus

1. New Delhi Municipal Corporation (N.D.M.C.),

NDMC Bhawan, Jantar Mantar, Sansad Marg,
New Delhi-110001.

2. R.K. Jain & Sons Hospitality Services Pvt. Ltd.,

96, Bhagat Singh Market, Near Gole Market,
New Delhi-110001.

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 since last one year at the post of Safai Karamchari at the last drawn salary of Rs. 13,500/- p.m. He has been doing his duty with diligently and honestly and did not give any chance to the management for any complaint. Management-2 appointed the workman to work under management-1. Management have not released the full wages in the account of workman from July, 2018 to 2019, when the workman demanded the same from the management on 01.02.2019 then the management illegally sent the letter of absent on 08.02.2019 through postal service and the workman had received the same on 28.02.2019. He replied the said letter to the management but the management neither considered the reply nor allowed to join in service under the management. Management had held up the balance salary from July 2018 to January 2019 and not released the

same with intentionally and deliberately and terminated the services of the workman without given any prior notice and without any cause and reason. 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 had filed his written statement. Management-2 was proceeded ex-parte vide order dated 17.05.2022. Management-1 denies the averment made in his claim statement. He submits that claim is not maintainable and liable to be dismissed.

After completions of the pleadings, following issues have been framed vide order dated 29.11.2022 i.e.:

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

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