

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

**ID No. 22/2021**

**Sh. Krishan Kumar Gupta,**

C/o Smt. Resham (Jr. Asst.) CB-370,

Manappuram Finance Ltd. Nariana Ring Road, New  
Delhi-110028.

Versus

**1. The Chairman,**

**Delhi Metro Rail Corporation Ltd.,**

Metro Bhawan, 3<sup>rd</sup> Floor, A-Wing, Fire Bridge Lane,  
Barakhamba Road, New Delhi-110001.

**2. V-Inspire Facility Mgt.**

Tower A, Ansal Corporation Plaza, 309 to 3014,  
2<sup>nd</sup> Floor, Palam Vihar, Gurgaon-122017.

**Award**

1. 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 appointed as “House Keeping Boy” on 14<sup>th</sup> March 2018. The employ code of the workman was Emp. No. H5225 and he joined the management on the wages of Rs. 365/- per day. The last wages of the workman was Rs. 12,506/- per month. He always performed his

duties with hard work and due diligence and to the entire satisfaction of the managements and he never gave a single chance of any type of complaint to the managements during his service period. The work done by the workman was of permanent nature, but the managements termed the same daily wager or contractual employee. He was deprived from legal benefits and was never issued any appointment letter to him despite of his repeated request. On 28.09.2020, when the workman reported duty, it was informed by the management that his services is not required from 29.09.2020 and he need not to come on his duties from 29.09.2020, thus the services of the workman was terminated illegally without assigning any reason, without issuing any show cause notice or without conducting any domestic enquiry. He has worked more than 240 days in every year and in the year proceeding to his termination. After termination of services, the workman visited the office of the management time and again for his reinstatement, but all in vain. Finding no alternative, the workman filed a complaint before the Assistant Labour Commissioner, Jeevan Deep Building, Sansad Marg, New Delhi-110001 and the matter was referred for conciliation. M-2 appeared through Video Conferencing but due to the rigid attitude of the managements the conciliation proceeding was resulted into failure. Hence, He filed the present claim with the prayer that he be reinstated in services with full back wages.

2. Management-1 in its WS has stated there is no employer-employee relationship between the claimant and M-1. He further submitted that claim of the claimant is not legally maintainable and liable to be dismissed. M-2 was already proceeded ex-parte vide order dated 30.11.2022.

3. After completion of the pleadings, following issues have been framed on 01.03.2023 i.e.

1. Whether the proceeding is maintainable?
2. Whether they exists employer and employee relationship between the M-1 and the claimant?
3. Whether the service of the claimant was illegally terminated by the managements?
4. To what relief to workmen is entitled to, from whom, and from which date?

4. The matter is listed for examination in chief and cross-examination of the workman. Workman has not been 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: 27.03.2025

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