

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

I.D. No. 254/2021

Sh. Rajkumar vs. NDMC

Counsels:

For Applicant/ Claimant:

None for the claimant.

For Management/ Respondent:

Management has already been proceeded ex-parte.

Award

1. On last date of hearing, one Ms. NitikaBhola had appeared. She was required to file ex-parte evidence. However, although it was not mentioned in the order sheet, upon perusing the claim statement, this tribunal reached the opinion that the claim shouldn't have been filed U/s 2-A of the I.D. Act, 1947 (Herein after referred as the Act).
2. Applicant's claim has been filed U/s 2-A of the act, which was enacted in 1965. It allows the claimant to directly approach a Labour Court or Tribunal against their illegal discharge, dismissal or termination whatsoever. However, further limitations have also been set out in the act such as that an application must be filed within three years of the alleged dismissal. Further, the act has put an condition that first the claimant has to approach a conciliation officer and only upon the failure of conciliation proceedings, a certificate be issued to the claimant to approach a Labour Court or Tribunal.

3. In this case, the content of claim statement doesn't indicate anywhere that he was ever employed by the management nor it states that he was retrenched, dismissed or terminated. Instead, the claimant seeks regular appointment in place of his deceased mother who was regular and permanent employee of the management. She was expired on 05.11.2002 leaving behind her family members in financial hardship. The claimant had approached the management seeking employment on compassionate grounds. However, the management didn't provide him with any employment.
4. The above said dispute cannot be brought within the ambit of section 2-A of the act. If the claimant has any grievance against denial of his entitlement for compassionate appointment in place of his deceased mother, he should have sponsored the claim through a union U/s 10(4) of the act. If the appropriate government has found it fit, the dispute would be referred to this tribunal.
5. In these circumstances, I find that the claim filed U/s 2-A of the act has no merit. The same stands dismissed. Award is accordingly passed. Copy of this award be sent to the appropriate government for notification U/S 17 of the I.D Act. File is consigned to record room.

Dated 27.11.2024

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