

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

**ID.No. 188/2019**

**The Vice-President,  
FCI Handling Worker Union,  
8651, Arakashan Road Phar Ganj, New Delhi-110055.  
VERSUS**

The Area Manager,  
**Food Corporation of India,**  
R.K. Tower, 3<sup>rd</sup> Floor, Pilibhit Bypass,  
Bareilly, Uttar Pradesh-243001.

*Appearance*

*For claimants: None.*

*For respondent: Sh. Pankaj Kumar, Proxy counsel.*

**AWARD**

The appropriate Government has sent the reference refer dated 28.06.2019 to this tribunal for adjudication in the following words:

***“Whether the action of the Area Manager, FCI, Bareilly is not implementing the order of gang formation issued in year 2014 and issued another order dated 2016 is fair and justified, if not, than what remedy lies with the Union and what other Directions are necessary with.”***

After receiving the said reference, notice was issued to both the parties. Both the parties have appeared. Claimant has filed his claim statement, stating that he was Sh. Ram Ikbal Singh and Sh. Sunil Prasad Singh were sardars in the gangs formed by Divisional Manager, FCI in CB Ganj depot Bareilly, U.P. on 19.06.2004. The rival union challenged the action of Divisional Manager on the ground that gang formation was

discriminatory and other senior workers are left out. The District Manager vide letter dated 24.06.2004 issued to Assistant Manager, FCI ordered that formation of four gangs may be kept in abeyance till further orders. The Area Manager, FCI, Bareilly vide order dated 07.01.2006 formed a three member committee to investigate the dispute and submit recommendations. After hearing other union and considering relevant documents the committee submits its report on 10.01.2006. On the basis of recommendations of three-member committee and considering all representations four gangs were formed by Area Manager in the CB Ganj depot vide order dated 29.01.2007 restoring the gangs formed earlier on 19.06.2004. However, the Area Manager vide order dated 03.02.2007 again kept the above order dated 29.01.2007 in abeyance. Meanwhile the affected workers and also depot manager time and again made submissions for restoring the gangs formed earlier in larger public interest. A letter of local representatives of this union submitted a detailed list of workers of the CB Ganj Depot vide representation dated 16.01.2014 in the meeting held on 17.01.2014 in Regional Office, FCI, Lucknow. The General Manager (Region), FCI, Lucknow forwarding representation dated 16.01.2014 vide letter dated 07.02.2014 to Area Manager, FCI, Bareilly directed for reorganization of gangs as per FCI Headquarters' directions. Four gangs were accordingly formed and Area Manager was informed vide Asstt. General Manager letter dated 28.05.2014. The reorganization of four gangs and order dated 07.02.2014 and dated 28.05.2014 were not implemented by the Area Manager without any reason. FCI management delayed formation of gangs by way of various tactics depriving our members the financial

benefits and causing injustice and agony. Hence, he has filed the present claim with the prayer that direct to Area Manager to implement order dated 07.02.2014 and dated 28.05.2014 from FCI Headquarters for restoration of gangs which were kept in abeyance.

WS has been filed by the management. He denies the averment made in his claim statement. He also submits that the prayer made in statement of claim is misconceived and travels beyond the schedule/reference and is devoid of merit and deserves to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 23.03.2021:-

1. If the proceeding is maintainable.
2. If the action of the management in not implementing the order of Gang formation issued in the year 2014 is legal and proper.
3. If the order of management issued in this regard in 2016 in suppression of the earlier order is justified.
4. To what relief the claimant/union is entitled to.

Now, the matter is listed for workman evidence. Claimant is not appearing since long to substantiate his claim, inspite of providing a number of opportunities.

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. Reference is answered 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

Presiding Officer.

CGIT-cum-Labour Court-II

Date: 25.11.2024